

ጋዜጣ አዋጅት ኤርትራ  
ብመንግስቲ ኤርትራ ዝሕተም

ቅጹ 13/2004 ቁ.5 አስመራ 7 ግንቦት 2004

ዋጋ 10.00 ናቕፋ

አዋጅ ቁጽሪ 141/2004  
አዋጅ ኤለክትሪሲቲ

አዋጅ ቁጽሪ 142/ 2004  
አዋጅ ምስረታ ኮርፖሬሽን ኤለክትሪሲቲ ኤርትራ

GAZETTE OF ERITREAN LAWS  
PUBLISHED BY THE GOVERNMENT OF ERITREA

VOL 13/2004 NO.5 ASMARA 7<sup>th</sup> of may,2004

Price 10.00 Nakfa

PROCLAMATION NO 141/2004  
ELECTRICITY PROCLAMATION

PROCLAMATION NO 142/2004  
THE ERITREAN ELECTRIC CORPORATION  
ESTABLISHMENT PROCLAMATION.





**ጋዜጣ አዋጃት ኤርትራ  
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ምዕራፍ ሐደ  
ሐፈሻዊ

ዓንቀጽ 1: ሐጺር አርእስቲ

እዚ አዋጅ'ዚ "አዋጅ ኤለክትሪክሲቲ ቁ. 141/2004" ተባሂሉ ኪጥቀስ ይክኣል።

ዓንቀጽ 2: ዕላማ

ናይዚ አዋጅ ዕላማ ስሉጥ፡ ዘተአማምን፡ ብዓይኒ ቊጠባን ድሕነትን ውሑስ ከምኡ'ውን ብሕታውን ኮማውን ተሳትፎ ዚዕድም ንጥፈታት ኣገልግሎት ኤለክትሪክሲቲ ኣብ ኤርትራ ምትብባዕ ኢዩ።

ዓንቀጽ 3: ትርጉም

ኣታኣትዋኡ ካልእ ትርጉም እንተዘየውረቡዎ፡ ኣብዚ አዋጅ'ዚ

1. "ዓሚል" ማለት ገንዘብ እናኸፈለ ካብ በዓል ፍቓድ ኤለክትሪክሲቲ ዚረክብ ሰብ ማለት'ዩ።
2. "ኤለክቲካዊ ትካል" ማለት፡ መደበራት መመንጨዊ ኤለክትሪክሲቲ፡ መስመራት ምምሕልላፍን ዕደላን ኤለክትሪክሲቲ፡ መከፋፈሊ መደበራት፡ ትራንስፎርመራትን ካልኣት ምስቶም መስመራት ዝተላገቡ መሳርሒታትን ማለት ኢዩ።
3. ስራሓት ኤለክትሪክሲቲ ማለት ምስ ምምንጫው፡ ምምሕልላፍን ምዕዳልን ምሻጥን ኣገልግሎት ኤለክትሪክሲቲ ዝተኣሳሰሩ ንጥፈታት ማለት'ዩ።
4. "መንግስቲ" ማለት መንግስቲ ኤርትራ ማለት ኢዩ።
5. "ፍቓድ" ማለት ብመሰረት ድንጋገታት ናይዚ አዋጅ ኤለክትሪክሲቲ ንምምንጫው፡ ምምሕልላፍ፡ ምዕዳልን ምሻጥን ዚወሃብ ፍቓድ ማለት ኢዩ። "በዓል ፍቓድ" ማለት ድማ ስራሓት ኤለክትሪክሲቲ ንምፍጻም ከምዚ ዝኣመሰለ ፍቓድ ዝሓዘ ሰብ ማለት ኢዩ።



6. "ሚኒስትር ወይ ሚኒስትሪ" ማለት ሚኒስትር ወይ ሚኒስትሪ ጸዓትን ማዕድንን ማለት አይደለም።

7. " ሰብ" ማለት ዝኹን ሕጋዊ ወይ ባህርይዊ ሰብ ማለት አይደለም።

#### ምዕራፍ ክልተ

ምቕምን ስራሕን ኮሚተ ተቋሙ ስራሕት አገልግሎት ኤለክትሮኒክ

ዓንቀጽ 4: ምቕም

1. ኮሚተ ተቋሙ ስራሕት ኤለክትሮኒክ (ካብ'ዚ ንደሓር አብዚ አዋጅ ተቋሙ ለናተባህለ ዚጥቀስ) ከም ሓደ ሕጋዊ አካል በዚ አዋጅ ቁይሙ አሎ።

2. ማእከላይ ቤት ጽሕፈት ናይ ተቋሙ አብ አስመራ ይኸውን፤ አድላዩ ኹይኑ እንተረኺቡዎ ድማ ተቋሙ ጨናፍር አብያተ ጽሕፈት አብ ካልእ ቦታታት ኤርትራ ኪኸፍት ይኸእል።

ዓንቀጽ 5: አቃውማ

1. ተቋሙ ተደላዩ ክእለትን ዓቕምን (ብቕዓትን) ብዘለዎም እንተወሓዱ ሓሙሽተ አባላት፡ ካብኦም ክልተ ካብ ብሕታዊ ክፋል፡ ዝቐመ ይኸውን።

2. ተቋሙ ከም ኩሎም እቶም ካልኣት አባላቱ ብፕረሲደንት ሃገረ ኤርትራ ዚምዘገብ አቦ መንበር ይህልዎ።

3. አቦ መንበር አብ ኩሎም ምስ ሳልሳይ አካላት ዚግበሩ ርክባት ንተቋሙ ይወክሎ። እቲ አቦ መንበር አብ ዘብኩረሉ እዋን ክንድኡ ኮይኑ ስራሕ ኪፍጽም ንሓደ ካብቶም አባላት ተቋሙ ኪውክል ይኸእል።

4. ተቋሙ ብሚኒስትር ዚምዘገብ ብዘይ መሰል ምድማጽ አብ ኩሎም ኣኼባታት ናይ ተቋሙ ዚሳተፍን ደቓይቕ መጋባእያ ዚምዘገብን ጸሓፊ ይህልዎ።

ዓንቀጽ 6: ግብኣት ሓላፍነታትን ተቋሙ

ተቋሙ ከምዚ ዚስዕብ ንምፍጻም ግብኣትን ሓላፍነታትን ይህልዎ፡-



ሀ. አብ ኤርትራ አብ ንጥፊታት (አገልግሎት) ኤለክትሪኒቲ አሳልጦ፡ ርጉጽነት፡ ቁጠባዊ ውሕስነት፡ ድሕነትን ጽቡቕ ዓይነት አገልግሎትን ከምኡ'ውን ርትዓዊ ውድድርን ብሕታውን ኮማውን ተሳትፎን ከተባበደ፤

ለ. ስራሓት አገልግሎት ኤለክትሪኒቲ ብመሰረት ድንጋገታት ናይዚ አዋጅን ብኡ መሰረት ብዚወጹ ሕጋጋታትን ምክያዶም ኪቁጸጸርን ከረጋግጽን ፤

ሐ. ሚኒስተር ብዘውጽእም ሓፊሻዊ መርሓ ሕንጻጸት መሰረት ታሪፍ ኤለክትሪኒቲን ካልኣት ክፍሊታት ናይ ተዛመድቲ አገልግሎታትን ከጽንዕን ኪኸልስን ኪውስንን፡ ከምኡ'ውን አተገባብራኦም ኪቁጸጸር፤

መ. ደረጃን ዓይነትን ናይቲ ንዓማዊል ዚወግብ አገልግሎት ንምምርማር መደባት ከበግስን ኪምርምርን፡ ከምኡ'ውን ደረጃ ስራሕ ናይ በዓል ፍቓድ ብሓፊሻ ኪቁጸጸር፤

ሰ. ረብሓ ናይ ዓማዊልን ሰብ ፍቓድን ህዝብን ኪሕሉ፤

ረ. ብመሰረት እዚ አዋጅን ኣብኡ ብምምርኳስ ዝወጹ ሕጋጋትን ኪስራዕ ብዛዕባ ዚግባእ ዝኹን ጉዳይ ዚቐርቡ ቅሬታታት/ጥርዓናት ኪምርምርን ብዛዕባኦም ኪውስንን፤

ሸ. ባዕሉ ወይ ጥርዓን ምስ ቀረበሉ፡ እሞ ድማ ንበዓል ፍቓድ ምስ ሰምዑ፡ እቲ በዓል ፍቓድ ብድንጋገታት ናይዚ አዋጅ ከም ዘይተቐየደ እንተ አረጋገጹ፡ ነቲ በዓል ፍቓድ በዚ አዋጅ ኪቐየድን ግቡኣቱ ኣብ ዝተወሰነ ጊዜ ከማልእን ብጽሑፍ ኪሕብር፤

ቀ. ብስሙ ኪኸልስን ኪኸሰስን፤ ከምኡ'ውን

ቐ. ዕላማታቱ ንምዕዋት ኣድላይቲ ዘበሉ ካልኣት ንጥፊታት ከካይድ፡፡

ዓንቀጽ 7፡ ስራሓት ጸሓፊ

ጸሓፊ እዚ ዚስዕብ ስራሓት ይፍጽም

ሀ. ብመሰረት ሓፊሻዊ መምርሒታት ናይ ተቋጻጸሪ መዓልታዊ ስራሓት ተቋጻጸሪ የካይድ፡ ውሳኔታቱ ድማ ይፍጽም፤

ለ. ዕማማት ተቋጻጸሪ ንምትግባር ዘድልዩ ሰክተር ኤለክትሪኒቲ ጠቀስ ሓበሬታታት ይእክብ፡ ይጥርንፍን ይትንትንን፤ ከም ኡ'ውን

ሐ. ባጀት የዳሉ፣ ግብጽ መዛግብቱ ሕሳብ፣ ፋይናንሲያዊ ሰነዳት ጸብጸባት ንጥራታትን ናይ ተቋጻጸሪ ይዕቅብ።

ዓንቀጽ 8፡ ናይ ተቋጻጸሪ ዕድመ መዝነት

1. ሓደ አባል ተቋጻጸሪ ንሓሙሽተ ዓመት ይምዘዝ።

2. ግዜኡ ዘእከለ አባል ተቋጻጸሪ እንደገና ምምዛዙ ይከኣል።

3. ድንጋገታት ንኡሳን ዓናቕጽ (1)ን (2)ን ናይዚ ዓንቀጽ ዝተሓለዉ ኩይኖም፡ ግዜ አባልነት ናይ ሓደ አባል ተቋጻጸሪ ምስ ተወደኦ መተካእታኡ እንተዘይተመዘዙ፡ መተካእታኡ ክሳብ ዚምዘዝ ካብ ሹዱሽተ አዋርሕ ንዘይነውሕ ግዜ ከም ቀደሙ ይጸንሕ።

ዓንቀጽ 9፡ ምውጻእ አባልነት

1. ናይ ሓደ አባል ተቋጻጸሪ አባልነት ኣብ ከምዞም ዚስዕቡ ኩነታት ክፋት (ጥራይ) ይኸውን፡

ሀ. ብዘይ ፍቓድ ናይ ኣቦ መንበር ካብ ተሽታተልቲ 5 አሺባታት ናይ ተቋጻጸሪ እንተበኹሩ፡ ከምኡ'ውን

ለ. ንኣቦ መንበር ብጽሑፍ ብምምልካት መዝነቱ እንተኣውራዱ፡ ወይ ብምክንያት ኣካላውን ኣእምሮኣውን ሕማም ወይ እውን ስራሓት ናይ ሓደ አባል ተቋጻጸሪ ንምፍጻም ብዘየኸእሎ ቅቡል ምክንያት ካብ አባልነት እንተተኣልዩ።

ዓንቀጽ 10፡ ኣሺባታት ተቋጻጸሪ

1. ተቋጻጸሪ ስሩዕ ርብዒ ዓመታዊ ኣሺባታት የካይድ።

2. ብጠለብ ናይ ዝበዝሑ ኣባላት ወይ ኣቦ መንበር ፍሉይ ኣሺባ ምክያድ ይከኣል።

3. ምልኣተ ጉባኤ ናይ ኣሺባ ተቋጻጸሪ ሱታፌ ናይ ዝበዝሑ ኣባላት ይሓትት።

4. ኣብ ኣሺባታት ተቋጻጸሪ ዝቐረቡ ጉዳያት ብብዝሒ ድምጺ ናይ ተሳተፍትን ኣድመጽትን ኣሺባ ይውሰኑ። ናይ ድምጺ ጃላነት ከጋጥም እንከሎ፡ ኣቦ መንበር ወሳኒ ድምጽ ከዘውትር ይኸእል።



ዓንቀጽ 11: ባጀትን ሕሳባትን

1. ናይ ተቋሙን ባጀት ካብዞም ዚስዕቡ ምንጭታት ዚመጽእ ይኸውን፡-

ሀ. ብመንግስቲ ዚምደብ ባጀት፤

ለ. ካብ ዝኹን ካልእ ምንጪ ናብ ተቋሙ ዚኣቱ ገንዘብ፡፡

2. ፋይናንስያዊ ዓመት ተቋሙን ከም ናይ መንግስቲ ይኸውን፡፡

3. መዛግብቲ ሕሳብን ኩሎም ፋይናንስያዊ ጉዳያትን ናይ ተቋሙን ብጠቕላሊ ኦዲተር ወይ እሱ ብዚምዝዞ ኦዲተር ይምርመር፡፡

ምዕራፍ ሰለስተ

ተደለይቲ ነገራትን ኩነትን ንፍቓድ ስራሓት ኤለክትራኒክ

ዓንቀጽ 12: ተደለይቲ ንፍቓድ

1. ዝኹን ሰብ ካብ ሚኒስትሪ ፍቓድ እንተዘይብሉ፡ ንንግዳዊ ዕላማ ኤለክትራኒክ ከመንጩ፡ ከመሓላልፍ፡ ኪዕድል ወይ መደበራት መመንጩዊ ኤለክትራኒክ ኪተክል/ኪሃንጽ፡ ኪውሃን ወይ ከካይድ ኣይክእልን፡፡

2. ፋይናንስያዊን ተክኒካዊን ዓቕሚ ቅድመ ኩነት ንምሃብ ፍቓድ ምክያድ ስራሓት ኤለትሪክኒክ ይኹኑ፡፡

ዓንቀጽ 13: ምድስካልን ምስሓብን/ምስራዝን ፍቓድ

1. ሚኒስትር ናይ ተቋሙን ሓበሬታ ምስ ረኽበን ነቲ ጉዳይ ንምጽራይ ንበዓል ፍቓድ ምስ ሰምዐን፡ በዓል ፍቓድ ብድንጋገታት ናይዚ ኣዋጅ ተቐዩዱ ይሰርሕ ከምዘየለ ሚኒስትር እንተድኣ ኣረጋጊጹ፡ ብመሰረት እዚ ኣዋጅ ዝተዋህበ ፍቓድ ኪድስክል ወይ ኪስሓብ ይከኣል፡፡

2. ፍቓድ ቅድሚ ምድስካሉ ወይ ምስሓቡ፡ ንበዓል ፍቓድ ጉድለቱ ወይ ዘየማልኦ ግቡእ ንምእራም ምኽኑይ ግዜ ይወሃቦ፡፡

ዓንቀጽ 14፡ ግብረ-አት ናይ በዓል ፍቓድ

በዓል ፍቓድ እዞም ዚስዕቡ ግብረ-አት ይህልዎ፡-

ሀ. ንህዝቢ ዚግባእ አገልግሎት ንምሃብ፡ አብ ስራሓት ኤለክትሪሲቲ ዚወዕል ኤለክትሪካዊ ትካላቱ፡ መሳርሒታቱን ንብረቱን አብ ጽቡቕ ናይ ስራሕ ኩነታት ኪዕቅብ ወይ ከማዕብልን ከስፍሕን፤

ለ. ድሕነቱ ውሑስ ዝኹን፡ እኹል፡ ስሉ፡ ዘተአማምን አድልዎ ዘይበሉን አገልግሎት ንህዝቢ ንምቕራብ ኩሉ ዘድልን ዚከኣልን ጸዕሪ ኪገብር፤

ሐ. ብመሰረት ድንጋገታት ናይዚ አዋጅን አብኡ ብምምርኳስ ዚወጽእ ሕጋጋትን ዘዋጽእ ንግዳዊ ደረጃ ምስላዕ ናይ ታሪፍን ክፍሊት ተዛመድቲ አገልግሎታትን ከዘወትርን ኪኸተልን፤

መ. ካብ ስራሓቱን ተዛመድቲ ንጥፈታትን ኪስዕቡ ካብ ዚኸእሉ ኣደጋታት ናይ ህዝብን ኣከባብን ድሕነት ንምክልኻል ኣደለይቲ ስጉምቲ ኪወሰድ፤

ሰ. ሞደል ናይቶም ምስ ዓማዊል ዚገብሮም ናይ አገልግሎት ውዕላት አቕዲሙ ናይ ተቋላቓሪ ስምምዕ ኪረኽበሎም፤ ከምኡ'ውን፤

ረ. መዛግብቲ ሰራሕተኛታት፡ ፋይናንስን ንግዳዊ ንጥፈታቱን ከምኡ'ውን ካልኣት መዛግብትን ሰነዳትን ናይ ስራሓት ኤለክትሪሲቲ ኪዕቅቡ፡፡

ዓንቀጽ 15፡ መሰላት ናይ በዓል ፍቓድ

በዓል ፍቓድ ካልእን እዞም ዚስዕቡን መሰላት ይህልዎ፡-

ሀ. ናይ ኤለክትሪሲቲ ስራሕ ንምክያድ፡ በቲ ፍቓድ አብ ዚሸፈን ቦታ ዝኹን ሰብ ናብ ዝሓዞ መሬት ወይ ህንጻ ኪኣቱ፤

ለ. ስራሕ ኤለክትሪሲቲ ንምክያድን ትካላት ንምህናጽን ናጻ መሕለፊ መንገዲ ኪረክብ፤



ሐ. ዕድሉ ንዘይከፍል ወይ እውን ካልእ ናይ ኩንትራት ግብአቱ ንዘየግልኡ ዓሚል ቀረብ ኤለክትሪሲቲ ኪቆርጽ (ኪኸልእ)፤

መ. ስራሓት ኤለክትሪሲቲ ዚዕንቅጹ ኣግራብ ኪጽልጽል ወይ እውን ኪቆርጽ ።

ዓንቀጽ 16፡ ታሪፍ ኤለክትሪሲቲ

1. ታሪፍ ኤለክትሪሲትን ክፍሊት ተዛመድቲ ኣገልግሎታትን ብምቁጽጻር ዝተሰርዐ ይኸውን።

2. ታሪፍ ኤለክትሪሲትን ክፍሊት ተዛመድቲ ኣገልግሎታትን ከምኡ'ውን ኩነት ናይ ቀረብ/ኣገልግሎት ኤለክትሪሲቲ ንምውሳኝ ዚስዓቡ ኣገባባት፡ በዓል ፍቓድ ነዞም ዚስዕቡን ካልኣትን ዓቕምታት ንኪድልብ ኣብ ሕሳብ ዘእትዉ ይኸኑ።

ሀ. ጥዑይ ፋይናንስያዊ ኩነታቱ ኪዕቅብ፤

ለ. ርእሰግል ወፍሪ ኪስሕብ ኪኸእል፤

ሐ. ስሉጥ ስራሕ ከካይድ ኪኸእል፤

መ. ስርሑ ምቕጻልን ከም ኣድላይነቱ ምስፋሕን ኪኸእል፤

ሰ. ንኣውራርቲ ዓስቢ ናይ ዝኣተዉዎ ሓደጋ ምውፋር ርእሰግል ብመሉኡ ኪኸሕስ ኪኸእል፤ ከምኡ'ውን

ረ. ንሕቶ ማሕበራዊ ፍትሒ ዚከኣል ግምት ምሃብ ኪኸእል።

3. ኣብ ህሉዊ መጠን ታሪፍ ዚግበር ወይ ዚሕሰብ ለውጢ ንምጽዳቕ ኣብ ቤት ጽሕፈት ተቐጻጸሪ ይምዝገብ።

4. ዝኹነ በዓል ፍቓድ ካብቲ ዝጸደቐ ታሪፍ ዚሳይድ ኣየኸፍልን።

ምዕራፍ ኣርባዕተ  
ዉጥን ከተማን ህንጻታትን

ዓንቀጽ 17፡ ናይ ከተማ ዉጥን

1. ዝኹነ ናይ ከተማ ሓፈሻዊ ዉጥን (ማስተር ፕላን) ኣቀማምጣ ስርዓተ መርበብ ኤለክትሪሲቲ ይኸልልን የመልክትን።

2. በዓል ፍቃድ መስመራት ኢለክትሪክ ኪዝርግሕ እንከሎ በቲ ናይ ከተማ ሓፈሻዊ ውጥን ይቆየድ።

3. አብ ሓፈሻዊ ውጥን ከተማ ዚግበር ዝኹን ይኹን ለውጢ ወይ ምምሕያኽ፡ ቅድሚኒ እቲ ለውጢ ዝተተኸሉ (ዝተሃንጹ) ኢለክትሪካዊ ትካላት ንምግባር ዘገድድ እንተኩይኑ፡ አብቲ ሓፈሻዊ ውጥን ከተማ ከምዚ ዝኣመሰለ ለውጢ ዘስዓበ ወይ ዘፍቀደ አካል፡ ንኩሉ ብሰሪ'ቲ ለውጢ ዚስዕብ ክሳራ ነቲ በዓል ፍቃድ የሕውዮ።

ዓንቀጽ 18፡ ቅርጽታትን ስራሓት ህንጻን

1. አብ ውሽጢ እቲ ብመምርሒታት ተክኒካዊ ድሕነት ዚውሰን ናጻ ክሊ መደበራትን መስመራትን ናይ ትራንስሚሽን ዝኹን ይኹን ቅርጺ/ህንጻ ሕርሻ ወይ ቀዋሚ ባህርይ ዘለዎ ካልእ ንጥፈት ምግባር አይከአልን።

2. ሓድሽ ጽርግያ ወይ ካልእ ቅርጺ አብ ህሉዋት ኢለክትሪካዊ ትካላት ለውጢ ንምግባር ዘገድድ ምስ ዚኸውን፡ ዋና ናይቲ ሓድሽ ጽርግያ ወይ ቅርጺ ነቲ በዓል ፍቃድ ዋጋ ናይቲ ሳዕቤን የሕውዮ።

3. ምህናጽ ሓድሽ ኢለክትሪካዊ ትካል አቐዲሞም አብ ዝጸንሑ ህሉዋት ህንጻታት ለውጢ ንምግባር ዘገድድ እንተኩይኑ፡ በዓል ፍቃድ ንዋና'ቲ ህንጻ ናይቲ ሳዕቤን ዋጋ ይኸሕስ።

ምዕራፍ ሓመሽተ

ሓፈሻዊ ድንጋገታት

ዓንቀጽ 19፡ ዕዳን ካሕሳን ናይ ጉድኣት

1. በዓል ፍቃድ ብመሰረት ዓንቀጽ 15 ናይዚ አዋጅ ኪሰርሕ እንከሎ አብ ልዕሊ ንብረት ንዘውረዶ ጉድኣት፡ ብመሰረት ሕጊ ኤርትራ ንዋና ንብረት ይኸሕስ።

2. ምስ በዓል ፍቃድ ኩንትራት አብ ዘይብሉ ሰብ ብኢለክትሪክ ናይቲ በዓል ፍቃድ ዝሰዓበ ጉድኣት ብመሰረት ሲቪላዊ ሕጊ ኤርትራ ይዳነ።



1. ዝተፈላለዩ ቮልተጅ ዘለዎም መስመራት መመሓላለፍን (ትራንስሚሽንን) ዕድላን ኢለክትሪክቲ ሃገራዊ መርበብ ኪኹኑ ሚኒስተር ብሕጋዊ ምልክታ ኪውሰን ይኽእል።

2. ሚኒስተር ብዘውጽኦም ሕጋዊ ምልክታታትን መምርሒታትን መሰረት ብዚውሰን ውዕልን ኩነትን ናብ ከምዚኦም ዝኣመሰሉ ሃገራዊ መርበባት ምልጋብ (በሪ ምርካብ) ይከኣል።

ዓንቀጽ 21፡ ተክኒካዊ ድሕነት

1. ኩሎም ኢለክትሪካዊ ትካላትን ስራሓትን ብመሰረት ሚኒስተር ዘውጽኦም ናይ ተክኒክን ድሕነትን ሕጋዊ ይካዩዱ።

2. አድላዬ ኩይኑ እንተ ረኺቡዎ፡ ሚኒስተር ነፃ ናይ ተክኒክን ድሕነትን ሕጋዊ ከመሓይሽ ይኽእል።

ዓንቀጽ 22፡ መመወሊ መእተው ኢለክትሪክቲ ናብ ገጠር

1. ሚኒስተር ካብ 1% ዋጋ ናይ ኩሉ ዚሸይጥ ኢለክትሪክቲ ዘይበዝሕ ስልዒት፡ ብውሽጣዊ መምርሒ ወሲኑ ብምእካብ፡ ሳንዱቕ ምወላ መእተው ኢለክትሪክቲ ናብ ገጠር ከቐውም ይኽእል።

2. ብከምዚ ኣገባብ ኣብዚ ሳንዱቕ ዚእከብ ገንዘብ ናብ ገጠርን፡ ንበዓል ፍቓድ ብቁጠባ ከምዘዋጽኦም ናብ ዚግመቱ ካልኣት ከባቢታትን ኢለክትሪክቲ ንምእታው ይውዕል።

3. ሳንዱቕ ምወላ ምእታው ኢለክትሪክቲ ናብ ገጠር፡ ኣብ ልዕሊ እቲ ብመሰረት ንኡስ ዓንቀጽ 1 ናይዚ ዓንቀጽ ዚርከብ ኣታዊ፡ ካብ መንግስቲ ዚርከብ ደገፍ ባጀት፡ ናይ ተጠቀምቲ ወፊያ፡ ከምኡ'ውን ካብ ናይ ውሽጥን ወጻኝን ትካላት ዚርከብ ወፊያታትን ልቓሓትን ኪጥቀም ይኽእል።

4. መመወሊ ምእታው ኢለክትሪክቲ ዚእከብ ገንዘብ ብሚኒስትሪ ይመሓደርን፡ ብግሉጽን ፍትሓውን መምዘኒታት ይወጽእን፡ ጸብጻብን ምቁጽጻርን ይግበሮን።

ዓንቀጽ 23: እግባይ

አብ ትሕቲ ድንጋገታት ናይዚ አዋጅ ብዝተወሰደ ናይ ተቋጻጸሪ ኩነት ሚኒስትር ውሳኔ ዝተሃሰየ ሰብ፡ አብ ውሽጢ 30 መዓልታት ካብ ዕለት ናይቲ ውሳኔ ናብ ላዕለዋይ ቤት ፍርዲ እግባይ ኪብል ይኽእል፤ ናይ ላዕለዋይ ቤት ፍርዲ ውሳኔ ከኣ ናይ መወዳእታ ይኸውን።

ዓንቀጽ 24: መሰጋገሪ ድንጋገታት

አገልግሎት ኤክስፖርት ዚህብ ትካል፡ ቅድሚ እዚ አዋጅ ምወጽኡ ይመሰረትን ይንበርን ብዘየገድስ፡ ቦርድ ስራሕ ምስ ጀመረ አብ ውሽጢ ሓደ ወርሒ፡ ህሉውን ዝተአመመን ታሪፋን ንዚህቦ አገልግሎት ዘኸፍሎ መጠን ዋጋን ንምጽዳቕ ብጽሑፍ ናብ ቦርድ የቐርብ። ከምኡ'ውን ቦርድ ዚድልዮ ካልእ ሓበሬታ ብጽሑፍ የቐርብ።

ዓንቀጽ 25: ስልጣን ንምውጻእ ሕጋጋት

ሚኒስትር ነዚ አዋጅ ንምትግባር ዘድልዮ ሕጋጋት ምውጻእ ይኽእል።

ዓንቀጽ 26: ተፈጻሚነት አዋጅ

እዚ አዋጅ አብ ጋዜጣ ኤርትራ ተሓቲሞ ካብ ዝወጸሉ ዕለት ጀሚሩ አብ ግብሪ ይወዕል።

አስመራ 7 ግንቦት፣ 2004  
መንግስቲ ኤርትራ



አዋጅ ምስረታ ኮርፖሬሽን ኤለክትራኒክ ኤርትራ

ክፍሉ ሓደ

ምስረታ

ዓንቀጽ 1: ሓጺር አርእስት

እዚ አዋጅ'ዚ "ኮርፖሬሽን ኤለክትራኒክ ኤርትራ ንምምስራት ዝወጸ አዋጅ ቁ 142/2004" ተባሂሉ ኪጥቀስ ይከኣል።

ዓንቀጽ 2: ምስረታ

ኮርፖሬሽን ኤለክትራኒክ ኤርትራ፡ ካብዚ ንደሓር ኮርፖሬሽን እናተባህለ ኣብዚ አዋጅ ዚጥቀስ፡ ሕጋዊ ሰብነት ዝለበሰ ኣካል ከይኑ በዚ አዋጅ ተመስራቲ ኣሎ።

ዓንቀጽ 3: ማእከላይ ቤት ጽሕፈት

ኮርፖሬሽን ኣብ ኣስመራ ማእከላይ ቤት ጽሕፈት ይህልዎ፡ ኣድላዩ ከም ዝመሰሎ ደማ ጨናፍር ኣብያተ ጽሕፈት ኣብ ኤርትራ ኪኸፍት ይኽእል።

ክፍሉ ክልተ

ዕላማ፡ ስልጣንን ሓላፍነታትን

ዓንቀጽ 4: ዕላማ

ዕላማ ኮርፖሬሽን ንማሕበረ ቊጠባዊ ልምዓት ኤርትራ ንምብርካትን ምድንፋዕን ስሉጥ፡ ዘተሓማምን፡ ብዋጋ ዘዋጽእን ንኣካባብያዊ ድሕነት ደማ ዘይጸባእ ኣገባብ ብምዝውታር ኤለክትራኒክ ምምንጫው፡ ምምሕልላፍ፡ ምዕዳልን፡ ንህዝቢ ምሻጥን ይኸውን።

ዓንቀጽ 5: ስልጣን

1. ኮርፖረሽን አብ ኤርትራ ኤለክትሪሲቲ ከፍሪ፡ ከመሓልፍ ኪዕድልን ኪሸይጥን፡ አብዚ መዳይ'ዚ ህዝባዊ አገልግሎት ንምምዕባል ሓላፍነት ኪስከምን ብሕጊ ተመዘዙ አሎ።

2. ንዝተወሰነሉ ዕላማን ሓላፍነትን ብኣድማዕነት ኪፍጽምን ከተግብርን ኮርፖረሽን እዚ ዚስዕብ ስልጣን ይህልዎ፡-

ሀ. ብስሙ ኪኸስስን ኪኸሰስን፤

ለ. ዘዋጽእን ርትዓውን ዋጋ ኤለክትሪሲትን ተዛመድቲ አገልግሎታትን ኪትግብርን ከዘውትርን፤

ሐ. አብ ኤርትራ ኩነ አብ ካልእ ብስሙ ናይ ባንክ ሕሳባት ኪኸፍት፡ ኪሕዝ፤ ገንዘብ ከቐምጥን ከውጽእን፤

መ. ንቀጻልነት ግቡእ ንጥፈታቱ ዘድልዩ መሳርሒታት፡ ማሺነሪታትን ተዛመድቲ መቀያየሪ አቕሑን አገልግሎታትን ኪዕድግን ካብ ወጸኢ ከእቱን፤ ፤

ሰ. አብ ውሽጢ ኤርትራ ኩነ አብ ወጸኢ ካብ ፋይናንስያዊ ትካላትን መንግስትን ናይ ልምዓት ገንዘብን ህያብን ልቓሕን ፋይናንስያዊ መሳለጢያታትን ኪረክብን ኪጥቀመሎምን፤ ከምኡ'ውን

ረ. ንዝተመዘዘሉ ሓላፍነትን ዕላማን አድለይቲ ዘበሉ ግቡአትን ሕጋዊን ንጥፈታት ከካይድ።

ዓንቀጽ 6: ሓላፍነታት

ናይ ኮርፖረሽን ሓላፍነታት አብ ርእሲ ካልእ ሓላፍነታት ንዘምዘስዕቡ የጠቓልሉ፡-

ሀ. አብ አገልግሎት ኤለክትሪሲቲ ቅቡላትን ዝውቱራትን ዝኹኑ አገባባት ብምኽታል ስራሓቱ ከካይድ፤

ለ. ናይ ኤለክትሪሲቲ መመንጨዊ መደበራት፡ ናይ ምምሕልላፍን ዕደላን መስመራትን ተዛመድቲ መሳለጢያታትን ኪሃንጽ፡ ኪጽግን፡ ከመሓደር፡ ከካይድ፡ ከሰፍሕን ከማዕብልን፤

ሐ. ቀረብ ኤለክትሪሲቲ ስሩዕን ስሉጥን ዘተኣማምንን ምዃኑ ኪረጋግጽ፤



መ. ካብ ስራሐቱን ምስኡም ዝተባመዱ ንጥፈታትን ኪስዕቡ ካብ  
ዚኸእሉ ሓደጋታት ንህዝብን ኣከባብን ንምክልኻል  
ኣድለይቲ ስጉምቲ ኪወስድ ከምኡ'ውን

ሰ. ንቀጻልነት ንጥፈታት ዘድሊ ባጀትን ፋይናንስያዊ ጠለባትን  
ንምሽፋን ከምዚኸእል ከረጋግጽ።

#### ክፍሊ ሰለስተ

#### ኣቃውማ ኮርፖሬሽን

ዓንቀጽ 7፡ ኣካላት

1. ኮርፖሬሽን እዞም ዚስዕቡ ኣካላት ይህልዉዎ፡

ሀ. ናይ ዳይሬክተራት ቦርድ(ቦርድ)፤

ለ. ጠቕላሊ ኣካያዲ ስራሕ፤ ከምኡ'ውን

ሐ. ኣድለይቲ ስራሕተኛታት (ስታፍ)።

2. ሞያዊ ተራ ናይ ግዳማዊ ኦዲተራት ኣብ ምክያድን ኣሰራርሓን  
ኮርፖሬሽን ኣገዳሲ ረቂሒ ይኸውን።

ዓንቀጽ 8፡ ኣቃውማ ቦርድ

1. ቦርድ ፕረሲደንት ሃገረ ኤርትራ ብዚምዝዞም እንተወሓዱ  
ሓሙሽተ ኣባላት ይቐዉሙ።

2. ቦርድ ብፕረሲደንት ሃገረ ኤርትራ ዚምዝዝ ኣቦ መንበር  
ይህልዎ።

3. ጠቕላሊ ኣካያዲ ስራሕ ኮርፖሬሽን ብፕረሲደንት ሃገረ  
ኤርትራ ዚምዝዝ ኮይኑ፡ ኣብ ቦርድ ድምጺ ዘይብሉ  
ኣባልነት ይህልዎ።

4. ቦርድ ናይ ገዛእ ርእሱ ጸሓፊ ይምዝዝ።

ዓንቀጽ 9፡ ግብአትን ሐላፍነታትን ቦርድ

1. ቦርድ አብ ጉዳያት ምምሕዳርን ምክያድ ንጥፈታትን ኮርፖራሽን ምሉእን ናይ መወዳእታን ሐላፍነት በዚ አዋጅ ተዋሂቡ ኣሎ።

2. ቦርድ ኣቐዲሙ ብዝተደንገገ ከይተሓጽረ ከምዚ ዚስዕብ ሐላፍነት ውን ይህልዎ፡-

ሀ. ናይ ሓጺርን ነዊሕን እዋን ናይ ልምዓት መደባት ስራሕ ኪሕንጸጽ፡ ክውንነታውን ውጽኢታውን ሰሌዳ ትግባረ ዕላማታት ኮርፖራሽን ከውጽእ፤

ለ. ታሪፍ ኤለክትሪሲትን ዋጋ ተዛመድቲ ኣገልግሎታትን ብዚምልከቶ በዓል ስልጣን ንምጽዳቕ ኪእምም፤

ሐ. ምስ ድንጋገታት ናይ'ዚ አዋጅ ዚቃደው ውሽጣዊ ሕጋጋትን መምርሒታትን ከውጽእን ኪትግብርን፤

መ. ናይ ነፍስ ወከፍ ፋይናንስያዊ ዓመት እማመ ባጀት መካየዲ ስራሕን ባጀት ፕሮጀክትታትን ጸብጸባትን ንርእይቶን ምጽዳቕን ብኣካየዲ ስራሕ ከምዚ ቐርብ ከረጋግጽ፤

ሰ. ስሩዕ ርብዒ ዓመታዊ ክለሳን ገምጋምን ንጥፈታት፡ ውጽኢት ስራሕን ናይ ኮርፖራሽን ኪገብር፡ ካብኡ ተበጊሱ ድማ ዚግባእ ኪውስንን፤

ረ. ኣብ ኩሉ መዳይ ስራሕ ቀጻልነትን ዓቕምን ኮርፖራሽን ከረጋግጽን ኪዕቅብን።

ዓንቀጽ 10፡ ዕድመ መዝነት ቦርድ

1. ንኡስ ዓንቀጽ (2) ናይዚ ዓንቀጽ'ዚ ዝተሓለወ ኩይኡ ሓደ ኣባል ቦርድ ካብ 5 ዓመት ንዘይነውሕ ግዜ ይምዘዝ፤ ግዜ መዝነቱ ምስ ተወደአ ከኣ ኣባል ቦርድ ከም ብሓድሽ ኪምዘዝ ይከኣል።

2. ብመሰረት'ዚ አዋጅ ቀዳማይ ቦርድ ኪምስረት እንከሎ፡ ሰለስተ ካብ ኣባላቱ ንሓመሽተ ዓመት፡ እቶም ክልተ ከኣ ንሰለስተ ዓመት ይምዘቡ'ሞ፡ ካብኡ ንደሓር ምምዛዝ ናይ ኣባላት ቦርድ ኩሉሻዕ ንሓመሽተ ዓመት ይኸውን።



3. ንኡሳን ዓናቅጽ (2)ን (3)ን ናይዚ ዓንቀጽ ዝተሓለወ ኩይኖም፡ ሓደ አባል ናይ መዝነት ግዜኡ እንተወዲኡ፡ መተካእታኡ ክሳብ ዚምዘዝ፡ ካብ ሽድሽተ ዋርሕ ንዘይነውሕ ግዜ፡ከም ቀደሙ ይቐጽል።

ዓንቀጽ 11፡ ምውጻእን ምትካእን አባል ቦርድ

ናይ ሓደ አባል ቦርድ አባልነት ኣብ ከምዞም ዚስዕቡ ኩነታት የቋርጹ፡-

ሀ. ብዘይ ፍቓድ ኣቦ መንበር ካብ 5 ተሽታተልቲ ናይ ቦርድ ኣኼባታት እንተበኹፍ፡

ለ. ንኣቦ መንበር ቦርድ ብጽሑፍ ብምሕባር መዝነቱ እንተኣውሪዱ ወይ ብኣካላዊን ኣእምሮኣዊን ሕማም ወይ ብካልእ ቅቡል ምኽንያት ናይ ቦርድ ስራሓቱ ንምፍጻም ዓቕሚ ብምስኣኑ ካብ ቦርድ እንተወዲኡ ወይ እንተተኣልዩ።

ዓንቀጽ 12፡ ኣኼባታት

1. ኣብ ውሽጢ 4 አዋርሕ ድሕሪ ምዕጻው ናይ ነፍስ-ወከፍ ፋይናንስያዊ ዓመት ኣካይዲ ስራሕ ብዛዕባ እዞም ዚስዕቡ ጉዳያት ዘቐርቦ ዓመታዊ ጸብጻብ ንምምልካትን ዚግባእ ስጉምቲ ንምውሳድን ናይ ቦርድ ዓመታዊ ኣኼባ ይካየድ፡-

ሀ. ስራሕን ናይ ኮርፖረሽን ውጽኢትን፡

ለ. ናይ ሕሳብ ሚዛን፡ ሕሳባት መኽሰብን ክሳራን፡ ጸብጻብ ዝርዝር ንብረትን፡

ሐ. እማመ ዓመታዊ ባጀትን መደባት ስራሕን፡ ከምኡ'ውን መታሪፍ ኤለክትሪሲትን ዋጋ ተዛመድቲ ኣገልግሎታትን።

2. ቦርድ ስራሕ ርብዒ ዓመታዊ ኣኼባታት'ውን የካይድ፡ ኣድላዪ ኮይኑ እንተረገሱዎ ከኣ ብኣቦ መንበር ግዜኡን ቦታኡን ዚውሰን ካልእ ኣኼባ ከካይድ ይኽእል።

3. ምልአተ ጉባኤ ናይ ዝበዝሐ ኣባላት ሱታፊ ይሓትት። ብድምጺ ዚውሰን ጉዳይ ኪህሉ እንክሎ ብብዝሐ ድምጺ ናይ ተሳተፍትን እድመጽትን ናይቲ ኣኼባ ይውሰን። ናይ ድምጺ ጃላነት እንተኣጋጠሙ ድማ ኣቦ መንበር ወሳኒ ድምጺ ይህልዎ።

4. ትሕዝቶ መጋባእያ ኣኼባታት ቦርድ ከም ደቓይቕ ናይ ቦርድ ተመዝጊቡን ተረጋጊጹን ብኣቦ መንበርን ጸሓፍን ይፍረም።

ዓንቀጽ 13፡ ምምሕዳራዊ ስልጣንን ሓላፍነትን ኣካያዲ ስራሕ

1. ልሙድ ምምሕዳራዊ ስራሕን መዓልታዊ ምክያድ ንጥፈታትን ኮርፖረሽን ንኣካያዲ ስራሕ ዝተዋህበ መዚ ኢዩ።

2. ድንጋጌታት ዓንቀጽ 10 ናይ'ዚ ኣዋጅ ዝተሓለዉ ኩይኖም ኣካያዲ ስራሕ ንኩሎም ናይ ኮርፖረሽን ጉዳያትን ንጥፈታትን የካይድ፤ ከምኡ'ውን ኣብ ክንዲ ኮርፖረሽን ምስ ሳልሳይ ወገን፡ ባህርያዊ ኩነ ሕጋዊ፡ ይዋገን ዝኹነ ሰነድ ይፍርምን።

3. ኣቐዲሙ ብዝተደንገገ ከይተሓጽረ፡ ኣካያዲ ስራሕ እዚ ዚስዕብ ስልጣን ይህልዎ፡-

ሀ. ኣብ ቅድሚ ኣብያተ ፍርዲ፡ ክፍልታት መንግስቲ፡ ምምሕዳራዊ ስልጣናት፡ ናይ ውሽጢ ሃገርን ወጻኢን ትካላት ዋኒን፡ ወኪላት ወይ ኣካላትን መንግስታትን፡ ባንክታትን ካልኣት ፋይናንሲያዊ ትካላትን ወይ ካልኣት ሰባት ወይ ኣካላት፡ ንረብሓን ንጥፈታትን ኮርፖረሽን ኪውክል፤

ለ. ብስም ኮርፖረሽን ኣብ ባንክ ብናቕፋ ወይ ብናይ ወጻኢ ባጤራ ሕሳባት ኪኸፍትን ከካይዶምን፤ ቸካት መኣዘዚታት ክፍሊት መሐወሊታት መወከሊታትን ከምኡ'ውን ካልኣት ምስ ንጥፈታት ኮርፖረሽን ዝዛመዱ ሰነዳት፡ እንክላይ ናይ ባንክ ደብዳቤ ዕዳ ከውጽእ፡ ከመሓላልፍን ኪፍርምን፤

ሐ. ንኣገልግሎት፡ ዕድገን ሽመቱን እታውን ዝዛመዱ ዉዕላት ወይ ትውጊታት ብስም ኮርፖረሽን ኪፍርምን ኪትግ





ለ፡ ካብ ዝኾነ ምንጪ ዚርከብ ወራዊ ወይ ህያብ፡ ከምኡ'ውን ኣሰራርጦም ኣብ ኣብይን ስልጣን ስልጣን፡

ዓንቀጽ 15፡ ፋይናንስያዊ ዓመት ባጀት፡

ናይ ኮርፖሬሽን ፋይናንስያዊ ዓመት ባጀት ከም ኣይ መንግስቲ ይኸውን፡

ዓንቀጽ 16፡ ኣይ ግዳም ኣዲተራት

1. ኣይ ግዳም ኣዲተራት ብቦርድ ይምዘቡ፡ ዋጋ ኣገልግሎቶም ከኣ ብኡ ይወሰን፡

2. ኣይ ግዳም ኣዲተራት መዛግብቲ ሕሳብን ሰነዳትን ከምኡ'ውን ዋጊናዊ ስራሕ ኣይ ኮርፖሬሽን ይምርምሩ፡ ወረቓቕቲ ሚዛን ሕሳብ፡ ሕሳባት መኸሰብን ክሳራን፡ መዛግብቲ ንብረት ከምኡ'ውን ካልኣት ኣይ ኮርፖሬሽን ሰነዳት ቅድዳትን ልክዕን ምዃናም ይረታው፡ ብዛዕባ ፋይናንስያዊ ኩነታት ኮርፖሬሽን ገምጋሞም ብምርግጋጽ፡ ለበዋ እንተለዎም ምስ ወጽኢት መርመራኦም ዘጠቓለለ ጸብጸብ ናብ ቦርድ ይቐርቡ፡

3. ቅዳሕ ጸብጸብ ኣዲተራት ናብ ሚኒስትሪ ጸዓትን ማዕድንን ከምኡ'ውን ናብ ቤት ጽሕፈት ጠቐላሊ ኣዲተርን ይቐርቡ፡

ክፍሊ ሓሙሽተ

እተራላለዩ ድንጋጌታት

ዓንቀጽ 17፡ ምምሕልላፍ ንብረትን ዕዳን

ኩሉ ኣይ በዓል መዚ ኢለክትሪክ ኢርትራ ንብረትን ዕዳን ብመሰረት እዚ ኣዋጅ ናብዚ ኮርፖሬሽን ተመሓላፊ ኣሉ፡፡



ዓንቀጽ 18፡ በዚ አዋጅ ዘይተሸፈኑ ጉዳያት

ብድንጋገታት ናይዚ አዋጅ ዘይተሸፈኑ ጉዳያት፡ ኣብ ንግዲ ሕገ ኤርትራ ብዘሎ ንናይ ንግዲ ሕግ ማሕበራት ዚምልከቱ ድንጋጌታት ይግዛእ።

ዓንቀጽ 19፡ ኣብ ግብሪ ዚውዕለሉ

እዚ አዋጅ፡ ኣብ ጋዜጣ አዋጅኡ ኤርትራ ተሓቲሙ ካብ ዝወጸሉ ዕለት ጀሚሩ ኣብ ግብሪ ይውዕል።

ኣስመራ ግንቦት 7፡2004

መንግስቲ ኤርትራ

# **Proclamation No.141/2004**

## **The Electricity Proclamation**

### **Chapter I**

#### **General**

##### **Article 1: Short Title**

This Proclamation may be cited as the "Electricity Proclamation No.141/2004."

##### **Article 2: Purpose**

The purpose of this Proclamation is to promote efficient, dependable, safe and economically sustainable electricity operations in Eritrea as well as private sector and community participation in the same.

##### **Article 3: Definition**

Unless the context otherwise requires, in this Proclamation:

1. "Customer" means a person obtaining electricity services against payment of fee.
2. "Electrical Installation" refers to electricity/power generation plants, power lines, substations, and other related devices connected to the power lines.
3. "Electricity operations" refers to generation, transmission, distribution and sale of electricity.
4. "Government" means the Government of Eritrea.
5. "Permit" means a permit issued in accordance with the provisions of this Proclamation to undertake electricity operations and a "Permit holder" means a person who holds such a permit to undertake such activities.
6. "Minister" or "Ministry" means the Minister or Ministry of Energy



and Mines, respectively.

7. "Person" means any juridical or natural person.

## **Chapter II**

### **Establishment and Function of the Electricity Regulatory Committee**

#### **Article 4: Establishment**

1. The Electricity Regulatory Committee (hereinafter referred to as the "Regulator") is hereby established as a juridical person.
2. The head office of the Regulator shall be in Asmara and branch offices may be established elsewhere in Eritrea.

#### **Article 5: Composition**

1. The Regulator shall be composed of a minimum of five members with the necessary skill and competence, two of whom shall be from the private sector.
2. The Regulator shall have a chair-person who, along with the other members of the Regulator, shall be appointed by the President of the State of Eritrea.
3. The chair-person shall represent the Regulator in all its dealings with third parties. The chair-person may delegate one of the Regulator members to act on his/her behalf during his/her absence.
4. The Regulator shall have a secretary who shall be appointed by the Minister and attend all meetings of the Regulator with no voting right and record its proceedings.

#### **Article 6: Duties and Responsibilities of the Regulator**

The Regulator shall have the duties and responsibilities to:

- a. promote efficiency, dependability, cost-effectiveness, safety and quality of services and fair competition as well as private and community participation in electricity operations in Eritrea;
- b. supervise and ensure that electricity operations (generation, transmission, distribution and sale of electricity) are carried out in accordance with this Proclamation as well as regulations to be issued hereunder;

c. study, review and determine electricity tariffs and related service charges on the basis of general guidelines and principles issued by the Ministry on setting same and oversee the implementation thereof;

d. initiate and conduct investigation into standards of quality of services provided to customers and monitor standards of overall performance of permit holders;

e. protect the interests of customers, permit holders and the general public;

f. investigate complaints made by parties with grievances over any matter regulated under this Proclamation as well as regulations issued there-under and give its ruling thereon;

g. where it discovers on its own motion or upon a complaint and after hearing the permit holder that the person has not been complying with the provisions of this Proclamation, instruct him in writing to adhere to and fulfil his obligations under this Proclamation within a reasonable time;

h. sue and be sued in its name; and

i. perform such other lawful activities as may be necessary for the attainment of its objectives.

#### **Article 7: Functions of the Secretary**

1. The secretary shall:

a. subject to general directives of the Regulator, manage the day-to-day activities of the Regulator and execute its decisions;

b. collect, compile and analyse data on the power sector deemed necessary for the discharge of tasks of the Regulator; and

c. prepare the budget and keep proper books of accounts, financial records and reports of activities of the Regulator.

#### **Article 8: Regulator's Term of office**

1. A Regulator member shall be appointed for a period of five years.

2. A member of the Regulator whose term of office terminates may be eligible for reappointment.



3. Notwithstanding the provisions of sub. Articles (1) and (2) hereof, if a member's term of office expires before a replacement, such member shall continue in office for a further period not exceeding six months until a replacement is appointed.

#### **Article 9: Vacation of office**

1. The office of a Regulator member becomes vacant if he or she:
  - a. is absent for five consecutive meetings of the Regulator without the permission of the chair-person;
  - b. resigns by notice in writing to the chair person, or is removed from office due to by physical or mental illness, or for any other good cause which renders such-person unable or unfit to discharge the functions of a Regulator member.

#### **Article 10: Meetings of the Regulator**

1. The Regulator shall hold regular quarterly meetings.
2. Special meetings may be convened upon the request of the majority of its members or the chair-person.
3. The quorum at a meeting shall require the majority of members.
4. Matters before Regulator meetings shall be decided by a majority of votes of the members present and voting in the meeting. In case of equal votes the chair-person shall have a casting vote.

#### **Article 11: Budget and Accounts**

1. The budget of the Regulator shall be drawn from the following sources:
  - a. Government allocation; and
  - b. money accruing to the Regulator from any other source.
2. The financial year of the Regulator shall be the same as that of the Government.

3. The books of accounts and all financial affairs of the Regulator shall be audited by the Auditor General or by an auditor designated by him.

### **Chapter III**

#### **Requirements and Conditions for Electricity Operations Permit**

##### **Article 12: Requirements of Permit**

1. No person may generate, transmit, distribute or sell electricity for commercial purposes or construct, maintain or operate power plants and electrical installations without a permit from the Ministry.
2. Financial and technical capacities shall constitute pre-requisites for granting a permit to undertake electricity operations.

##### **Article 13: Suspension and Revocation of Permit**

1. A permit issued under this Proclamation may be suspended or revoked by the Ministry, where upon the recommendation by the Regulator and upon hearing the permit holder, the Ministry is satisfied that the Permit holder is not operating in accordance with the provisions of this Proclamation.
2. Prior to suspension or revocation of a permit, the permit holder shall be granted reasonable time to rectify deficiency or failure.

##### **Article 14: Obligations of a Permit Holder**

A permit holder shall have the obligation to:

- a. maintain in good condition and/or upgrade and expand installations, equipment and property used in electrical operations to provide appropriate service to the public;
- b. make all reasonable efforts necessary to provide safe, adequate, efficient, reliable and non-discriminatory electricity service/supply to the public;



- c. apply and pursue cost-effective commercial standards on electrical tariffs and related service charges in accordance with the provisions of this Proclamation and regulations to be issued hereunder;
- d. take necessary measures to protect the safety of the public and the environment from any damages that may arise from its operations and related activities;
- e. to obtain the prior approval of the Regulator of supply/service model contracts to be concluded with customers; and
- f. keep all employment, financial, commercial and other books and records as well as records of electricity operations.

**Article. 15: Rights of a Permit holder:**

A Permit holder shall have the rights, inter alia, to:

- a. enter land or premises in the holding of any person in the area covered by the permit and carry out activities necessary to undertake electricity operations;
- b. free access necessary to undertake electricity operations;
- c. disconnect any customer who fails to pay his/her bills and comply with his/her other contractual obligations; and
- d. trim and/or cut trees which obstruct electricity operations.

**Article 16: Electricity Tariffs**

- 1. Electricity tariffs and related charges shall be regulated.
- 2. The procedures pursued in the setting of electricity tariffs and related service charges and terms of electricity supply shall consider, inter alia, the ability of the permit holder to:
  - a. maintain financial integrity;
  - b. attract capital;
  - c. operate efficiently;
  - d. sustain and expand its operations as required;
  - e. fully compensate investors for the risks assumed; and
  - f. to the extent possible consider issues of social equity.

3. Any proposed change in an effective rate or tariff schedule shall be filed with the Regulator for approval.
4. No permit holder may charge in excess of the approved tariffs or related charges.

#### **Chapter IV: Town Plan and Constructions**

##### **Article 17: Town Plan**

1. Any master plan of a town shall demarcate and show the electricity supply-system layout thereof.
2. A permit holder shall, while erecting electrical installations, comply with the master plan of the town.
3. If any change or modification in the town plan necessitates displacement of existing electrical installations that were erected in compliance with the town plan before the change, the body causing and or authorising such a change in the town plan shall compensate the permit holder for the cost subsequently incurred.

##### **Article 18: Structures and Construction Works**

1. No construction, farming, plantation or any other activity of a permanent nature may be carried out within the clearance zone to be set by regulations adjacent to electric installations.
2. If a new road or other construction structure requires changes in existing electrical installations, the owner of the new road or construction shall compensate the permit holder for the resulting cost.
3. If the construction of new electrical installations requires changes in already existing constructions, the permit holder shall compensate the owner of the construction for the resulting cost.



## **Chapter V: Miscellaneous Provisions**

### **Article 19: Liability and Compensation for Damages**

1. The Permit holder shall pay compensation, according to Eritrean law, for damages caused to the property of a person legally entitled to use the land while acting under Article 15 hereof.
2. The liability for damages caused by electricity from a permit holder shall be dealt with in accordance with the Civil Code of Eritrea.

### **Article 20: National Grid**

1. The Minister may, by notification, determine several transmission and distribution networks with different voltages to constitute the national grid.
2. Access to such networks by a permit holder is possible under the terms and conditions determined by regulations to be issued by the Minister.

### **Article 21: Technical Safety**

1. Electrical installations and operations shall meet the standards of Technical and Safety Requirements adopted by the Ministry.
2. The Ministry reserves the right to update the Technical and Safety Requirements as it deems necessary.

### **Article 22: Rural Electrification Fund**

1. The Minister may by internal directive establish a rural electrification fund (hereinafter "The Eritrean Rural Electrification Fund" or the "Fund") by imposing a levy not exceeding 1% on all electricity sold.
2. The Fund shall be used to support electrification of rural areas and other areas considered economically nonviable for electrification by the permit holder.
3. The Fund may, in addition to receiving the proceeds of the electricity levy established under sub-Article (1) hereof, also

benefit from Government budget support and/or contribution from beneficiaries and from local and external grants, donations or loans.

4. The Fund shall be administered by the Ministry and utilised on the basis of transparent and fair criteria and shall be audited and accounted for.

#### **Article 23: Appeal**

Any person aggrieved by a decision of the Regulator or the Minister under this Proclamation may appeal to the High Court within 30 days from the date the decision is given. The decision of the High Court on the appeal shall be final.

#### **Article 24: Transitional Provisions**

Any electric utility, however established and in existence at the commencement of this Proclamation, shall within one month of the commencement of work by the Regulator submit for approval to the Regulator in writing its existing and proposed tariffs rates for the utility service it provides..

#### **Article 25: Powers to issue Regulations**

The Minister may issue regulations necessary for the proper implementation of this Proclamation.

#### **Article 26: Entry into force**

This Proclamation shall enter into force as of the day of its publication in the Gazette of Eritrean Laws.

**Done at Asmara this 7<sup>th</sup> day of may, 2004**

**Government of Eritrea**



## **Proclamation No.142/2004**

### **For**

## **The Eritrean Electric Corporation Establishment Proclamation**

### **Part I**

#### **Establishment**

##### **Article 1: Short Title**

This Proclamation may be cited as "The Eritrean Electric

Corporation Establishment Proclamation No.142 / 2004".

##### **Article 2: Establishment**

The Eritrean Electric Corporation (hereinafter referred to as the

"Corporation") is hereby established as a corporate legal entity.

##### **Article 3: Head Office**

The Corporation shall have its head office in Asmara and may open branch offices wherever it deems necessary in Eritrea.

### **Part II**

#### **Objectives, Powers and Responsibilities**

##### **Article 4: Objectives**

The purpose of the Corporation is to contribute to and enhance the socio-economic development of Eritrea by way of providing efficient, dependable, cost-effective and environmentally safe generation, transmission and distribution of electricity for sale to the Eritrean public.

## Article 5: Powers

(1) The Corporation is duly entrusted to assume, undertake and enhance the duties and public service responsibilities for and in the production, transmission, distribution and sale of electricity to the public in Eritrea.

(2) For and in the effective implementation and realization of its given objectives and duties, the Corporation shall have the powers to:

(a) sue and be sued in its own name;

(b) apply and pursue cost-effective commercial standards upon electricity tariffs and related services;

(c) open and maintain bank accounts within Eritrea or elsewhere; deposit money therein and withdraw the same therefrom;

(d) procure and or import required equipment, machineries and related spare parts and components as well as services for the sustenance of its proper operations;

(e) secure and utilize development funds or grants, loans and financial facilities from financial institutions and governments within or outside Eritrea; and

(f) perform appropriate and legitimate activities necessary and related to its mandate and said objectives.



## **Article 6: Responsibilities**

The responsibilities of the Corporation shall include inter-alia to:

- (a) conduct its operations in accordance with the accepted standards applied in the power supply industry;
- (b) build, manage, maintain, operate, expand and enhance power plants, transmission and distribution lines and related facilities;
- (c) secure and ensure that the supply of electricity is regular, efficient and reliable;
- (d) take necessary measures to protect the public and the environment from any damages that may arise from its operations and related activities; and
- (e) ensure operational sustenance in its budgetary and financial requirements.

### **Part III**

## **Organization of the Corporation**

### **Articles 7: Organs**

(1) The Corporation shall consist of: -

- a) A Board of Directors (hereinafter the Board);
- b) a general manger; and
- c) the necessary staff.

(2) External auditors' professional role shall constitute a vital factor in the management and performance of the Corporation.

## **Article 8: Composition of the Board**

- (1) The Board shall be composed of a minimum of five members to be appointed by the President of the State of Eritrea.
- (2) The Board shall have a chair-person appointed by the President of the State of Eritrea.
- (3) The General Manager of the Corporation, who shall also be appointed by the President of the State of Eritrea, shall have a non-voting membership at the Board.
- (4) The Board shall appoint its secretary.

## **Article 9: Duties and Responsibilities of the Board**

1. The Board is hereby entrusted with the full and ultimate responsibility for and in the administration, management and performance of the Corporation.
2. Without limiting the generality of the foregoing, the Board shall be responsible to:
  - (a) formulate short and long term development work programmes and schedules for and in the realistic and result-oriented implementation and realization of the objectives of the Corporation;
  - (b) propose or recommend electricity tariffs and related services charges for approval by the pertinent authority;



- (c) initiate and implement internal regulations and guidelines in consonance with the provisions of this Proclamation;
- (d) ensure that the General Manager submits for the Board's consideration and approval operational budgets and reports as well as project budgets for each fiscal year;
- (e) conduct a regular quarterly review and evaluation of the activities and performance of the Corporation and take appropriate steps thereon; and
- (f) maintain sustainability and capability of the Corporation in all aspects of its operations.

#### **Article 10: Term of office**

- (1) Subject to sub. Article (2) hereof, a Board member shall hold office for a period not exceeding five years and may upon the expiration of that period be eligible for re-appointment.
- (2) When the first Board is constituted in terms of this Proclamation, three of the members shall be appointed for a period of five years and the other two members for a period of three years, after which all appointments to the Board shall be for a period of five years.
- (3) Notwithstanding sub. Articles (1) and (2) hereof, if a Board member's term of office expires before a replacement is appointed, such member shall continue in office for a further

period not exceeding six months until a replacement is appointed.

#### **Article 11: Vacation of Office or Filling of Vacancies**

The office of a Board member becomes vacant if he or she:

- a) is absent for five consecutive meetings of the Board without the permission of the Board chair-person; or
- b) resigns by notice in writing to the Board chair-person or is removed from office due to incapacity resulting from physical or mental illness, or for any other cause which renders him unfit to discharge the functions of a Board member.

#### **Article 12: Meetings**

- (1) Within 4 months following the end of each Fiscal Year, annual meetings of the Board shall be convened for and in consideration of appropriate action on the annual report of the

General Manager on: -

- (a) the performance and achievements of the Corporation;
- (b) the Balance Sheet, Profit & Loss Account and related Inventory of Assets;

(c) recommendations of annual budgets and work plans; and

(d) electricity consumption tariffs and related service charges.

- (2) The Board shall conduct regular quarterly meetings and such other meetings as it deems necessary, for which, the chair-person of the Board shall fix the time and place of the meetings of the Board.

- (3) While the quorum for a meeting of the Board shall require the presence of the majority of the members, any issue on which a



vote is required shall be determined by a majority of votes of those present and voting on the issue, it being understood that in case of a tie, the Chair-person shall have a casting vote.

(4) The substance of the proceedings of Board meetings shall be recorded as minutes to be duly signed and authenticated by the chair-person and the secretary.

### **Article 13: Management Powers and Responsibilities of the General Manager**

(1) The routinely expected conduct of administration and day-to-day management of the activities of the Corporation for and in the actual implementation and realization of its objectives is vested in the General Manager.

(2) Without prejudice to the provisions of Article 10 of this Proclamation, the General Manager shall manage all of the Corporation's affairs and activities and shall deal with third parties, whether physical persons or bodies corporate, on behalf of the Corporation and is hereby authorized to sign any document for and on its behalf.

(3) Without limiting the generality of the foregoing, the General Manager shall in particular, have the power to:

(a) represent the Corporation to all effects and purposes, before courts of justice, Government departments, municipal authorities, domestic and or foreign business organizations, agencies or entities and banks, other financial institutions or

any other person and or body in the interest of the

Corporation;

(b) open bank accounts in the name of the Corporation in Nakfa

or in any foreign currency and to operate same and to draw,

endorse and sign in the name of the Corporation all cheques,

drafts, payment orders, transfers, assignments and any other

instruments relating to activities of the Corporation; inclusive

of establishment of letters of credit;

(c) sign and execute necessary agreements or transactions

related to services, purchases, procurements and or imports;

initiate or implement loans and or credit facilities as well as

financial grants for and on behalf of the Corporation from

banks or other financial institutions and governments within

or outside Eritrea; and to execute and implement contracts

therefore, it being understood that in each and every of such

event, the Board's prior written approval and authorization is

and shall be a paramount pre-condition;

(d) employ and or dismiss personnel as required;

(e) review the organization and administrative manuals of the

Corporation;

(f) carry out the decisions or directives of the Board; execute and

follow up same;

(g) keep and cause to be kept accounts, records, books and up-

to-date inventories of the Corporation in accordance with the

provisions of the Commercial Code of Eritrea dealing with

share companies and the usual business practice applicable



- to the industry;
- (h) prepare and submit to the Board detailed quarterly interim reports as well as a comprehensive annual reports relevant to each fiscal year on the activities of the Corporation; and
- (i) designate a person at the management level to act on his behalf in case of his absence or illness.

#### **Part IV**

#### **Finance**

##### **Articles 14: Revenue of the Corporation**

The Sources of revenue of the Corporation shall be:

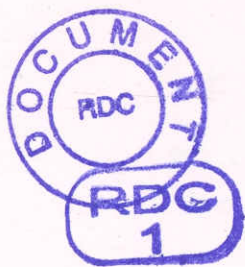
- (a) the sale of electricity or the services or property of the Corporation;
- (b) any grant or contribution from any sources; and
- (c) Government allocation.

##### **Article 15: Fiscal Year**

The Fiscal Year of the Corporation shall be the same as that of the Government.

##### **Article 16: External Auditors**

- (1) Independent External Auditors shall be appointed by the Board which shall determine their service fees.
- (2) The External Auditors shall audit the financial books and records as well as the business performance of the Corporation, verify the correctness and accuracy of the Balance Sheet, Profit & Loss Accounts, Inventory of Assets, records and certify their evaluation and submit their report along with their recommendations, if any.
- (3) The report of the audits shall be submitted to the Ministry of



Energy and Mines and Office of the Auditor General

Part V

**Miscellaneous**

**Article 17: Transfer of Assets and Liabilities**

The assets and liabilities of the Eritrean Electric Authority are hereby transferred to the Corporation.

**Article 18: Lacunae**

Matters which are not covered under the provisions of this Proclamation shall be governed by the provisions of the Commercial Code of Eritrea dealing with share companies.

**Article 19: Entry into Force**

This Proclamation shall enter into force as of the date of its publication in the Gazette of Eritrean Laws.

Done at Asmara this 7<sup>th</sup> day of may 2004

The Government of Eritrea.