

# EL LEGAL AND REGULATORY INDICES SNAPSHOT: Investment Promotion within the Primary Laws of SSA Countries<sup>1</sup>

Country	Primary Legislation	Scope of Incentives and Investment Opportunities	Level of Incentives and Investment Opportunities (High, Medium, and Low)
<b>Republic of Benin</b>	Electricity Code in the Republic of Benin, 2020	✓ (Renewable energy based power production, tax exemption, exemption from price regulation, operating permits, and rural off-grid electrification agreements)	<b>High</b>
<b>Burkina Faso</b>	General Regulations of the Electricity Sub-Sector, 2012	✓ (Auto-production, Self-production, installations with a production capacity between 10 kW and 25 kW, and distribution networks supplying electricity to less than 10 customers within a maximum radius of 100 meters)	
<b>Cameroon</b>	Law governing the Electricity Sector in Cameroon, 2011	✓ (Free Scheme/Regime)	
<b>Liberia</b>	2015 Electricity Law of Liberia	✓ (Exemptions from licensing requirements, sale of surplus energy, micro-utility licences, and system plans from licensees)	
<b>Madagascar</b>	Electricity Code of Madagascar, 2017	✓ (Exemptions from licensing requirements, bilateral trading, exemption from price regulation, simplified form)	
<b>Niger</b>	Law No. 2016-05 of May 17, 2016 on the Electricity Code	✓ (Occupation/Expropriation of property, special tax regime, public service delegation, rural electrification, and imports of renewable energy equipment and materials)	



<b>Angola</b>	General Electricity Law, 1996	✓ (Concessionaire Companies)	<b>Medium</b>
<b>Central African Republic</b>	Electricity Code of the Central African Republic, 2005	✓ (Auto-production, Self-production, Independent Power Production, and Bilateral trading)	
<b>Comoros</b>	Electricity Code, 1994	✓ (Public electricity service, self-production, independent and autonomous power production)	
<b>Congo Brazaville</b>	Electricity Code, 2003	✓ (Sales contracts by Independent Power Producers, bilateral trading, and easement)	
<b>Democratic Republic of Congo</b>	Electricity Law, 2014	✓ (Concessionaire companies, Operators with production capacity not more than 50 kW or private power lines)	
<b>Gabon</b>	Electricity Law N° 024/2016	✓ (Renewable energy development and Sale of surplus energy)	
<b>Ghana</b>	Energy Commission Act, 1997	✓ (Energy Fund)	
	Renewable Energy Act, 2011	✓ (Renewable energy feed-in tariff)	
<b>Ivory Coast</b>	Law N° 2014-132 of March 24, 2014	✓ (Public Service Delegation, and Sale of surplus energy)	
<b>Malawi</b>	Electricity Act, 2004	✓ (Rural electrification, electricity exportation, and establishment of generation facilities)	
<b>Mali</b>	Order on the Organization of the Electricity Sector, 2000	✓ (Make-up of electricity prices, self-production, and sale of surplus energy)	
<b>Mauritania</b>	Law 2001-19 on the Electricity Code, 2019	✓ (Electricity importation and exportation, authorizations, and right of access to networks)	
<b>Mauritius</b>	Electricity Act, 2005	✓ (Exemption from licensing requirements, non-payment for electricity services, and tariff determination)	
<b>Namibia</b>	Electricity Act 4 of 2007	✓ (Exemption from licensing requirements and certain liability)	
<b>Nigeria</b>	Electric Power Sector Reform Act, 2005	✓ (Eligible Customer regime, and Bilateral trading)	
<b>Sao Tome and Principe</b>	Decree-Law No. 26/2014	✓ (Electricity production, public procurement procedure, and authorization)	
<b>South Africa</b>	Electricity Regulation Act, 2006	✓ (Exemption from licensing or registration requirements)	
<b>South Sudan</b>	National Electricity Bill, 2015	✓ (Recovery of investments and cost of operation, and private sector investments in renewable energy use)	
<b>Swaziland</b>	Electricity Act, 2007	✓ (Exemption from licensing requirements, and standardized tariffs)	
<b>Togo</b>	International Agreement on the Benin-Togo Electricity Code, 2003	✓ (Independent power production for exportation purposes, and non-discriminatory access to electrical networks)	
	Law N° 2000-012 Relating to the Electricity Sector, 2012	✓ (Self-production, and exemption from licensing requirement)	
<b>Uganda</b>	Electricity Act, 1999	✓ (Rural electrification, licence terms and conditions, and land acquisition)	
<b>Zimbabwe</b>	Electricity Act, 2003	✓ (Exemption from licensing requirements, and simplified licensing procedures for small businesses)	

<b>Burundi</b>	Law reorganizing the Electricity Sector in Burundi, 2015	✓ (Public Service Delegation, and Sale of surplus energy)	<b>Low</b>
<b>Cape Verde</b>	Electricity Decree-Law No. 14/2006	✓ (Exemption from licensing requirements)	
<b>Chad</b>	Energy and Electricity Law of Chad, 2019	✓ (Provision of decentralized power)	
<b>Djibouti</b>	Electricity Law N° 88/AN/15/7, 2019	✓ (Reduced selection criteria for tender invitations)	
<b>Equatorial Guinea</b>	Electricity Decree No. 8/2002	✓ (Public Service Delegation)	
<b>Gambia</b>	Electricity Act, 2005	✓ (Licencee empowerment)	
<b>Guinea Bissau</b>	Decree Law N° 3/2007	✓ (Sale of electricity generated from autonomous production)	
<b>Kenya</b>	Energy Act of 2019	✓ (Land acquisition and use)	
<b>Lesotho</b>	Lesotho Electricity Authority Act, 2002	✓ (Sale of electricity to eligible customers)	
<b>Mozambique</b>	Law No. 21/97 of October 1st, 1997	✓ (Authorizations)	
<b>Rwanda</b>	Law Governing Electricity in Rwanda, 2011	✓ (Authorizations, and Land expropriation)	
<b>Senegal</b>	Law N° 98-29 of April 14, 1998 relating to the Electricity Sector	✓ (Sale of surplus energy)	
<b>Seychelles</b>	Energy Act, 2012 (Act 11 of 2012)	✓ (Private participation, and Feed-in tariffs)	
<b>Sierra Leone</b>	National Electricity Act, 2011	✓ (Compulsory acquisition of land)	
<b>Somali</b>	Energy Act, Act Lr. 81/2018	✓ (Energy Trust Fund)	
<b>Tanzania</b>	Electricity Act, 2008	✓ (Exemption from licensing requirements)	
<b>Zambia</b>	Electricity Act, 2019	✓ (Land acquisition)	
<b>Botswana</b>	Botswana Energy Regulatory Authority Act, 2016	✗	
<b>Eritrea</b>	Electricity Proclamation No 141/2004	✗	
<b>Ethiopia</b>	Energy Proclamation No. 810/2013	✗	
<b>Guinea</b>	Electricity Law L/93/039/CTRN, 1993	✗	
<b>Sudan</b>	Electricity Act, 2001	✗	

**N.B: Spaces colored Black = “No available information”**

## **DISCLAIMER**

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### **Endnotes**

1. The dataset unveils the level of incentives and investment promoting provisions in the Electricity Laws of the respective SSA Countries for the purpose of attracting private participation in the various power markets. The data has been culled from the information provided in the [Electricity Laws of the respective SSA countries](#) and [Electricity Lawyer’s Simplified Legal and Regulatory Guides \(SLRGs\)](#) which are accessible on the website.