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**ጋዜጣ አዋጅት ኤርትራ
ብመንግስቲ ኤርትራ ዝሕተፎ**

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 7th 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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አዋጅ ቁጽ 141/2004
አዋጅ ኤለክትሮኒክስ
ምዕራፍ ሐደ
ሐፈሻዊ

ዓንቀጽ 1: ሐጺር አርእስቲ

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

ዓንቀጽ 2: ዕላማ

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

ዓንቀጽ 3: ትርጉም

ኣታኣትዋኡ ካልእ ትርጉም እንተዘየውረቡዎ፡ ኣብዚ አዋጅ'ዚ

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

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

7. " ሰብ" ማለት ዝኹነ ሕጋዊ ወይ ባህርይዊ ሰብ ማለት ኢዩ።

ምዕራፍ ክልተ

ምቕምን ስራሕን ኮሚተ ተቋጻጸሪ ስራሓት አገልግሎት ኤለክትሪሲቲ

ዓንቀጽ 4: ምቕም

1. ኮሚተ ተቋጻጸሪ ስራሓት ኤለክትሪሲቲ (ካብ'ዚ ንደሓር አብዚ አዋጅ ተቋጻጸሪ እናተባህለ ዚጥቀስ) ከም ሓደ ሕጋዊ አካል ባዚ አዋጅ ቁይሙ ኣሎ።
2. ማእከላይ ቤት ጽሕፈት ናይ ተቋጻጸሪ አብ አስመራ ይኸውን፣ አድላዩ ኹይኑ እንተረኺቡዎ ድማ ተቋጻጸሪ ጨናፍር አብያተ ጽሕፈት አብ ካልእ ቦታታት ኤርትራ ኪኸፍት ይኸእል።

ዓንቀጽ 5: አቃውማ

1. ተቋጻጸሪ ተደላዩ ክእለትን ዓቕምን (ብቕዓትን) ብዘለዎም እንተወሓዱ ሓሙሽተ አባላት፣ ካብኦም ክልተ ካብ ብሕታዊ ክፋል፣ ዝቐመ ይኸውን።
2. ተቋጻጸሪ ከም ኩሎም ኦቶም ካልኣት አባላቱ ብጥረሲደንት ሃገረ ኤርትራ ዚምዘገ አቦ መንበር ይህልዎ።
3. አቦ መንበር አብ ኩሎም ምስ ሳልሳይ አካላት ዚግበሩ ርክባት ንተቋጻጸሪ ይወክሎ። እቲ አቦ መንበር አብ ዘብኩረሉ እዋን ክንድኡ ኮይኑ ስራሕ ኪፍጽም ንሓደ ካብቶም አባላት ተቋጻጸሪ ኪውክል ይኸእል።
4. ተቋጻጸሪ ብሚኒስትር ዚምዘገን ብዘይ መሰል ምድማጽ አብ ኩሎም ኣኼባታት ናይ ተቋጻጸሪ ዚሳተፍን ደቓይቕ መጋባእያ ዚምዘገብን ጸሓፊ ይህልዎ።

ዓንቀጽ 6: ግቡኣት ሓላፍነታትን ተቋጻጸሪ

ተቋጻጸሪ ከምዚ ዚስዕብ ንምፍጻም ግቡኣትን ሓላፍነታትን ይህልዎ፡-

ሀ. አብ ኤርትራ አብ ንጥፊታት (አገልግሎት) ኤለክትሪሲቲ አሳልጦ፡ ርጉጽነት፡ ቍጠባዊ ውሕስነት፡ ድሕነትን ጸቡቕ ዓይነት አገልግሎትን ከምኡ'ውን ርትዓዊ ውድድርን ብሕታውን ኮማውን ተሳትፎን ከተባብዕ፤

ለ. ስራሓት አገልግሎት ኤለክትሪሲቲ ብመሰረት ድንጋገታት ናይዚ አዋጅን ብኡ መሰረት ብዚወጹ ሕጋጋታትን ምክያዶም ኪቁጻጸርን ከረጋግጽን ፤

ሐ. ሚኒስትር ብዘወጽእም ሓፊሻዊ መርሓ ሕንጻጸት መሰረት ታሪፍ ኤለክትሪሲቲን ካልኣት ክፍሊታት ናይ ተዛመድቲ አገልግሎታትን ከጽንዕን ኪኸልሰን ኪውስንን፡ ከምኡ'ውን አተገባብራኦም ኪቁጻጸር፤

መ. ደረጃን ዓይነትን ናይቲ ንዓማዊል ዚወገብ አገልግሎት ንምምርጫ መደባት ከበግስን ኪምርምርን፡ ከምኡ'ውን ደረጃ ስራሕ ናይ በዓል ፍቓድ ብሓፊሻ ኪቁጻጸር፤

ሰ. ረብሓ ናይ ዓማዊልን ሰብ ፍቓድን ህዝብን ኪሕሉ፤

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

ሸ. ባዕሉ ወይ ጥርጋጣን 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 ኪኸሰስን 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 ተቐጻጸሪ መዓልታዊ ስራሓት ተቐጻጸሪ የካይድ፡ ውሳኔታቱ ድማ ይፍጽም፤

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

ሐ. ባጀት የዳሉ፣ ግብ-እ መዛግብቲ ሕሳብ፣ ፋይናንሳያዊ 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 ኣኼባታት ናይ ተቋጻጸሪ እንተበኹሩ፡ ከምኡ'ውን
 - ለ. ንኣቦ መንበር ብጽሑፍ፡ ብምምልካት መዝነቱ እንተኣውራዱ፡ ወይ ብምኸንያት ኣካላውን ኣእምሮኣውን ሕማም ወይ እውን ስራሓት ናይ ሓደ አባል ተቋጻጸሪ ንምፍጻም ብዘዩኸእሎ ቅቡል ምኸንያት ካብ አባልነት እንተተኣልዩ።

ዓንቀጽ 10፡ ኣኼባታት ተቋጻጸሪ

1. ተቋጻጸሪ ስሩዕ ርብዒ ዓመታዊ ኣኼባታት የካይድ።
2. ብጠለብ ናይ ዝበዝሑ ኣባላት ወይ ኣቦ መንበር ፍሉይ ኣኼባ ምክያድ ይከኣል።
3. ምልኣተ ጉባኤ ናይ ኣኼባ ተቋጻጸሪ ሱታፌ ናይ ዝበዝሑ ኣባላት ይሓትት።
4. ኣብ ኣኼባታት ተቋጻጸሪ ዝቐረቡ ጉዳያት ብብዝሒ ድምጺ ናይ ተሳተፍትን ኣድመጽትን ኣኼባ 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 ምንጭ ናብ ተቋሙ ዚኣቱ ገንዘብ።

2. ፋይናንስያዊ ዓመት ተቋሙን ከም ናይ መንግስቲ ይኸውን።

3. መዛግብቲ ሕሳብን ኩሎም ፋይናንስያዊ ጉዳያትን ናይ ተቋሙን ብጠቕላሊ ኣዲተር ወይ እሱ ብዚምዘዞ ኣዲተር ይምርመር።

ምዕራፍ ሰለስተ

ተደለይቲ ነገራትን ኩነትን ንፍቓድ ስራሓት ኤለክትራኒቲ

ዓንቀጽ 12: ተደለይቲ ንፍቓድ

1. ዝኹን ሰብ ካብ ሚኒስትሪ ፍቓድ እንተዘይብሉ፡ ንንግዳዊ ዕላማ ኤለክትራኒቲ ከመንጭ፡ ከመሓላልፍ፡ ኪዕድል ወይ መደበራት መመንጭዊ ኤለክትራኒቲ ኪተክል/ኪሃንጽ፡ ኪውንን ወይ ከካይድ ኣይክእልን።

2. ፋይናንስያዊን ተክኒካዊን ዓቕሚ ቅድመ ኩነት ንምሃብ ፍቓድ ምክያድ ስራሓት ኤለትራኒቲ ይኹኑ።

ዓንቀጽ 13: ምድስካልን ምስሓብን/ምስራዝን ፍቓድ

1. ሚኒስትር ናይ ተቋሙን ኣበሬታ ምስ ረኽበን ነቲ ጉዳይ ንምጽራይ ንበዓል ፍቓድ ምስ ሰምዐን፡ በዓል ፍቓድ ብድንጋገታት ናይዚ ኣዋጅ ተቐዮዱ ይሰርሕ ከምዘዩሉ ሚኒስትር እንተደኣ ኣረጋጊጹ፡ ብመሰረት እዚ ኣዋጅ ዝተዋህበ ፍቓድ ኪድስክል ወይ ኪስሓብ ይከኣል።

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

ግንቀጽ 14: ግብ-አት ናይ በዓል ፍቓድ

በዓል ፍቓድ እዞም ዚስዕቡ ግብ-አት ይህልዎ:-

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

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

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

መ. ካብ ስራሓቱን ተዛመድቲ ንጥፈታትን ኪስዕቡ ካብ ዚኸእሉ ሓደጋታት ናይ ህዝብን አከባብን ድሕነት ንምክልኻል አደለይቲ ስጉምቲ ኪወሰድ፤

ሰ. ሞደል ናይቶም ምስ ዓማዊል ዚገብርም ናይ አገልግሎት ውዕላት አቕዲሙ ናይ ተቋጻጸሪ ስምምዕ ኪረኽቡሎም፤ ከምኡ'ውን፤

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

ንቀጽ 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 ኪረክቡ፤

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

መ. ስራሓት ኤለክትሪሲቲ ዚዕንቅጹ ኣግራብ ኪጽልጽል ወይ እውን ኪቆርጽ ።

ዓንቀጽ 16: ታሪፍ ኤለክትሪሲቲ

- 1. ታሪፍ ኤለክትሪሲቲን ክፍሊት ተዛመድቲ ኣገልግሎታትን ብምቁጽጻር ዝተሰርዐ ይኸውን።
- 2. ታሪፍ ኤለክትሪሲቲን ክፍሊት ተዛመድቲ ኣገልግሎታትን ከምኡ'ውን ኩነት ናይ ቀረብ/ኣገልግሎት ኤለክትሪሲቲ ንምውሳኝ ዚስዓቡ ኣገባባት፣ በዓል ፍቓድ ነዞም ዚሰቡን ካልኣትን ዓቕምታት ንኪድልብ ኣብ ሕሳብ ዘእትዉ ይኸኑ።

ሀ. ጥዑይ ፋይናንስያዊ ኩነታቱ ኪዕቅብ፤

ለ. ርእሰግል ወፍሪ ኪሰሙብ ኪኸእል፤

ሐ. ስሉጥ ስራሕ ከካይድ ኪኸእል፤

መ. ስርሑ ምቕጻልን ከም ኣድላይነቱ ምስፋሕን ኪኸእል፤

ሰ. ንኣውራርቲ ዓስቢ ናይ ዝኣተዉዎ ሓደጋ ምውፋር ርእሰግል ብሙሉኡ 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 ይምዘገብ።

4. ዝኸኑን በዓል ፍቓድ ካብቲ ዝጸደቐ ታሪፍ ዚሳይድ ኣየኸፍልን።

ምዕራፍ ኣርባዕተ ውጥን ከተማን ህንጻታትን

ዓንቀጽ 17: ናይ ከተማ ውጥን

- 1. ዝኸኑን ናይ ከተማ ሓፈሻዊ ውጥን (ማስተር ፕላን) ኣቀማምጣ ስርዓተ መርበብ ኤለክትሪሲቲ ይኸልልን የመልክትን።

2. በዓል ፍቃድ መስመራት ኤለክትሪኪቲ ኪዠርግሕ እንከሎ በቲ ናይ ከተማ ሓፈሻዊ ዉጥን ይቕየድ።

3. ኣብ ሓፈሻዊ ዉጥን ከተማ ዚግበር ዝኹን ይኹን ለውጢ ወይ ምምሕያኽ፡ ቅድሚኒ እቲ ለውጢ ዝተተኸሉ (ዝተሃንጹ) ኤለክትሪካዊ ትካላት ንምግግዝ ዘገድድ እንተኩይኒ፡ ኣብቲ ሓፈሻዊ ዉጥን ከተማ ከምዚ ዝኣመሰለ ለውጢ ዘስዓበ ወይ ዘፍቀደ ኣካል፡ ንኩሉ ብሰሪጎቲ ለውጢ ዚስዕብ ክሳራ ነቲ በዓል ፍቃድ የሕውዮ።

ዓንቀጽ 18፡ ቅርጽታትን ስራሓት ህንጻን

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

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

3. ምህናጽ ሓድሽ ኤለክትሪካዊ ትካል ኣቐዲሞም ኣብ ዝጸንሑ ህሉዋት ህንጻታት ለውጢ ንምግባር ዘገድድ እንተኩይኒ፡ በዓል ፍቃድ ንዋናጎቲ ህንጻ ናይቲ ሳዕቤን ዋጋ ይኸሕስ።

ምዕራፍ ሓመሽተ

ሓፈሻዊ ድንጋጎታት

ዓንቀጽ 19፡ ዕዳን ካሕሳን ናይ ጉድኣት

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

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

1. ዝተፈላለዩ ሾልተጅ ዘለዎም መስመራት መመሓላለፍን (ትራንስሚሽንን) ዕድላን ኢለክትሪሲቲ ሃገራዊ መርበብ ኪኹኑ ሚኒስትር ብሕጋዊ ምልክታ ኪውሰን ይኸኛል።

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

ዓንቀጽ 21: ተክኒካዊ ድሕነት

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

2. አድላዬ ኩይኑ እንተ ረኺቡዎ: ሚኒስትር ነም ናይ ተክኒክን ድሕነትን ሕጋዊ ከመሓይሽ ይኸኛል።

ዓንቀጽ 22: መመወሊ መእተዊ ኢለክትሪሲቲ ናብ ገጠር

1. ሚኒስትር ካብ 1% ዋጋ ናይ ኩሎ ዚሸይጥ ኢለክትሪሲቲ ዘይበዘሕ ስልጲት: ብውሽጣዊ መምርሒ ወሲኑ ብምእካብ: ሳንዱቕ ምወላ መእተዊ ኢለክትሪሲቲ ናብ ገጠር ከቐውም ይኸኛል።

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

3. ሳንዱቕ ምወላ ምእታው ኢለክትሪሲቲ 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 ይኸኛል።

4. መመወሊ ምእታው ኢለክትሪሲቲ ዚእከብ ገንዘብ ብሚኒስትሪ ይመሓደርን: ብግሉጽን ፍትሓውን መምዘኒታት ይወጽእን: ጸብጻብን ምቁጽጸርን ይግበሮን።

ዓንቀጽ 23: እግባይ

አብ ትሕቲ ድንጋገታት ናይዚ አዋጅ ብዝተወሰደ ናይ ተቋጻጸሪ ኩነት ሚኒስተር ውሳኔ ዝተገለጸ ሰብ፡ አብ ውሽጢ 30 መዓልታት ካብ ዕለት ናይቲ ውሳኔ ናብ ላዕለዎይ ቤት ፍርዲ እግባይ ኪብል ይኸእል፤ ናይ ላዕለዎይ ቤት ፍርዲ ውሳኔ ከአ ናይ መወዳእታ ይኸውን።

ዓንቀጽ 24: መሰጋገሪ ድንጋገታት

አገልግሎት ኤክትሪቢቲ ዚህብ ትካል፡ ቅድሚ እዚ አዋጅ ምወጻኡ 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

ሚኒስተር ነዚ አዋጅ ንምትግባር ዘድልዮ ሕጋጋት ምውጻእ ይኸእል።

ዓንቀጽ 26: ተፈጻምነት አዋጅ

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

አስመራ 7 ግንቦት፣ 2004 መንግስቲ ኤርትራ

አዋጅ ምስረታ ኮርፖሬሽን ኤለክትራሲቲ ኤርትራ

ክፍሉ ሓደ

ምስረታ

ዓንቀጽ 1: ሓጺር አርእስቲ

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

ዓንቀጽ 2: ምስረታ

ኮርፖሬሽን ኤለክትራሲቲ ኤርትራ፡ ካብዚ ንደጋጋሚ ኮርፖሬሽን እናተባህለ ኣብዚ አዋጅ ዚጥቀስ፡ ሕጋዊ ሰብነት ዝለበሰ ኣካል ከይኑ በዚ አዋጅ ተመስሪቲ ኣሎ።

ዓንቀጽ 3: ማእከላይ ቤት ጽሕፈት

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

ክፍሉ ክልተ

ዕለማ: ስልጣንን ሓላፍነታትን

ዓንቀጽ 4: ዕለማ

ዕለማ ኮርፖሬሽን ንምሕበረ ቊጠባዊ ልምዓት ኤርትራ ንምብርካትን ምድንፋዕን ስሉጥ፡ ዙተአማምን፡ ብዋጋ ዘዋጽእን ንኣክባብያዊ ድሕነት ደማ ዘይጸባእ ኣገባብ ብምዝውታር ኤለክትራሲቲ ምምንጫወ፡ ምምሕልላፍ፡ ምዕዳልን፡ ንዝዘበ ምሻጥን ይኸውን።

ዓንቀጽ 5: ስልጣን

1. ኮርፖረሽን አብ ኤርትራ ኤለክትሪቲ ከፍሪ፡ ከመሓላልፍ ኪዕድልን ኪሸይጥን፡ አብዚ መዳይ'ዚ ህገባዊ አገልግሎት ንምምዕባል ሓላፍነት ኪስከምን ብሕጊ ተመዘዙ አሎ።

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

ሀ. ብስሙ ኪኸሰስን ኪኸሰስን፤

ለ. ዘዋጽእን ርትዓውን ዋጋ ኤለክትሪቲን ተዛመድቲ አገልግሎታትን ኪትግብርን ከዘውትርን፤

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

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

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

ረ. ንዝተመዘዘሉ ሓላፍነትን ዕላማን አድለይቲ ዘበሉ ግቡአትን ሕጋውን ንጥፊታት ከካይድ።

ዓንቀጽ 6: ሓላፍነታት

ናይ ኮርፖረሽን ሓላፍነታት አብ ርእሲ ካልእ ሓላፍነታት ንዘም ዚስዕቡ የጠቓልሉ፡-

ሀ. አብ አገልግሎት ኤለክትሪቲ ቅቡላትን ዝውቱራትን ዝኹኑ አገባባት ብምኸታል ስራሓቱ ከካይድ፤

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

ሐ. ቀረብ ኤለክትሪቲ ስሩዕን ስሉጥን ዘተአማምንን ምዃኑ ከረጋግጽ፤

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

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

ክፍሊ ሰለስተ

ኣቃዉማ ኮርፖረሽን

ዓንቀጽ 7: ኣካላት

1. ኮርፖረሽን እዞም ዚስዕቡ ኣካላት ይህልዉዎ:

ሀ. ናይ ዳይሬክተራት ቦርድ(ቦርድ)፣

ለ. ጠቕላሊ ኣካያዲ ስራሕ፣ ከምኡ'ውን

ሐ. ኣድለይቲ ሰራሕተኛታት (ስታፍ)።

2. ሞያዊ ተራ ናይ ግዳማዊ ኦዲተራት ኣብ ምክያድን ኣሰራርሓን
ኮርፖረሽን ኣገዳሲ ረቕሒ ይኸውን።

ዓንቀጽ 8: ኣቃዉማ ቦርድ

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

2. ቦርድ ብፕረሲደንት ሃገረ ኤርትራ ዚምዘዝ ኣቦ መንበር
ይህልዎ።

3. ጠቕላሊ ኣካያዲ ስራሕ ኮርፖረሽን ብፕረሲደንት ሃገረ
ኤርትራ ዚምዘዝ ኮይኑ፣ ኣብ ቦርድ ድምጺ ዘይበሉ
ኣባልነት ይህልዎ።

4. ቦርድ ናይ ገዛእ ርእሱ ጸሓፊ ይምዘዝ።

ዓንቀጽ 9፡ ግብአትን ሐላፍነታትን ቦርድ

1. ቦርድ አብ ጉዳይት ምምሕዳርን ምክያድ ንጥፈታትን ኮርፖራሽን ምሉእን ናይ መወዳእታን ሐላፍነት በዚ አዋጅ

ጥቅም ምዃታዊ ኣሎ።

2. ቦርድ አቅዲሙ ብዝተደንገገ ከይተሓጸረ ከምዚ ዚስዕብ ሐላፍነት ወን ይህልዎ፡-

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

ለ. ታሪፍ ኤለክትሪሲትን ዋጋ ተዛመድቲ አገልግሎታትን 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 ከምዚቐርብ ከረጋግጽ፤

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

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

ዓንቀጽ 10፡ ዕድመ መዝነት ቦርድ

1. ንኡስ ዓንቀጽ (2) ናይዚ ዓንቀጽ'ዚ ዝተሓለወ ኩይኑ ሓደ አባል ቦርድ ካብ 5 ዓመት ንዘይነውሕ ግዜ ይምዘዝ፤ ግዜ መዝነቱ ምስ ተወደአ ከአ አባል ቦርድ ከም ብሓድሽ ኪምዘዝ ይከአል።

2. ብመሰረት'ዚ አዋጅ ቀዳማይ ቦርድ ኪምስረት እንከሎ፡ ሰለስተ ካብ አባላቱ ንሓሙሽተ ዓመት፡ እቶም ክልተ ከአ ንሰለስተ ዓመት ይምዘዙ'ሞ፡ ካብኡ ንደሓር ምምዛዝ ናይ አባላት ቦርድ ኩሉሻዕ ንሓሙሽተ ዓመት ይኸውን።

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

ዓንቀጽ 11፡ ምውጻእን ምትካእን ኣባል ቦርድ

ናይ ሓደ ኣባል ቦርድ ኣባልነት ኣብ ከምዞም ዚሰዕቡ ኩነታት የቋርጹ፡-

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

ለ. ንኣቦ መንበር ቦርድ ብጽሑፍ ብምሕባር መዝነቱ እንተኣውሪዱ ወይ ብኣካላውን ኣእምሮኣውን ሕግም ወይ ብካልእ ቅቡል ምኽንያት ናይ ቦርድ ስራሓቱ ንምፍጻም ዓቕሚ ብምስኣኑ ካብ ቦርድ እንተወዲኡ ወይ እንተተኣልዩ።

ዓንቀጽ 12፡ ኣኼባታት

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

ሀ. ስራሕን ናይ ኮርፖራሽን ውጽኢትን፤

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

ሐ. እማመ ዓመታዊ ባጀትን መደባት ስራሕን፤ ከምኡ'ውን መ. ታሪፍ ኤለክትሪሲትን ዋጋ ተዛመድቲ ኣገልግሎታትን።

2. ቦርድ ስራሕ ርብዒ ዓመታዊ ኣኼባታት'ውን የካይድ፤ ኣድላዩ ኮይኑ እንተረኺቡዎ ከኣ ብኣቦ መንበር ግዜኡን ቦታኡን ዚውሰን ካልእ ኣኼባ ከካይድ ይኸእል።

3. ምልአተ ጉባኤ ናይ ዝበገሐ ኣባላት ሱታፊ ይሓትት። ብድምጺ ዚውሰን ጉዳይ ኪህሉ እንከሎ ብብገሐ 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 ንጥፊታትን ኮርፖረሽን ንኣካያዲ ስራሕ ዝተሞህበ መዚ ኢዩ።

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

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

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

ለ. ብስም ኮርፖረሽን ኣብ ባንክ ብናቕፋ ወይ ብናይ ወጻኢ ባጤራ ሕሳባት ኪኸፍትን ከካይዶምን፣ ቸካት መአዘዚታት ክፍሊት መሐወሊታት መወከሊታትን ከምኡ'ውን ካልኣት ምስ ንጥፊታት ኮርፖረሽን ዝዛመዱ ሰነዳት፣ እንከላይ ናይ ባንክ ደብዳቤ ዕዳ ከውጽእ፣ ከመሓላልፍን ኪፍርምን፣

ሐ. ንኣገልግሎት፣ ዕድገን ሸመተን እታውን ዝዛመዱ ዉዕላት ወይ ትውጊታት ብስም ኮርፖረሽን ኪፍርምን ኪትግ



ብርን። ካብ ኤርትራ ኩነ ወጻኢ ናይ ባንክታት ወይ ካልኣት ፋይናንስያዊ ትካላትን መንግስታትን ልቓሕን ህያብን ከናዲ፣ ውዕላት ኪፍርምን ኪትግብርን፣ ኣብ ከምዚኣም ዝኣመሰሉ ጉዳያት ኣቐዲሙ ብጽሑፍ ዝተገልጸ ፍቓድ ናይ ቦርድ ስምምዕን ፍቓድን ቅድመ ኩነት ይኸውን።

መ. ከከም ኣድላይነቱ ስራሕተኛታት ኪቐጽርን ከሰናብትን፣ ስ. መምርሒታት ኣወዳድባ ስራሕን ምምሕዳርን ኮርፖረሽን ኪኸልስ።

ረ. ውሳኔታት ወይ መምርሒታት ናይ ቦርድ ኪትግብርን ኪስዕብን።

ሸ. ብመሰረት ንኣላፍነቶም ዝተወሰነ ናይ ብርኪ ማሕበራት ዚምልከት ድንጋገታት ሕጊ ንግዲ ኤርትራ፣ ከምኡ'ውን ኣብ ኢዱስትሪ ኤለክትሪሲቲ ልሙዳትን ዝውቱራትን ብዝኹኑ ኣገባባት ኮርፖረሽን ሕሳባት፣ ሰነዳት፣ መዛግብትን እዋናዊ ዝርዝር ንብረትን ኪሕዝ ወይ ከምዚተሓዝ ኪገብር።

ቀ. ብዛዕባ ንጥፈታት ኮርፖረሽን ዝርዝር ርብዒ ዓመታዊ፣ ኣጠቓላሊ ዓመታዊን ጸብጻባት ናይ ነፍስ ወከፍ ፋይናንስያዊ ዓመት ከዳሉን ንቦርድ ከቐርብን፣ ከምኡ'ውን

ቆ. ካብ ስራሕ ከብኩር እንከሎ ወይ እንተሓሚሙ ንኣዲ ካብ ኣባላት ላዕሊዎት ሓለፍቲ ኪውክል።

ክፍሊ ኣርባዕተ

ፋይናንስ

ዓንቀጽ 14፡ ምንጪ ኣታዊታት ኮርፖረሽን

ምንጪ ኣታዊታት ኮርፖረሽን እዞም ዚስዕቡ ይኾኑ፡

ሀ. መሸጣ ኤለክትሪሲቲ፣ ተዛመድቲ ኣገልግሎታት ወይ ንብረት ኮርፖረሽን ፣



ሌ. ካብ ዝኾነ ምንጩ ዚርከብ ወራዶ ወይ ህያብ፡ ከምኡ'ውን ኩሎይ ናይ መንግስቲ ስልጣት።

ዓንቀጽ 15፡ ፋይናንስያዊ ዓመት ባጀት

ናይ ኮርፖራሽን ፋይናንስያዊ ዓመት ባጀት ከም ናይ መንግስቲ ይኸውን።

ዓንቀጽ 16፡ ናይ ግዳም አዲተራት

1. ናይ ግዳም አዲተራት ብቦርድ ይምዘቡ፡ ዋጋ አገልግሎቶም ከአ ብኡ ይወሰን።

2. ናይ ግዳም አዲተራት መዛግብቲ ሕሳብን ሰነዳትን ከምኡ'ውን ዋጊናዊ ስራሕ ናይ ኮርፖራሽን ይምርምሩ፡ ወረቓቕቲ ሚዛን ሕሳብ፡ ሕሳባት መኸሰብን ክሳራን፡ መዛግብቲ ንብረት ከምኡ'ውን ካልኣት ናይ ኮርፖራሽን ሰነዳት ቅድዳትን ልክዕን ምዃናም ያራት፡ ብዛዕባ ፋይናንስያዊ ኩነታት ኮርፖራሽን ገምጋሞም ብምርግጋጽ፡ ለበዋ እንተለዎም ምስ ወጽኢት መርመራኦም ዘጠቓለለ ጸብጸብ ናብ ቦርድ ያቕርቡ።

3. ቅዳሕ ጸብጸብ አዲተራት ናብ ሚኒስትሪ ጸዓትን ማዕድንን ከምኡ'ውን ናብ ቤት ጽሕፈት ጠቕላሊ አዲተርን ይቕርቡ።

ክፍሊ ሓሙሽተ

እተፈለለዩ ድንጋጌታት

ዓንቀጽ 17፡ ምምሕልላና ንብረትን ዕዳን

ኩሉ ናይ በዓል መዚ ኤለክትሪክ ኤርትራ ንብረትን ዕዳን ብመሰረት እዚ አዋጅ ናብዚ ኮርፖራሽን ተመሓላፊ ኣሎ።

ግንቀጽ 18፡ በዚ አዋጅ ዘይተሸፈኑ ጉዳያት

ብድንጋገታት ናይዚ አዋጅ'ዚ ዘይተሸፈኑ ጉዳያት፡ ኣብ ንግዲ ሕጊ ኤርትራ ብዘሎ-ው ንናይ ንርኪ ማሕበራት ዚምልከቱ ድንጋጌታት ይግዛእ።

ግንቀጽ 19፡ ኣብ ግብሪ ዚውዕለሉ

እዚ አዋጅ'ዚ ኣብ ጋዜጣ አዋጅት ኤርትራ ተሓቲሙ ካብ ዝወጸሉ ዕለት ጀሚሩ ኣብ ግብሪ ይውዕል።

አስመራ 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 7th 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



any other person and or body in the interest of the
Energy and Mines and Office of the Auditor General of the
Corporation;

(r) prepare and submit to the Board detailed quarterly interim
reports as well as a comprehensive annual reports relevant to
or in any foreign currency and to one state and to draw,

Part V
each fiscal year on the activities of the Corporation; and

(i) designate a person at the level to act on his
behalf in case of his absence; and

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 7th day of may 2004

The Government of Eritrea.