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**ጋዜጣ አዋጅት ኤርትራ
ብመንግስቲ ኤርትራ ዝሕተፎ**

ቅጹ 13/2004 ቁ.5 አስመራ 7 ግንቦት 2004

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**አዋጅ ቁጽሪ 141/2004
አዋጅ ኤለክትሪሲቲ**

**አዋጅ ቁጽሪ 142/2004
አዋጅ ምስረታ ኮርፖሬሽን ኤለክትሪሲቲ ኤርትራ**

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**PROCLAMATION NO 141/2004
ELECTRICITY PROCLAMATION**

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ESTABLISHMENT PROCLAMATION.**

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. "ኤለክትሮኒክስ 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 ድንጋጎታት 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 ብዘውጽእም ሓፊሻዊ መርሓ ሕንጻጻት መሰረት ታሪፍ ኤለክትሪሲቲን ካልኣት ክፍሊታት ናይ ተዛመድቲ አገልግሎታትን ከጽንዕን ኪኸልስን 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 ብምምርኳስ ዝወጹ ሕጋጋትን ኪስራዕ ብዛዕባ ዚግባእ ዝኹነ ጉዳይ ዚቐርቡ ቅሬታታት/ጥርጉፍ ኪምርምርን ብዛዕባኦም ኪውስንን፤

ሸ. ባዕሉ ወይ ጥርጉን 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 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 መዘነት

1. ሓደ አባል ተቋጻጸሪ ንሓሙሽተ ዓመት ይምዘዝ።
2. ግዜኡ ዘእከለ አባል ተቋጻጸሪ እንደገና ምምዘዙ 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፡ ምወጻእ 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 መዘነቱ 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 ብብዝሑ 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 ምንጫ ናብ ተቋሙን 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 ከምዘየለ ሚኒስትር እንተደኣ 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።

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 ተቋሕሪ 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 ኤለክትሪሲትን ክፍሊት ተዛመድቲ ኣገልግሎታትን ብምቁጽጻር ዝተሰርዐ ይኸውን።

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

ሀ. ጥዑይ ፋይናንስያዊ ኩነታቱ ኪዕቅብ፤

ለ. ርእሰግል ወፍሪ ኪሰጹብ 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
ዉጥን ከተማን ህንጻታትን

ዓንቀጽ 17፡ ናይ ከተማ ዉጥን

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

2. በዓል ፍቃድ መስመራት ኤለክትሪኪቲ ኪዝርግሕ 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 ንጥፊት 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 ኪኸውን ሚኒስትር ብሕጋዊ ምልክታ ኪውሰን ይኸእል።

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

ዓንቀጽ 21: ተክኒካዊ ድሕነት

1. ኩሎም ኢለክትሪካዊ ትካላትን ስራሕትን ብመሰረት ሚኒስትር ዘውጽዎ ናይ ተክኒክን ድሕነትን ሕጋዊ ይካዩዱ።

2. አድላዬ ኩይኒ እንተ ረኺቡዎ: ሚኒስትር ነም ናይ ተክኒክን ድሕነትን ሕጋዊ ከመሓይሽ ይኸእል።

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 ይኸእል።

2. ብከምዚ ኣገባብ ኣብዚ ሳንዱቕ ዚእከብ ገንዘብ ናብ ገጠርን: ንበዓል ፍቓድ ብቁጠባ ከምዘዋጽዎ 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 ይኸእል።

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 ሚኒስትር ውሳኔ ዝተገለጸ ሰብ፡ አብ ውሽጢ 30

መዓልታት ካብ ዕለት ናይቲ ውሳኔ ናብ ላዕለዎይ ቤት ፍርዲ እግባይ ኪብል ይኸእል፤ ናይ ላዕለዎይ ቤት ፍርዲ ውሳኔ ከአ

ዓንቀጽ 24: መሰጋገሪ ድንጋገታት

አገልግሎት ኤክትሪቢቲ 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 ይኸእል።

ዓንቀጽ 26: ተፈጻምነት አዋጅ

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

አስመራ 7 ግንቦት፣ 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