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አዋጅ ምስረታ ኮርፖረሽን ኤለክትሪሲቲ ኤርትራ

ክፍሊ ሓደ

ምስረታ

ዓንቀጽ 1፡ ሓጺር ኣርእስቲ

እዚ ኣዋጅ'ዚ "ኮርፖረሽን ኤለክትሪሲቲ ኤርትራ ንምምስራት ዝወጸ ኣዋጅ ቁ 142/2004"ተባሂሉ ኪጥቀስ ይከኣል።

ዓንቀጽ 2፡ ምስረታ

ኮርፖረሽን ኤለክትሪሲቲ ኤርትራ፡ ካብዚ ንደሓር ኮርፖረሽን እናተባህለ ኣብዚ ኣዋጅ ዚጥቀስ፡ ሕጋዊ ሰብነት ዝለበሰ ኣካል ኰይኑ በዚ ኣዋጅ ተመስሪቱ ኣሎ።

ዓንቀጽ 3፡ ማእከላይ ቤት ጽሕፈት

ኮርፖርሽን ኣብ ኣስመራ ማእከላይ ቤት ጽሕፈት ይህልዎ፡ ኣድላዪ ከም ዝመሰሎ ድማ ጨናፍር ኣብያተ ጽሕፈት ኣብ ኤርትራ ኪኸፍት ይኽእል።

ክፍሊ ክልተ

ዕላማ፡ ስልጣንን ሓላፍነታትን

ዓንቀጽ 4፡ ዕላማ

ዕላማ ኮርፖርሽን ንማሕበረ ቍጠባዊ ልምዓት ኤርትራ ንምብርካትን ምድንፋዕን ስሉጥ፡ ዘተኣማምን፡ ብዋጋ ዘዋጽእን ንኣከባብያዊ ድሕነት ድማ ዘይጸባእ ኣገባብ ብምዝውታር ኤለክትሪሲቲ ምምንጫው፡ ምምሕልላፍ፡ ምዕዳልን፡ ንህዝቢ ምሻጥን ይኸውን።

ዓንቀጽ 5፡ ስልጣን

1· ኮርፖረሽን ኣብ ኤርትራ ኤለክትሪሲቲ ከፍሪ፡ ከመሓላልፍ ኪዕድልን ኪሸይጥን፡ ኣብዚ መዳይ'ዚ ህዝባዊ ኣገልግሎት ንምምዕባል ሓላፍነት ኪስከምን ብሕጊ ተመዚዙ ኣሎ።

2· ንዝተወሰኑ ዕላማን ሓላፍነትን ብኣድማዕነት ኪፍጽምን ከተግብርን ኮርፖርሽን እዚ ዚስዕብ ስልጣን ይህልዎ፡-

ሀ· ብስሙ ኪኸስስን ኪኽሰስን፣

ለ· ዘዋጽእን ርትዓውን ዋጋ ኤለክትሪሲትን ተዛመድቲ ኣገልግሎታትን ኪትግብርን ከዘውትርን፣

ሐ· ኣብ ኤርትራ ኰነ ኣብ ካልእ ብስሙ ናይ ባንክ ሕሳባት ኪኸፍት፡ ኪሕዝ፣ ገንዘብ ከቐምጥን ከውጽእን፣

መ· ንቀጻልነት ግቡእ ንጥፈታቱ ዘድልዩ መሳርሒታት፡ ማሺነሪታትን ተዛመድቲ መቀያየሪ ኣቑሑን ኣገልግ ሎታትን ኪዕድግን ካብ ወጻኢ ከእቱን፣ ፣

ሰ· ኣብ ውሽጢ ኤርትራ ኰነ ኣብ ወጻኢ ካብ ፋይናንስያዊ ትካላትን መንግስትን ናይ ልምዓት ገንዘብን ህያብን ልቓሕን ፋይናንስያዊ መሳለጢያታትን ኪረክብን ኪጥቀመሎምን፣ ከምኡ'ውን

ረ· ንዝተመዘዘሉ ሓላፍነትን ዕላማን ኣድለይቲ ዝበሉ ግቡኣትን ሕጋውን ንጥፈታት ከካይድ።

ዓንቀጽ 6፡ ሓላፍነታት

ናይ ኮርፖርሽን ሓላፍነታት ኣብ ርእሲ ካልእ ሓላፍነታት ነዞም ዚስዕቡ የጠቓልሉ፡-

ሀ· ኣብ ኣገልግሎት ኤለክትሪሲቲ ቅቡላትን ዝውቱራትን ዝኾኑ ኣገባባት ብምኽታል ስራሓቱ ከካይድ፣

ለ· ናይ ኤለክትሪሲቲ መመንጨዊ መደበራት፡ ናይ ምምሕልላፍን ዕደላን መስመራትን ተዛመድቲ መሳለጢያታትን ኪሃንጽ፡ ኪጽግን፡ ከመሓድር፡ ከካይድ፡ ከሰፍሕን ከማዕብልን፣

ሐ· ቀረብ ኤለክትሪሲቲ ስሩዕን ስሉጥን ዘተኣማምንን ምዃኑ ከረጋግጽ፣

መ· ካብ ስራሓቱን ምስኣም ዝተባመዱ ንጥፈታትን ኪስዕቡ ካብ ዚኽእሉ ሓደጋታት ንህዝብን ኣከባብን ንምክልኻል ኣድለይቲ ስጉምቲ ኪወስድ፣ ከምኡ'ውን

ሰ· ንቀጻልነት ንጥፈታት ዘድሊ ባጀትን ፋይናንስያዊ ጠለባትን ንምሽፋን ከምዚኽእል ከረጋግጽ።

ክፍሊ ሰለስተ

ኣቃውማ ኮርፖረሽን

ዓንቀጽ 7፡ ኣካላት

1· ኮርፖረሽን እዞም ዚስዕቡ ኣካላት ይህልዉዎ፡

ሀ· ናይ ዳይረክተራት ቦርድ(ቦርድ)፣

ለ· ጠቕላሊ ኣካያዲ ስራሕ፣ ከምኡ'ውን

ሐ· ኣድለይቲ ሰራሕተኛታት (ስታፍ)።

2· ሞያዊ ተራ ናይ ግዳማዊ ኦዲተራት ኣብ ምክያድን ኣሰራርሓን ኮርፖረሽን ኣገዳሲ ረቋሒ ይኸውን።

ዓንቀጽ 8፡ ኣቃውማ ቦርድ

1· ቦርድ ፕረሲደንት ሃገረ ኤርትራ ብዚምዝዞም እንትወሓዱ ሓሙሽተ ኣባላት ይቐውም።

2· ቦርድ ብፕረሲደንት ሃገረ ኤርትራ ዚምዘዝ ኣቦ መንበር ይህልዎ።

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

4· ቦርድ ናይ ገዛእ ርእሱ ጸሓፊ ይምዝዝ።

ዓንቀጽ 9፡ ግቡኣትን ሓላፍነታትን ቦርድ

1· ቦርድ ኣብ ጉዳያት ምምሕዳርን ምክያድ ንጥፈታትን ኮርፖረሽን ምሉእን ናይ መወዳእታን ሓላፍነት በዚ ኣዋጅ ተዋሂቡ ኣሎ።

2· ቦርድ ኣቐዲሙ ብዝተደንገገ ከይተሓጽረ ከምዚ ዚስዕብ ሓላፍነት'ውን ይህልዎ፡-

ሀ· ናይ ሓጺርን ነዊሕን እዋን ናይ ልምዓት መደባት ስራሕ ኪሕንጽጽ፣ ክውንነታውን ውጽኢታውን ሰሌዳ ትግባረ ዕላማታት ኮርፖረሽን ክውጽእ፣

ለ· ታሪፍ ኤለክትሪሲትን ዋጋ ተዛመድቲ ኣገልግሎታትን ብዚምልከቶ በዓል ስልጣን ንምጽዳቕ ኪእምም፣

ሐ· ምስ ድንጋገታት ናይ'ዚ ኣዋጅ ዚቃደው ውሽጣዊ ሕጋጋትን መምርሒታትን ከወጽእን ኪትግብርን፣

መ· ናይ ነፍስ ወከፍ ፋይናንስያዊ ዓመት እማመ ባጀት መካየዲ ስራሕን ባጀት ፕሮጀክትታትን ጸብጻባትን ንርእይቶን ምጽዳቕን ብኣካየዲ ስራሕ ከምዚቐርብ ከረጋግጽ ፣

ሰ· ስሩዕ ርብዒ ዓመታዊ ክለሳን ገምጋምን ንጥፈታት፡ ውጽኢት ስራሕን ናይ ኮርፖረሽን ኪገብር፡ ካብኡ ተበጊሱ ድማ ዚግባእ ኪውስንን፣

ረ· ኣብ ኩሉ መዳይ ስራሕ ቀጻልነትን ዓቕምን ኮርፖረሽን ከረጋግጽን ኪዕቅብን።

ዓንቀጽ 10፡ ዕድመ መዝነት ቦርድ

1· ንኡስ ዓንቀጽ (2) ናይዚ ዓንቀጽ'ዚ ዝተሓለወ ኩይኑ ሓደ ኣባል ቦርድ ካብ 5 ዓመት ንዘይነውሕ ግዜ ይምዘዝ፣ ግዜ መዝነቱ ምስ ተወደአ ከኣ ኣባል ቦርድ ክም ብሓድሽ ኪምዘዝ ይከኣል።

2· ብመሰረት'ዚ ኣዋጅ ቀዳማይ ቦርድ ኪምስረት እንከሎ፡ ሰለስተ ካብ ኣባላቱ ንሓሙሽተ ዓመት፡ እቶም ክልተ ከኣ ንሰለስተ ዓመት ይምዘዙ'ሞ፣ ካብኡ ንደሓር ምምዛዝ ናይ ኣባላት ቦርድ ኩሉሻዕ ንሓሙሽተ ዓመት ይኸውን።

3· ንኡሳን ዓናቅጽ (2)ን (3)ን ናይዚ ዓንቀጽ ዝተሓለወ ኰይኖም፡ ሓደ ኣባል ናይ መገዝነት 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 ዚስዕቡ ኩነታት የቋርጽ፡-

ሀ· ብዘይ ፍቓድ ኣቦ መንበር ካብ 5 ተኸታተልቲ ናይ ቦርድ ኣኼባታት እንተበኺሩ፣

ለ· ንኣቦ መንበር ቦርድ ብጽሑፍ ብምሕባር መገዝነቱ እንተኣውሪዱ ወይ ብኣካላውን ኣእምሮኣውን ሕማም ወይ ብካልእ ቅቡል ምኽንያት ናይ ቦርድ ስራሓቱ ንምፍጻም ዓቕሚ ብምስኣኑ ካብ ቦርድ እንተወጺኡ ወይ እንተተኣልዩ።

ዓንቀጽ 12፡ ኣኼባታት

1· ኣብ ውሽጢ 4 ኣዋርሕ ድሕሪ ምዕጻው ናይ ነፍስ-ወከፍ ፋይናንስያዊ ዓመት ኣካያዲ ስራሕ ብዛዕባ እዞም ዚስዕቡ ጉዳያት ዘቕርቦ 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

መ· ታሪፍ ኤለክትሪሲትን ዋጋ ተዛመድቲ ኣገልግሎታትን።

2· ቦርድ ስሩዕ ርብዒ ዓመታዊ ኣኺባታት'ውን የካይድ፣ ኣድላዪ ኮይኑ እንተረኺቡዎ ከኣ ብኣቦ መንበር ግዜኡን ቦታኡን ዚውሰን ካልእ ኣኼባ ከካይድ ይኽእል።

3· ምልኣተ ጉባኤ ናይ ዝበዝሑ ኣባላት ሱታፌ ይሓትት። ብድምጺ ዚውሰን ጉዳይ ኪህሉ እንከሎ ብብዝሒ ድምጺ ናይ ተሳተፍትን ኣድመጽትን ናይቲ ኣኼባ ይውሰን። ናይ ድምጺ ጃላነት እንተኣጋጢሙ 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 ኰይኖም ኣካያዲ ስራሕ ንኩሎም ናይ ኮርፖረሽን ጉዳያትን ንጥፈታትን የካይድ፣ ከምኡ'ውን ኣብ ክንዲ ኮርፖረሽን ምስ ሳልሳይ ወገን፡ ባህርያዊ ኩነ ሕጋዊ፡ ይዋገን ዝኾነ 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 ካልኦት ፋይናንሲያዊ ትካላትን ወይ ካልኦት ሰባት ወይ ኣካላት፡ ንረብሓን ንጥፈትትን ኮርፖረሽን ኪውክል፣

ለ· ብስም ኮርፖረሽን ኣብ ባንክ ብናቕፋ ወይ ብናይ ወጻኢ ባጤራ ሕሳባት ኪኽፍትን ከካይዶምን፣ ቸካት መእዘዚታት ክፍሊት መሐወሊታት መወከሊታትን ከምኡ'ውን ካልኦት ምስ ንጥፈታት ኮርፖረሽን ዝዛመዱ ሰነዳት፡ እንከላይ ናይ ባንክ ደብዳቤ ዕዳ ከውጽእ፡ ከመሓላልፍን ኪፍርምን፡

ሐ· ንኣገልግሎት፡ ዕድግን ሸመትን እታውን ዝዛመዱ ውዕላት ወይ ትውጊታት ብስም ኮርፖረሽን ኪፍርምን ኪትግ

ብርን፡ ካብ ኤርትራ ኩን ወጻኢ ናይ ባንክታት ወይ ካልኦት ፋይናንስያዊ ትካላትን መንግስታትን ልቓሕን ህያብን ክናዲ፣ ውዕላት ኪፍርምን ኪትግብርን፣ ኣብ ከምዚኦም ዝኣመሰሉ ጉዳያት ኣቐዲሙ ብጽሑፍ ዝተገልጸ ፍቓድ ናይ ቦርድ ስምምዕን ፍቓድን ቅድመ ኩነት ይኸውን፡

መ· ከከም ኣድላይነቱ ሰራሕተኛታት ኪቖጽርን ከሰናብትን፣

ሰ· መምርሒታት ኣወዳድባ ስራሕን ምምሕዳርን ኮርፖረሽን ኪኽልስ፣

ረ· ውሳኔታት ወይ መምርሒታት ናይ ቦርድ ኪትግብርን ኪስዕብን፣

ሸ· ብመሰረት ንሓላፍነቶም ዝተወሰነ ናይ ብርኪ ማሕበራት ዜምልከት ድንጋገታት ሕጊ ንግዲ ኤርትራ፡ ከምኡ'ውን ኣብ ኢዱስትሪ ኤለክትሪሲቲ ልሙዳትን ዝውቱራትን ብዝኾኑ ኣገባባት ኮርፖረሽን ሕሳባት፡ ሰነዳት፡ መዛግብትን እዋናዊ ዝርዝር ንብረትን ኪሕዝ ወይ ከምዚተሓዝ ኪገብር፡

ቀ· ብዛዕባ ንጥፈታት ኮርፖረሽን ዝርዝር ርብዒ ዓመታዊ፡ ኣጠቓላሊ ዓመታውን ጸብጻባት ናይ ነፍስ ወከፍ ፋይናንስያዊ ዓመት ከዳሉን ንቦርድ ከቕርብን፣ ከምኡ'ውን

ቐ· ካብ ስራሕ ከብኩር እንከሎ ወይ እንተሓሚሙ ንሓደ ካብ ኣባላት ላዕለዎት ሓለፍቲ ኪውክል።

ክፍሊ ኣርባዕተ

ፋይናንስ

ዓንቀጽ 14፡ ምንጪ ኣታዊታት ኮርፖረሽን

ምንጪ ኣታዊታት ኮርፖረሽን እዞም ዚስዕቡ ይኾኑ፡

ሀ· መሸጣ ኤለክትሪሲቲ፡ ተዛመድቲ ኣገልግሎታት ወይ ንብረት ኮርፖረሽን ፣

ለ· ካብ ዝኾነ ምንጪ ዚርከብ ወረደ ወይ ህያብ፡ ከምኡ'ውን

ሐ· ናይ መንግስቲ ስልዒት።

ዓንቀጽ 15፡ ፋይናንስያዊ ዓመት ባጀት

ናይ ኮርፖረሽን ፋይናንስያዊ ዓመት ባጀት ከም ናይ መንግስቲ ይኸውን።

ዓንቀጽ 16፡ ናይ ግዳም ኦዲተራት

1· ናይ ግዳም ኦዲተራት ብቦርድ ይሻዘዙ፡ ዋጋ ኣገልግሎቶም ከኣ ብኡ ይውሰን።

2· ናይ ግዳም ኦዲተራት መዛግብቲ ሕሳብን ሰነዳትን ከምኡ'ውን ዋኒናዊ ስራሕ ናይ ኮርፖረሽን ይምርምሩ፣ ወረቐቕቲ ሚዛን ሕሳብ፡ ሕሳባት መኽሰብን ክሳራን፡ መዛግብቲ ንብረት ከምኡ'ውን ካልኦት ናይ ኮረፖረሽን ሰነዳት ቅኑዓትን ልክዕን ምዃኖም የረጋግፁ ፡ ብዛዕባ ፋይናንስያዊ ኩነታት ኮረፖረሽን ገምጋሞም ብምርግጋጽ፡ ለበዋ እንተለዎም ምስ ውጽኢት መርመራኦም ዘጠቓለለ ጸብጻብ ናብ ቦርድ የቕርቡ።

3· ቅዳሕ ጸብጻብ ኦዲተራት ናብ ሚኒስትሪ ጸዓትን ማዕድንን ከምኡ'ውን ናብ ቤት ጽሕፈት ጠቕላሊ ኦዲተር'ን ይቕርብ።

ክፍሊ ሓሙሽተ

እተፈላለዩ ድንጋገታት

ዓንቀጽ 17፡ ምምሕልላፍ ንብረትን ዕዳን

ኩሉ ናይ በዓል መዚ ኤለክትሪክ ኤርትራ ንብረትን ዕዳን ብመሰረት እዚ ኣዋጅ ናብዚ ኮረፖረሽን ተመሓላሊፉ ኣሎ።

ዓንቀጽ 18፡ በዚ ኣዋጅ ዘይተሸፈኑ ጉዳያት

ብድንጋገታት ናይዚ ኣዋጅ'ዚ ዘይተሸፈኑ ጉዳያት፡ ኣብ ንግዲ ሕጊ ኤርትራ ብዘሎው ንናይ ብርኪ ማሕበራት ዚምልከቱ ድንጋጌታት ይግዛእ፡፡

ዓንቀጽ 19፡ ኣብ ግብሪ ዚውዕለሉ

እዚ ኣዋጅ'ዚ ኣብ ጋዜጣ ኣዋጃት ኤርትራ ተሓቲሙ ካብ ዝወጸሉ ዕለት ጀሚሩ ኣብ ግብሪ ይውዕል፡፡

ኣስመራ ግንቦት 7፡2004
መንግስቲ ኤርትራ

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.

Article16: 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 7th day of may 2004

The Government of Eritrea.