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Law No. 209 of 2017
Establishing Executive Authority for
Supervising the Construction of Nuclear Power Plants Projects for
Generating Electricity

In the name of the People,

President of the Arab Republic of Egypt,

The People's Assembly has enacted the following law and we have promulgated it:

Article 1

A public authority of a special nature having technical, financial and administrative autonomy shall be established and shall be known as the "Executive Authority for Supervising the Construction of Nuclear Power Plants Projects for Generating Electricity". It shall have a legal personality, affiliated to the Minister of Electricity and Renewable Energy, and having its headquarters in the city of Cairo. Branches or offices of this Authority may be established inside or outside Egypt by a decree from the Authority's Board of Directors.

It shall be referred hereinafter as "the Authority".

Article 2

The Authority shall have the sole responsibility of supervising projects of establishment of nuclear power plants for generating electricity, and shall, in particular, have the following responsibilities:

- a) Plan and prepare programs for supervision of implementation.
- b) Study methods of implementation, the related works and issue the necessary decisions.
- c) Supervise contractors during execution of contracted works and report to the owner any observations regarding their performance for correction and taking relevant appropriate actions.
- d) Prepare a periodic report to be presented to the Minister of Electricity and Renewable Energy, about the achievements made and the progress of work in the projects which implementation is supervised by the Authority, and submitting proposals to that end.
- e) Supervise experimental operation of the projects, document any observations impeding the handover process and submit the same to the competent minister.
- f) Preparing the projects in order to be ready for operation and deliver them to the owner.

- g) Communicate with entities related to nuclear plants projects so as to help in complying with the timing schedules to execute the projects and enhance the performance.
- h) Carrying out the expertise works, the supervision of the execution of projects that fall within the scope of work of the Authority whether locally or abroad provided that such works shall be consistent with the capacities and experiences available at the Authority or through it.
- i) Tasks assigned by Minister of Electricity and Renewable Energy that fall within the scope of the Authority's functions.

The Authority shall carry out its works in cooperation with the Authority for Nuclear Power Plants for generating electricity, and the Nuclear and Radiological Regulatory Authority as well as the other competent entities. The regulations of the Authority shall organize aspects of cooperation between the Authority and such entities.

Article 3

The resources of the Authority shall consist of:

1. Financial appropriations allocated for the Authority in the State's general budget.
2. Payments made in return for works and services performed by the Authority for third parties.
3. Loans obtained by the Authority from the State.
4. Investment yield of the Authority's funds.
5. Grants, gifts and donations provided to the Authority and approved by its Board of Directors to the extent they comply with its objectives and requirements of national security.
6. Any other resources approved by the Board of Directors.

Article 4

The Authority shall have an independent budget and its fiscal year shall start and end with that of the State. It shall have an account or more at any of the banks registered at the Central Bank of Egypt for depositing its resources therein and the surplus balance of its budget shall be carried forward from a year to the next.

Article 5

The Authority is entitled to carry out any transactions and actions that would serve the purpose for which it was established. It may directly enter into contracts with individuals, corporations, banks, domestic and foreign entities and others inside or outside Egypt in accordance with the rules set out in its bylaws and without being restricted by the provisions of any other laws.

Article 6

Within the limits of its budget, the Authority is entitled to import by itself or through a third party what it needs in respect of supplies, materials, machines, equipment, spare parts, all kinds of vehicles and means of transportation and other things necessary for its operation. This should be in accordance with rules set out in its bylaws and without being restricted by the provisions of laws or regulations governing import or foreign currency.

Article 7

Instruments, devices and materials imported by the Authority which are necessary for the supervision on the execution of projects shall be exempted from customs duties, other taxes and fees. In addition, foreign consulting offices shall be exempted from compliance with the requirements of minimum limit for dividend distribution ratios, and the maximum number of foreign employees as related to the performance of obligations arising out of their contracts concluded with the Authority to supervise the execution of nuclear power plants projects for generating electricity.

Article 8

The Authority shall have a board of directors comprising of the Chairman of the Authority and the membership of high level representatives from the following entities at least:

- The Ministry of Defense.
- The Ministry of Interior.
- The Ministry of Electricity and Renewable Energy.
- The Ministry of Finance.
- The Ministry of Planning, Monitoring and Administrative Reform.
- The Ministry of Telecommunications.
- The Ministry of the State for Military Production.
- The Ministry of Environment.
- The Competent governor.
- Nuclear Power Plants Authority for Generating Electricity.
- Nuclear and Radiological Regulatory Authority.
- Head of the competent Fatwa department at the State's Council.
- Two persons having experience in the field of the competence of the Authority.

A representative from the General Intelligence Services Authority and the Administrative Control Authority shall be invited to attend the Board meetings as observers without having a countable vote.

The Prime Minister shall issue a decree appointing members of the Board of Directors for a period of four years to be renewable based on a proposal presented by Minister of Electricity and Renewable Energy. Their remuneration shall be determined by a decree from the Prime Minister.

The Board shall continue to perform its functions until issuance of a decree for its renewal or the formation of a new board of directors.

Article 9

The Board of Directors of the Authority is the supreme body that manages its affairs and is entitled to take whatever resolutions, procedures and actions it deems necessary for the achievement of the objectives for which it has been established and within the framework of the State's national plan. It shall perform its functions in the manner set out in this Law specifically the following:

1. Setting out the general policy of the Authority.
2. Ratifying the organizational structure of the Authority.
3. Issuing the bylaws of the Authority related to the administrative, commercial, technical and financial affairs as well as other general organizational regulations without being restricted by the rules and legal systems in practice in the State's administrative apparatus.
4. Issuing the personnel regulations for the Authority's staff and organizing their personnel affairs, especially in relation to determination of their salaries, allowances, bonuses, incentives, health and social care, travel allowance and transportation expenses. This shall be done without being restricted by the rules and legal systems applied by the State's administrative apparatus including the law on the maximum number of paid staff in the State's apparatus provided that the special nature of the work of the Authority or the requirements of national security shall be taken into consideration.

The regulations referred to in Items (3) and (4) under this Article shall be promulgated by decrees issued by the Minister of Electricity and Renewable Energy. Until these regulations are promulgated, the minister shall, in agreement with competent authorities, issue decisions for secondment of staff necessary for facilitating the operation of the Authority.

5. Reviewing the periodic reports submitted in relation to the progress of work at the Authority and its financial position.
6. Organizing and arranging trainings for the necessary technical staff in order to perform the tasks assigned to them.
7. Approving the draft annual budget of the Authority and its draft closing account.
8. Transferring appropriations from one item to another within the scope of each individual part of the budget.

9. Setting out a system for control and performance measures according to the economic criteria.
10. Concluding contracts and agreements that help the Authority to achieve its objectives within the limits of its competences.
11. Accepting grants, gifts and donations that are granted to the Authority and are not in contradiction with its objectives.
12. Reviewing the matters that the Minister of Electricity and Renewable Energy or the Board Chairman refer to the Board and which fall within the scope of the competence of the Authority.

The Board of Directors may form a committee or more from amongst its members to which it shall temporarily delegate some of its functions on a temporary basis.

The Board of Directors may also delegate to the Board Chairman or one of his deputies or one of its members some of its authorities on a temporary basis. It may also authorize the Board Chairman to undertake some works that require a certain degree of confidentiality or as necessitated by the national security considerations.

Article 10

The Board of Directors shall convene upon an invitation sent by its Chairman at least once per month or as necessary subject to the provisions of Article (8) herein. The board meeting shall not be valid unless attended by the majority of its members including the Chairman or his delegate. The Board's resolutions shall be issued by a majority of the votes of the members present at the meeting. In case of a tie of the votes, the Chairman shall have a casting vote.

The Board is entitled to invite to its meeting whomsoever it elects to seek the assistance of their experiences without having counted votes.

Article 11

The Authority's Board Chairman and his deputies shall be appointed by virtue of a decree issued by the President of the Arab Republic of Egypt based on a proposal by the Prime Minister and nomination by the Minister of Electricity and Renewable Energy, for a period of four years to be renewable and their remuneration shall be determined by a decree issued by the President of the Arab Republic of Egypt as per the same procedures.

The Deputy-Chairman or the most senior deputy shall replace the Board Chairman in case of his absence or in case he has a certain reason for not joining the Board meeting.

Article 12

The Board Chairman of the Authority shall be responsible of the following matters:

1. Implementing the resolutions of the Board.
2. Managing the affairs of the Authority, developing its work systems and providing support to its entities.
3. Communicating and coordinating with all the different State entities that are responsible to achieve the objectives of the Authority in order to request reports, data, statistics or information related to the activity of the Authority for the purpose of removing any obstacles in the course of achieving its objectives or performing of all its functions.
4. Preparing and presenting different issues and topics to the Board of Directors.

The Board Chairman may delegate some of his powers to the deputy Chairman or more.

Article 13

The Authority's Board Chairman shall report in writing the resolutions of the Board to the Minister of Electricity and Renewable Energy within three business days from the date of their issuance. Resolutions of the Board shall not take effect until the Minister ratifies them or sends a written objection to the Board of Directors within seven business days from the date they are received by the minister.

If the resolutions are required to be issued by another entity, the Board Chairman shall present the matter to the Minister to submit the same to the Prime Minister to take whatever action he deems appropriate in this regard.

Article 14

The Board Chairman shall represent the Authority before courts and in its relations with third parties. He shall be entitled to sign contracts and correspondences with other entities, ministers and bodies in the name of the Authority.

Article 15

The Authority's Board of Directors may enter into short-term contracts with foreigners in respect of tasks that require scientific qualifications or special expertise that Egyptian nationals do not have. The Board may also outsource some of the temporary tasks or works to foreigners after obtaining the approval of the concerned entities according to the rules set out in the bylaws of the Authority. Such foreigners shall be exempted from payment of all the taxes on any funds they receive arising out of these contracts.

The foreigners referred to in this Article may transfer their remunerations in foreign currency abroad.

The Authority's Board of Directors may also enter into short-term contracts with Egyptian nationals having special educational background or practical experience according to the rules set out in the bylaws of the Authority.

Article 16

The Authority shall be entitled, in pursuit of its rights, to take administrative seizure procedures according to the provisions of Law No. 308 of 1955 on Administrative Seizure.

Article 17

This Law shall govern the work of the Authority. The Authority shall not be subject particularly to the provisions of laws of the Central Agency for Organization and Administration, Law on Leadership Positions in the State's Administrative Apparatus, the Law on Maximum Wages of State employees, the Civil Service Law and the Value Added Tax Law. Anything to the contrary shall be canceled.

Article 18

The Nuclear Power Plants Authority shall supervise, on a temporary basis, all the technical and construction works as well as other work related to the establishment of the nuclear power plant for generating electricity in El-Dab'aa. It shall have the same authorities and privileges of the Authority as set out herein until the Nuclear Power Plants Authority is notified by the Minister of Electricity and Renewable Energy in writing that the Authority is capable of performing its functions.

Article 19

The Prime Minister shall issue the Executive Regulation of this Law on the basis of a proposal to be submitted by the Minister of Electricity and Renewable Energy within three months from the date of its effectiveness.

Article 20

This Law shall be published in the Official Gazette and shall be effective on the date following the date of its publication.

This Law shall be stamped with the Seal of the State and shall be enforced as one of its laws.

Issued at the Presidency of the Arab Republic of Egypt on Rabee' First 10th, 1439H (November 29th, 2017G).

Abd El-Fattah El-Sisi