



# Presidency of the Arab Republic of Egypt

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**Law No. 210 of 2017**  
**Amending Some Provisions of Law No. 13 of 1976 on the**  
**Establishment of the Nuclear Power Plants Authority 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 ONE**

Provisions of Articles (1), (2), (3), (7), (8), (9), (10), (11), (12), (13), (14), (16), (19), (20) and (21) of Law No. 13 of 1976 on Establishment of the Nuclear Power Plants Authority for Generating Electricity shall be replaced with the following provisions:

**Article 1**

A public economic authority having a special nature shall be established and shall be known as the "Nuclear Power Plants Authority for Generating Electricity". It shall have a legal personality and shall be affiliated to the Minister in charge of the affairs of Electricity and Renewable Energy, who will be referred to hereinafter as the competent minister.

The headquarters of the Authority shall be in the city of Cairo. Relevant branches or offices for this Authority may be established inside Egypt upon a resolution from its Board of Directors; it shall be referred to hereinafter as the Authority.

**Article 2**

The Authority shall be solely responsible of the following:

- a) Proposing the establishment of nuclear power plants for the purposes of generating electricity and water desalination within the framework of the State's general plan.
- b) Conducting researches and studies necessary for projects of establishment of nuclear power plants.
- c) Setting out the basis for projects' specifications for establishment of nuclear power plants and preparing for their execution.
- d) Executing nuclear power plants projects as well as other related, consequential and auxiliary projects; operating and managing the same in accordance with the latest

scientific, technological and safety measures, either by itself or through a third party as assigned to them.

- e) Providing experience and supervising execution of projects that fall within the scope of the functions of the Authority inside the country or abroad to the extent that they comply with the Authority's capacities and expertise, available at the Authority or through it. .
- f) Concluding agreements with similar entities inside the country or abroad in the field of the activities of the Authority in a manner that does not contradict with the requirements of national security and the relevant governing laws.
- g) Conducting applied experiments relating to the technology of nuclear power plants.
- h) Preparing human resources and providing training to them inside the country and abroad for the purposes of execution, operation and management of nuclear power plants.
- i) Establishing joint stock companies by itself or jointly with other partners, or participating in existing companies in accordance with the provisions of the Law on Joint Stock Companies, Partnerships Limited by Shares and Limited Liability Companies promulgated by Law No. 159 of 1981 and in a manner that is not in contradiction with the objectives of the Authority.

The Authority shall exercise its functions in cooperation with the companies and bodies affiliated to the Ministry of Electricity and Renewable Energy as well as all other concerned entities.

### Article 3

The resources of the Authority shall consist of:

1. Financial appropriations allocated by the State.
2. Proceeds of sale by the Authority of electric power generated by the operation of the nuclear power plants and payments made in return for works or services it performs for third parties inside the country or abroad.
3. Grants and Loans provided to the Authority in accordance with relevant governing laws.
4. Credit facilities obtained by the Authority.
5. Grants, subsidies and donations in accordance with governing laws.
6. Investment yield of the Authority's funds.
7. Any other resources approved by its Board of Directors.

### Article 7

Tools, instruments and materials imported by the Authority necessary for its projects shall be exempted from customs duties and other taxes and fees. Machines, equipment, tools, all kinds of vehicles, means of transportation, supplies and other movables imported by companies, authorities and entities having contracts with the Authority shall also be exempted from customs duties and other taxes and fees subject to inspection and on the basis of a declaration by the Authority acknowledging therein that the exempted goods are imported and necessary for the

execution of its projects. These exempted goods shall be subject to taxes and fees if they are disposed of to a third party within five years from the date on which they were given exemption.

Interest on foreign loans and credit facilities received by the Authority shall be exempted from all taxes.

Contractors and subcontractors shall be exempted from all taxes and fees due as a result of performance of their obligations in accordance with contracts related to the execution of the Authority's projects.

Foreign contractors and subcontractors shall be exempted from compliance with the minimum limit for the percentage of distribution of profits, and the maximum number of foreign employees as far as this is related to the performance of their obligations in accordance with contracts for execution of projects of nuclear plants.

Projects for execution, or operation or management of nuclear power plants shall also be exempted from all taxes and charges.

### **Article 8**

The Authority shall have a board of directors comprising the following:

1. Chairman of the board, as the Chairman.
2. At least, ten high level members representing the competent ministries and authorities.
3. Four members specialized in the Authority's field of work.

The Prime Minister shall, on the basis of a proposal by the competent minister o, issue a decree appointing members of the Board of Directors for a period of four years which may be renewed for another similar period. Their remuneration shall be set by a decree issued by the Prime Minister.

Chairman of the Board of the General Syndicate for the Authority's Staff shall attend meetings that discuss topics related to staff.

The Board shall continue performing its works 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 supervising its affairs and is entitled to set out the general policy to be pursued by the Authority and take whatever resolutions, procedures and actions it deems necessary for achievement of the objectives for which the Authority has been established within the framework of the State general plan. It shall exercise its works in the manner set out in this Law, specifically the following:

1. Ratifying the organizational structure of the Authority and promulgating the same in accordance with the regulations prescribed in the bylaws.
2. Organizing and securing employees' training as necessary to perform the tasks assigned to them.
3. Approving the draft annual budget of the Authority and its draft closing account.
4. Transferring appropriations from one item to another within the scope of an individual part.
5. Monitoring the application of systems of security, nuclear safety and radiological control that guarantee protection of humans and the environment. This should be done in coordination with concerned entities in the State.
6. Issuing bylaws of the Authority related to the financial, accounting, administrative, commercial, technical and storage affairs as well as other general organizational regulations.
7. Issuing personnel regulations for the Authority staff organizing their employment affairs and determining their salaries, allowances, bonuses, incentives, their insurance, transportation expenses, promotion, termination of employment and all other personnel affairs. This should be done in a manner that is consistent with the special nature of the work of the Authority, realizes care, and ensures the enhancement of the performance.
8. Setting a system for control and performance rates according to economic criteria.
9. Proposing obtaining loans.
10. Studying and exploring issues related to civil liability against third parties or others for hazards arising from the activity of the Authority in accordance with international treaties in effect in the Arab Republic of Egypt and taking the necessary actions in this regard.
11. Accepting grants, gifts and donations that are granted to the Authority and that do not contradict with its purposes or relevant regulatory laws.
12. Reviewing periodic reports about the progress of work at the Authority and its financial position.
13. Retaining the necessary reserves required for paying to the Public Treasury or other entities installments of loans, contributions and compensations owed by the Authority within the limits of 10% of the net realized surplus resulting from the activity of the Authority or its contribution in other companies.
14. Approving opening of an account or more at the Central Bank of Egypt under the Treasury Unified Account without prejudice to the agreements concluded by the State in favor of the Nuclear Power Plants Authority for Generating Electricity.
15. Approving conclusion of agreements and contracts that help to achieve the Authority's objectives within the limits of its works and which do not contradict with national security requirements.
16. Managing the Authority's funds and developing rules for utilization of net surplus resulting from its activity.

17. Approving establishing of joint stock companies by itself or jointly with other partners, or participating in existing companies in a manner that does not contradict with the purposes of the Authority and subject to approval of the competent minister.
18. Reviewing matters that the competent minister or the Board Chairman deems necessary to be submitted to the Board and that fall within the scope of the works 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. It may also delegate to the Board Chairman or one of the directors some of its works on a temporary basis. It may also delegate to one of its members or directors a specific function or task.

The competent minister shall submit to the Prime Minister the recommendations and proposals that fall within the scope of a higher authority to take the actions he deems appropriate.

#### **Article 10**

The Board of Directors shall convene, at least once per month or as necessary, upon an invitation sent by the Chairman. 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 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 shall report in writing the resolutions of the Board to the competent minister within five business days from the date of their issuance for ratification. Resolutions of the Board shall not take effect until the competent minister ratifies them or sends a written objection to the Authority Board of Directors within ten business days from the date they are received by the minister.

#### **Article 12**

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

1. Following-up the execution of the Board resolutions.
2. Managing the Authority, administering its affairs, developing its work systems and providing support to its related entities.
3. Providing the competent minister and competent State Authorities with the information, data or documents they require.

4. Communicating with all competent State Authorities to remove obstacles that impede the execution of the Authority's objectives.

The Chairman of the Authority's Board may delegate some of his powers to one director or more.

### **Article 13**

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

### **Article 14**

The Chairman of the Authority's Board of Directors 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 competent minister for a period of four years to be renewed for one similar period and his remuneration shall be determined by a decree issued by the President of the Arab Republic of Egypt in compliance with the same procedures. The Board of the Authority may appoint one deputy chairman or more.

The Board of Directors shall second a temporary replacement for the Board Chairman in case of his absence, or vacancy of his position or absence of a deputy chairman.

### **Article 16**

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

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 national having special educational background or experiences according to rules set out in the bylaws.

### **Article 19**

The Authority's Board of Directors shall, after submitting a proposal to the competent minister and in agreement with competent authorities in the State's administrative apparatus, issue decisions for transferring, secondment or loaning of staff necessary for the Authority and setting their job levels. Such decision shall determine their remuneration provided that such remuneration shall not be less than what they are paid at their original employers.

### **Article 20**

Bylaws related to administrative, commercial, technical and financial affairs, other general organizational regulations as well as regulations related to the system for the Authority staff and organizing all their personnel affairs shall be promulgated by a decree issued by the competent minister while considering the special nature of the work of the Authority or the requirements of national security without being restricted by the rules, systems, laws and regulations in force in the State administrative apparatus including the maximum wages of the State employees.

### **Article 21**

Without prejudice to the provisions of the Law Regulating Nuclear and Radiological Activities, the Law on the Executive Agency for Supervision of Establishment of Nuclear Power Plants for Generating Electricity and contracts concluded, the provisions of this Law and its regulations and decrees implementing it shall apply to the Authority, parties to agreements and contracts that the Authority enters into with companies, authorities, entities, or Egyptian or foreign contractors for execution or management of its projects or any works related to or associated with them without the application of other laws, regulations or decrees, in particular the Law on Establishment of the Central Agency for Organization and Administration, Law on Leadership Positions in the State Administrative Apparatus and the Public Sector, Law on Maximum Wages of the State employees, Civil Service Law and Law on Value Added Tax.

## **ARTICLE TWO**

The phrase "competent minister" shall be replaced with the phrase "Minister of Electricity" wherever it is mentioned in Law No. 13 of 1976 on the "Establishment of Nuclear Power Plants Authority for Generating Electricity".

## **ARTICLE THREE**

The minister in charge of the affairs of electricity and renewable energy shall promulgate bylaws and regulations related to the system of the Authority's staff within three months from the date this Law comes into force. Until such time when these regulations are promulgated, the

regulations currently in practice shall continue to apply in a manner that does not contradict with the provisions of this Law.

#### **ARTICLE FOUR**

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

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

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

**Abd El-Fattah El-Sisi**