

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT

DECREE-LAW 22/2006

_____ OF _____

Regulation of the Electricity Supply Tariff

Whereas the methods applied to formulating and establishing tariff and prices applicable to electricity as well as to other complementary uses and services must be determined in agreement with the principles of public interest and purposes, as set out in Decree-Law 13/2003, of 24 September;

Where as the legal principles of justice, transparency and reasonability are applicable to all consumers connected to the national electricity distribution network and make the application of a single and uniform rate over the national territory advisable;

Whereas tariff revisions should not affect the Government's social concerns which favor simplicity and universal access to electricity, although assuming that there must be adequate controls over this activity with a public purpose.

Now, then,

The Government decrees the following, pursuant to item e) of paragraph 1 of article 115 of the Constitution of the Republic of Timor-Leste and Paragraph 2 of Article 30 of Decree-Law 13/2003, of 24 September, to have the force of a law:

Article 1
Tariff Regulations

The present Decree-Law approves the Tariff Regulations provided for and created by Article 10 of Decree-Law 13/2003, of 24 September, which lays down the bases for the National Electricity System, considering the provisions of Article 45 of the same Decree-Law, as provided below, as follows.

Article 2
Tariff revisions

The tariffs and prices laid down may be revised and reset once a year by a joint Order of the Ministries of Planning and Finance; Natural Resources, Minerals and Energy Policies, pursuant to the guidelines laid down in the Decree-Law referred to above.

Article 3
Irregular Situations

1. Concerning consumers in irregular situations or with payments in arrears, the Ministerial Order referred to in the preceding article may provide application of new tariffs under more favorable conditions, provided the consumers at fault pay up the arrears within the time limits to be set out.
2. The benefit for payments of arrears referred to above shall be applied to individual or corporate consumers, whether public or private, with or without meters, including those whose supply has already been cut.

3. The regularization provided for in the preceding items shall not apply to the situations referred to under Article 6.

Article 4

Contract with and Prerogatives of the Concessionaire Company

1. The Concessionary Company shall have the right to disconnect the energy supply to consumers who fail to pay their bills in the date indicated on the invoice itself without justification and only reconnect the supply after the amounts in arrears are paid together with a reconnection fee.
2. The tariffs set out in existing contracts only be revised if necessary, to the satisfaction of the concessionaire company.
3. Wherever the installation of meters or other measuring instruments that permit periodical readings proves impossible or inadequate, the supply agreement will specify the terms of supply, prices, collections and termination of contract.
4. The concessionaire shall be entitled to carry out inspections and usage measurements and to have the help of the police force in connection with preventive and inspection actions considered sensitive or risky, provided such help is requested in writing no later than 24 hours before it is required.

Article 5

Civil, Disciplinary and Criminal Responsibility

1. Consumers who directly and clandestinely connect to the public network or to a network belonging to a concessionaire company without the appropriate contract, title or authorization, will be sued.
2. The employees and agents of the concessionaire itself and other companies charged with the concessionaire with the tasks of installing meters and testing their operation as well as reading such meters are civil and disciplinarily responsible for the truth and accuracy of such operations, pursuant to laws in force.
3. Fraudulent conduct classified as crimes under law, namely collusion, soliciting or offering bribes and conspiracy may be the subject-matter of complaints to the appropriate courts.

Article 6

Fines

1. Consumers who directly and clandestinely connect to the public network or to a network belonging to a concessionaire without the appropriate contract, title or authorization, will be subject to a 30% add-on on applicable tariffs during the first year of the life of the contract, without prejudice to legal actions.
2. Repeat offenders will be subject to a 60% fine on the applicable tariff during the first year of the contract, in addition to the possible lawsuit.
3. The above disposition also apply to willful destruction of or tampering with meters and other measuring instruments.

Article 7
Final Provisions

Directive UNTAET 7/2002 of 10 May remains in force to the extent it does not disagree with the present decree-law, namely in what regards procedures applicable to requests for connection, supply, invoicing and payments.

Approved by the Council of Ministers on 15 November 2006.

The First Minister

José Ramos Horta

The Minister of Planning and Finance (acting)

Aicha Bassarewan

The Minister of Natural Resources, Minerals and Energy Policy

Promulgated on

Publication ordered

The President of the Republic

Kay Rala Xanana Gusmão