



**SIXTY-FIRST ORDINARY SESSION OF
THE COUNCIL OF MINISTERS**

Ouagadougou, 27 – 29 November 2008

**REGULATION C/REG.24/11/08 RELATING TO THE AMENDMENT
OF ARTICLES 5(4), 12(2), 13(1) AND 39 OF REGULATION
C/REG.27/12/07 ON THE COMPOSITION, ORGANIZATION,
DUTIES AND FUNCTIONS OF THE ECOWAS REGIONAL
ELECTRICITY REGULATORY AUTHORITY (ERERA)**

THE COUNCIL OF MINISTERS

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty as amended, establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Articles 26, 28 and 55 of the said ECOWAS Treaty relating to promotion, cooperation, integration and the development of energy projects and sectors of ECOWAS Member States;

MINDFUL of Protocol A/P4/1/03 of 31 of January 2003, hereinafter known as "the ECOWAS Energy Protocol," establishing the legal framework intended to promote long term cooperation in the ECOWAS energy sector based on complementarities and mutual benefits with a view to increasing investments in the energy sector and to developing trade in energy in the West African region;

MINDFUL of Article 31(n) of the Energy Protocol requesting the Meeting of Energy Ministers of ECOWAS Member States to establish regulatory bodies for energy systems, programmes and projects;

MINDFUL of Supplementary Act A/SA.2/01/08 of 18 January 2008 establishing the ECOWAS Regional Electricity Regulatory Authority (ERERA);

MINDFUL of Regulation C/REG.27/12/07 of 15 December 2007 on the composition, organization, duties and functioning of the ECOWAS Regional Electricity Regulatory Authority, notably its Articles 5; 12, 13 and 39;

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CONSIDERING that, in conformity with the provisions of Article 13 of the above mentioned Regulation, the Chairman of ERERA Regulatory Council is appointed by the ECOWAS Council of Ministers upon the proposal of the Energy Ministers Meeting;

NOTING that the Chairman and the members of the Regulatory Council specified in the aforementioned Regulation, are appointed according to the procedure provided for the appointment of Statutory Appointees and that the ERERA members are considered as such;

CONSIDERING, however, that ERERA was established by Supplementary Act A/SA.2/1/08 of 18th January 2008 as a specialized Agency of ECOWAS and that the approved management structure for such Agencies are headed by Directors classified in the D2 and D1 category as appropriate.

NOTING the apparent difference in the procedure for appointing Statutory Appointees and Professional staff;

WISHING therefore to amend Articles 5 (4), 12 (2), 13 (1) and 39 to make them consistent with the Staff Regulations and other relevant ECOWAS Legal Texts;

ENACTS:

Article 1:

Article 4 of the Regulation C/REG.27/12/07 is hereby abrogated.

Article 2:


The Provisions of Articles 5 (4), 12 (2), 13 (1) and 39 of Regulation C/REG.27/12/07 of 15 December 2007 on the composition, organization, duties and functioning of the ECOWAS Regional Electricity Regulatory Authority (ERERA) are hereby amended as follows:

New Article 5.4(i)

The Regulatory Council Members shall be appointed in accordance with the provisions of the ECOWAS Staff Regulations.

New Article 5.4(ii)

In the course of the recruitment, the ECOWAS management Succession Committee shall be assisted by a Committee of Energy Ministers. The process of shortlisting of the candidates shall be conducted with the support of an independent international recruitment consultancy bureau.



New Article 12.2

The remuneration of the Council Members shall be in conformity with the salary scale of allowances applicable to staff of the Community

New Article 13.1

The Chairman of the Regulatory Council shall be placed in Category D2 and the other Members in Category D1.

New Article 39: Appointment Plan for the Regulatory Council

1. The Regulatory Council shall be composed of three (3) members. Two (2) members shall constitute a quorum.
2. For the commencement of the activities of the Regulatory Authority, the Chairman of the Regulatory Council shall be appointed, pursuant to the provisions of new Article 5.4 of this Regulation.
3. No later than twelve (12) months after the appointment of the Chairman of the Regulatory Council, two other members of the Council, shall be appointed in accordance with new Article 5(4) of this Regulation. The Regulatory Council shall thus be constituted and its deliberations shall be valid.
4. The fourth and fifth members of the Regulatory Council may be appointed three (3) years after the assumption of office of the Chairman when the Regulatory Authority is fully operational.
5. Following his appointment, the Chairman of the Council shall take all necessary measures and fulfill all administrative formalities necessary for the installation of ERERA at its headquarters.
6. The Chairman of the Regulatory Council shall authorize expenditures, organize the recruitment of technical and administrative staff and oversee the formulation of the Rules of Procedure.

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Article 3: Publication

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within Thirty (30) days of its signature by the Chairperson of the Council of Ministers. It shall also be published by each Member State in its National Gazette within thirty (30) days after notification by the Commission.

DONE IN OUAGADOUGOU, THIS 29TH DAY OF NOVEMBER 2008



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H. E. MRS. MINATA SAMATE CESSOUMA

CHAIRPERSON

FOR COUNCIL