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فرم خلاصه انگلیسی طرح/پروژه

Project Title:

The sanction of commitments draft in Electricity section

Department:	Control project in Electricity distribution	Employer:	Niroo Research Institute
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Keywords:

Sanction, Legal commitments, Contractual commitments, Law, Energy, Electricity.

Project Necessity:

The failures in sanction of commitments imposed in laws and regulations require reforming in current situation.

Project Goals:

Drafting law and regulation of the sanction of commitments in Electricity section.

Abstract:

In current laws and regulations, there is no sanction or the imposed sanctions are:

- Against high documents or laws; or
- Non-appropriateness and Non-deterrence.

Iran electricity organization law is one of important laws governing in electricity field. The law determines duties to actors. Due to the time of enacting this law is before Islamic revolution, this question is on the table which provision of the law is reputable and why.

On the basis of the analytical-critical method and given that Guardian Council is formal official of Interpretation of the Constitution and it controls legislations not to against the Constitution and Islam, we analyze the law based on Constitution and precedent of Guardian Council.

This article shows although many provision of the law are unconstitutional, what announced by Guardian Council isn't able to invalidate these provisions. So, as it real that these provisions are bases of many Energy ministry regulations.

According to article 44 of Iranian Constitution:

“ (١) The economy of the Islamic Republic of Iran is to consist of three sectors:

state, cooperative, and private, and is to be based on systematic and sound planning.

(٢) The state sector is to include all large-scale and mother industries, foreign trade, major minerals, banking, insurance, power generation, dams, and large-scale irrigation networks, radio and television, post, telegraph and telephone services, aviation, shipping, roads, railroads and the like; all these will be publicly owned and administered by the State.

(٣) The cooperative sector is to include cooperative companies and enterprises concerned with production and distribution, in urban and rural areas, in accordance with Islamic criteria.

(٤) The private sector consists of those activities concerned with agriculture, animal husbandry, industry, trade, and services that supplement the economic activities of the state and cooperative sectors.

(٥) Ownership in each of these three sectors is protected by the laws of the Islamic Republic, in so far as this ownership is in conformity with the other articles of this chapter, does not go beyond the bounds of Islamic law, contributes to the economic growth and progress of the country and does not harm society.

(٦) The scope of each of these sectors as well as the regulations and conditions governing their operation, will be specified by law.”

So, it is necessary to reform in current laws and regulations. In order to such reforming, at first we study and analyze current laws and regulations regard to coverage and comprehensiveness of commitments and appropriateness of sanctions. Second, experiences of England and France as two pioneer countries are analyzed.

The legal framework of electricity supply in Germany has been subject to considerable modifications over the last fifteen years. A first major change occurred with the liberalization of the sector (reform of the EnWG in 1998, which was followed by the introduction of (governmental) energy network regulation) the second extensive reform of the EnWG in 2005). With the last major reform of 2011, which transposed the internal market directives 2009/72/EC (electricity) and 2009/73/EC (gas) into national law.

At the end, we present sanction of commitments in Electricity section with regard to domestic situation and advanced results of human experience, in form of laws and regulations draft.

Steps and Methodologies:

There is three steps:

Analyzing current laws and regulations in Electricity section with regard to appropriateness of sanctions (first step);

studying selected countries (second step);

And analyzing the scenarios imposing law and regulation and codifying law and regulation draft.

Research is based on analytical-critical method.

Main Results (technical outputs, patents, papers, books, reports, etc.):

Expert report and research article.