

~~BILL OF LAW~~

PROVISIONAL MEASURE No. 1031, of February 23, 2021

Provides for the privatization of Centrais Elétricas Brasileiras S.A. - Eletrobras and amends Law No. 5,899, of July 5, 1973, ~~Decree-Law No. 1,383,9,991 of December 26, 1974,~~ July 24, 2000, and Law No. 10,438, of April 26, 2002, ~~and Law No. 9,991 of July 24, 2000.~~

~~The NATIONAL CONGRESS~~ decrees:

THE PRESIDENT OF THE FEDERATIVE REPUBLIC OF BRAZIL, using the powers conferred on him by art. 62 of the Constitution, adopts the following Provisional Measure, with force of law:

CHAPTER I

PRIVATIZATION OF  
ELETROBRAS

Art. 1.- The privatization of Centrais Elétricas Brasileiras S.A. - Eletrobras will take place as provided for in Law No. 9,491, of September 9, 1997, subject to and will be conditioned on the granting of a new electric power generation concession for the Concession Contract Nº 007/2004-Aneel-Eletronorte, signed by the Federal Government and Centrais Elétricas do Norte do Brasil S.A., for a period of thirty years, counting from the date of signing of the new contract, under the rules and the conditions established by in this law Provisional Measure.

§-1.- The privatization of Eletrobras will be carried out in the form of a capital increase, through the public subscription of ordinary shares with a renunciation by the Federal Government of its subscription rights.

§-2.- The share capital increase of Eletrobras may be accompanied by a public secondary offering of shares owned by the Federal Government or a company controlled by Brazil, directly or indirectly.

§3. The National Bank for Economic and Social Development - BNDES is responsible for executing and monitoring Eletrobras' privatization process.

§4 BNDES may hire the specialized technical services necessary for Eletrobras' privatization process.

§5. The Council for the Investment Partnership Program of the Presidency of the Republic -CPPI may establish attributions to BNDES and Eletrobras, necessary for the privatization process object of this Provisional Measure.

Art. 2.- For the promotion of the privatization referred to in this Law Provisional Measure, the Federal Government is authorized to grant, for a period of thirty years, counted from the date of the signing of the new contracts, new grants for electricity generation concessions under ownership or control, directly or indirectly, of Eletrobras:

I - that have been extended under the terms of art. 1 of Law No. 12,783, of January 11, 2013;

II - achieved by the provisions of item II of § 2 of art. 22 of Law No. 11,943, of May 28, 2009; ~~or~~

III - achieved by the provisions of § 3 of art. 10 of Law No. 13,182, of November 3, 2015;

IV - Granted through the Concession Contract No. 007/2004-Aneel-Eletronorte.

## CHAPTER II

### CONDITIONS FOR THE PRIVATIZATION OF ELETROBRAS

Art. 3.- The privatization of Eletrobras is conditioned on approval by its general assembly/shareholders' meeting of the following conditions:

I - corporate restructuring to maintain under the control, directly or indirectly, of the Federal Government, the companies:

a) ~~a)~~ Eletrobras Termonuclear S.A. - Eletronuclear; and

b) ~~b)~~ Itaipu Binacional;

II - execution of the new electricity concession contracts referred to in art. 2, to replace the contracts in force on the date of publication of this Provisional Measure, with the alteration of the operating regime for independent production, on the terms set forth in the Law No. 9,074, of July 7, 1995, including the conditions for the termination of the grants, the expropriation of the facilities and the indemnification;

III - amendment of the bylaws of Eletrobras to:

a) ~~a)~~ prevent that prohibit any shareholder or group of shareholders may exercise from exercising votes in excess of ten percent of the quantity of shares in which the voting capital of Eletrobras is divided; and

b) ~~b)~~ prohibit the entering entry into of shareholders' agreements for the exercise of voting rights, except for the formation of blocks with voting numbers lower than the limit referred to in item "a"; and

c) ~~IV~~ create a special class preferred shares, exclusively owned by the Federal Government, pursuant to the provisions of § 7 of art. 17 of Law 6,404, of December 15, 1976, which will give the power of veto in the corporate resolutions related to the matters mentioned in item III of the heading;

IV - maintenance of the payment of membership contributions to the Centro de Pesquisas de Energia Elétrica - Cepel, for a period of four years, counting from the date of the privatization referred to in art. 1; and

V - development of a revitalization program/programs for the:

a) revitalization of water resources in the Rio São Francisco basin, directly by Eletrobras

or, indirectly, through its subsidiary Companhia Hidro-Elétrica do São Francisco — Chesf;

§-b) structural reduction of power generation costs in the Legal Amazon, directly by Eletrobras or, indirectly, through its subsidiary Centrais Elétricas do Norte do Brasil S.A. - Eletronorte; and

c) revitalization of the water resources of the hydrographic basins in the area of influence of the reservoirs of the hydroelectric plants of Furnas Centrais Elétricas S.A. - Furnas, whose concession contracts are affected by this Provisional Measure, directly by Eletrobras or, indirectly, through its subsidiary Furnas.

§1.- The Conselho do Programa de Parcerias de Investimentos da Presidência da República — CPPI, under the powers referred to in in exercising the authority described in item II of the ~~caput~~ heading of art.- 6 of Law No. 9,491, of 1997, may establish additional conditions to those referred to provided in the ~~caput~~ heading for approval by the general assembly of Eletrobras for its privatization.-

§-2.- The effectiveness of the measures referred to established in the ~~caput~~ heading and §- in §1 shall be conditioned on is subject to the privatization referred to in art.- 1.

§-3.- It will be up to the CPPI to establish mechanisms that ensure compliance with the provisions in the lines "a" and "b" of item III of the ~~caput~~.

§-4.- Eletrobras shall remain responsible for recomposing the recovery of debt and resources to before the Reserva Global de Reversão Reversal Reserve - RGR referred to in, as per art.- 21-A of Law No. 12,783 of 2013.

§-5.- 4. The membership associative contribution referred to described in item IV of the ~~caput~~ heading shall:

I - be limited to the amount effectively actually paid by Eletrobras and by its subsidiaries in the year preceding the date of the publication of this Law; 2020; and

II - from the second year after the entry this Provisional Measure comes into force of this Law, effect, be reduced by twenty-five percent per year and corrected by the Índice Nacional de Preços ao Consumidor Amplo Broad Consumer Price Index - IPCA, divulged by the Instituto Brasileiro de Geografia e Estatística published by the Brazilian Institute of Geography and Statistics - IBGE, or by another index that replaces may replace it, levied based on the amount of the contribution paid in the first year.

§-6.- 5. The membership associative contribution referred to in item IV of the ~~caput~~ heading shall be given, during the same treatment as that referred to in §3 of art. 4 of Law no. 9,991 of July 24, 2000, for the period of four years, counted from the date of the privatization referred to in art. 1, the same treatment referred to in § 3 of art. 4 of Law No. 9,991 of July 24, 2000.

§-7.- 6. The Federal Government shall be is prohibited from exercising, directly or indirectly, the right to vote in the deliberations in the resolutions of the general assembly of Eletrobras' shareholders of Eletrobras that deal with are made prior to the privatization, the right to vote on the matters addressed in items II to V of the ~~caput~~ and § 1, § 3 heading and § 5 in § 1 and § 4.

Art. 4.- The following shall be conditions for the new granting of the concession award for electricity the generation of electric power referred to in art.- 2 are:

I - the payment, by Eletrobras or its subsidiary, during the period of subsidiaries, throughout the concession, period, of the an annual quote quota, in twelfth the twelve-month periods, to the Conta de Desenvolvimento Energético Account for Energy Development - CDE, which is referred to in Law No. 10,438, of April 26, 2002, corresponding to one third fifty percent of the value added to the concession by the new contracts;

II - the payment, by Eletrobras or by its subsidiary subsidiaries, of the a bonus for the grant of granting new electric power generation concession contracts for the generation of electricity, corresponding to two thirds fifty percent of the value added to the concession by the new contracts;

III - the alteration change of the operating exploitation regime for to independent

production, ~~on~~under the terms ~~set forth under of the provisions of~~ Law No. 9,074, of 1995, including the conditions ~~for the termination~~extinction of the ~~grants~~concessions, the ~~expropriation~~ transfer of the ~~facilities and the indemnification; installations and indemnities; and~~

IV - the assumption of ~~the management of the~~ hydrological risk, ~~prohibiting the management, with no~~ renegotiation ~~on~~allowed under the terms ~~set forth in~~provisions of Law No. 13,203 ~~of,~~ dated December 8, 2015.

§-1.- The new generation concession contract ~~offor~~ the ~~generation of power~~ plants ~~reached pursuant to affected by the provisions of item II of §2 of § 2 of art.- 22 of Law No. 11,943, of 2009, and in § 3 of art.- 10 of Law No. 13,182, of 2015, will~~shall preserve the obligations established ~~by~~in art.- 22 of Law No. 11,943, of 2009, and ~~by~~in art.- 10 of Law No. 13,182, of 2015, ~~respecting in compliance with~~ the conditions and ~~the term validity~~ of the ~~current electricity sale~~ electric power sales contracts ~~that relate~~referred to ~~these articles in the referred arts.~~

§-2.- The provisions of art.- 7 of Law ~~No~~no. 9,648, of May 27, 1998, ~~shall~~do not apply to the new electricity concession contracts referred to in this article.

~~Art. 5. It will be up to the Conselho Nacional de Política Energética - CNPE to define the value added by the new~~ concession contracts for the generation of electric power referred to in this article.

Art. 5. electricity The National Council for Energy Policy (CNPE) shall be responsible for establishing the value added by new electric power generation concession contracts and ~~set for fixing~~ the values referred to in items I and II of the ~~caput heading~~ of art.- 4, ~~considering the tariff and fiscal impact.~~

§-1.- For the calculation of the value added to the concession, the following ~~shall~~will be considered:

I - ~~the alteration~~ change of the ~~operating~~ exploitation regime ~~for~~ to independent production;

II - the deduction ~~referring to the of~~ credits ~~related~~relating to the reimbursement for ~~the~~ proven ~~fuel~~expenses for the acquisition ~~expenses of fuel~~, incurred ~~until up to~~ June 30, 2017, by the concessionaires that were controlled by Eletrobras and holders of the concessions ~~referred to~~dealt with in art.- 4-A of Law No. 12,111, of December 9, 2009, ~~that which~~ have been proven, but not reimbursed, ~~by the force of due to~~ the economic and energy ~~efficiency~~efficiency requirements ~~referred to~~dealt with in § 12 of art.- 3 of ~~Law No. 12,111 of 2009~~this law, including the monetary ~~updates, restatements,~~ in which case the compensation ~~shall will~~ be limited to R-\$3,500,000,000.00 (three billion and five hundred million reais);

III - ~~the decommissioning~~termination of ~~electricity~~the electric power contracted ~~in~~under the ~~form provided for in~~provisions of art.- 1 of Law No. 12,783, of 2013, to ~~attend to~~comply with the provisions of ~~item III of the~~ caput heading of art.- 4 of this ~~Law~~Provisional Measure, in a gradual and uniform ~~form, in manner, within a phase, at minimum, period of three years and, at a maximum, period of ten years; and~~

IV - the expenses for the revitalization of the water resources of the Rio-São Francisco River basin, ~~on the terms of pursuant to~~ the provisions of ~~item "a" of item V of the~~ caput heading of art. 3;

V - expenses for the development of projects in the Legal Amazon aimed at structurally reducing the costs of power generation, in accordance with the provisions of subparagraph "b" of item V of the heading of art.- 3; and

§-VI - the expenses for projects in the area of influence of the reservoirs of the Furnas hydroelectric plants whose concession contracts are affected by this Provisional Measure, in accordance with the provisions of item "c" of item V of the heading of art. 3.

§2. ~~For the calculation of~~ In calculating the value added to the concession, ~~it the~~ adjustments described in subparagraph "b" of item II of the heading of art. 6 of Law no. 9,491, of 1997, may be considered ~~the adjustment referred to in "b" of item II of the~~ the art. 6 of Law No. 9,491 of 1997, ~~provided that they relate~~are relative to obligations recognized by the Federal Government, ~~together~~

with Eletrobras.

§ 3. ~~The recognition~~ Recognition of the credits referred to in item II of § 1 ~~implicates~~ shall imply their ~~discharge~~ settlement.

§ 4. ~~The Ministério de Minas e Energia~~ Ministry of Mines and Energy and the ~~Ministério da Economia~~ Ministry of the Economy shall be responsible for proposing the values that ~~shall~~ will be ~~fixed~~ fixed in ~~accordance with the form provided~~ provisions in the ~~caput~~ heading.

Art. 6. It ~~shall be~~ will constitute an obligation ~~offer~~ for the electric power generation concessionaires ~~of the generation of electricity~~ located in the ~~Rio~~ basin of the São Francisco basin to River whose concession contracts are affected by this Provisional Measure, in order to comply with the measure referred to in ~~item~~ subparagraph "a" of clause V of the ~~caput~~ heading of art. 3, the contribution of to contribute R\$350,000,000.00 (three hundred and fifty million *reais*) ~~per year~~ annually, for a period of ten years, ~~updated~~ adjusted by the IPCA, published by the IBGE, or another index that may replace it, from the month of signing ~~of the new concession agreements, by IPCA or another index that replaces it~~ contracts.

§ 1. The form of application ~~and the projects that~~ of the amounts referred to in the heading and the projects that will comprise the *São Francisco basin program* for the revitalization of water resources which shall receive the funds for the compliance with the measure referred to in line 'a' of item V of the ~~caput~~ heading of art. 3 shall be set forth by the management committee, which will be instituted in the form provided for by ~~by~~ regulation, considering the resource necessities for the revitalization of water resources of the Rio São Francisco of the Federal Government with a focus on the ~~share~~ share actions that generate recharge of tributary flows and increase the operational flexibility of the reservoirs, without harming the priority use and multiple use of water resources.

§ 2. Eletrobras shall be obligated to annually contribute ~~annually~~ the totality of the ~~resources provided for in this article~~ amounts referred to in the heading to a specified account with a financial institution ~~authorized to operate by the Central Bank of Brazil~~.

§ 3. The account referred to in § 2 may not be integrated with the equity of ~~Eletrobrás~~ Eletrobras for any purpose.

§ 4. The ~~resource contribution~~ obligations to contribute the amounts referred to in the heading and ~~effective to effect the~~ implementation of projects set forth by the management committee shall include the concession contracts for the generation of electricity relative to the enterprises located in the Rio São Francisco basin and shall be subject to the oversight of the ~~Agência Nacional de Energia Elétrica~~ National Electric Power Agency - Aneel, ~~in the form provided for by Law No. 9,427 of December 26, 1996, in accordance with the regulation of Aneel~~.

§ 5. ~~In~~ At the end of the concession period, in the event of non-utilization use of the ~~resources~~ amounts of the account referred to in § 2 ~~for its intended purpose, without prejudice to the administrative penalties applied by Aneel~~, the remaining balance of the obligation ~~shall~~ will be ~~reverted~~ reversed in favor of the Federal Government, without prejudice to administrative penalties applied by Aneel.

§ 6. ~~Art. 7.~~ The regulation may determine the allocation of 78.4 MW ~~med~~ for a period of twenty years, counted from 2022, at the price of R\$80/MWh, to be corrected by the IPCA disclosed by IBGE, or by another index that will replace it, to the operator of the São Francisco River Integration with Hydrographic Basins in the Northern Northeast Project.

§ 7. The economic value of the allocation referred to in § 6 must be considered an essential part of the contribution provided for in the heading, as provided for in the regulation.

Art. 7. In order to comply with the measure referred to in item 'b' of item V of the heading of art. 3, the concessionaire party to Concession Agreement No. 007/2004-Aneel-Eletronorte will assume the obligation, subject to the provisions of the heading of art. 1, to contribute R\$295,000,000.00 (two hundred and ninety-five million *reais*) per year, for a period of ten years, to be corrected by the IPCA disclosed by IBGE, or by another index that will replace it, starting from the month of execution of the new concession contract.

§ 1. The form of allocation of the amount referred to in the heading and the projects that

will comprise the program for structural reduction of power generation costs in the Legal Amazon that will receive the contribution of resources for the fulfillment of the measure referred to in paragraph “b” of item V of the **heading** of art. 3 will be established by a management committee, which will be established by regulation of the Federal Government, considering the development of renewable energy or renewable fuel projects and the interconnections of isolated and remote locations.

§2. Eletrobras shall be obligated to annually contribute the totality of the amounts referred to in the **heading** to a specified account with a financial institution authorized to operate by the Central Bank of Brazil.

§3. The account referred to in §2 may not be integrated with the equity of Eletrobras for any purpose.

§4. The obligations to contribute the amounts referred to in the **heading** and to effect the implementation of projects set forth by the management committee shall include the concession contracts for the generation of electricity related to companies located in the Rio São Francisco basin and shall be subject to the oversight of Aneel, provided for by Law No. 9,427 of December 26, 1996.

§5. At the end of the concession period, in the event of non-use of the amounts of the account referred to in §2, the remaining balance of the obligation will be reversed in favor of the Federal Government, without prejudice to administrative penalties applied by Aneel.

Art. 8. In order to comply with the measure referred to in item “c” of item V of the **heading** of art. 3, of the electric power generation concessionaires located in the area of influence of the reservoirs of the hydroelectric plants of Furnas whose concession contracts are affected by this Provisional Measure will assume the obligation to contribute, R\$230,000,000.00 (two hundred and thirty million *reais*) per year, for a period of ten years, to be corrected by the IPCA disclosed by IBGE, or by another index that will replace it, starting from the month of execution of the new concession contracts.

§1. The form of allocation of the amount referred to in the **heading** and the projects that will comprise the program for the revitalization of water resources in hydrographic basins in the area of influence of the reservoirs of the Furnas hydroelectric plants, whose concession contracts are affected by this Provisional Measure, which will receive the contribution of resources for the fulfillment of the measure referred to in item “c” of item V of the **heading** of art. 3 will be established by a management committee, which will be established by regulation of the Federal Government, with a focus on actions that generate recharge of affluent flows and expand the operational flexibility of the reservoirs, without jeopardizing the priority and multiple usage of water resources.

§2. Eletrobras shall be obligated to annually contribute the totality of the amounts referred to in the **heading** to a specified account with a financial institution authorized to operate by the Central Bank of Brazil.

§3. The account referred to in §2 may not be integrated with the equity of Eletrobras for any purpose.

§4. The obligations to contribute the amounts referred to in the **heading** and to effect the implementation of projects set forth by the management committee shall include the concession contracts for the generation of electricity relative to the enterprises located in the Rio São Francisco basin and shall be subject to the oversight of the Aneel, provided for by Law No. 9,427 of December 26, 1996.

§5. At the end of the concession period, in the event of non-use of the amounts of the account referred to in §2, the remaining balance of the obligation will be reversed in favor of the Federal Government, without prejudice to administrative penalties applied by Aneel.

Art. ~~Federal Government shall be~~9. For the purposes of the provision of item I of the **heading** of art. 3, the Federal Government is authorized to create a mixed capital company or public company for the corporate restructuring referred to in item I of the ~~caput~~ of art. 3, if it does not exercise direct control of the companies.

~~§ 1 The company referred to in the **caput** shall be constituted to attend to the relevant collective interest referred to in item V of the **caput** of art. 177 of the Constitution and the *Tratado entre a República Federativa do Brasil e a República do Paraguai para o Aproveitamento Hidroelétrico*~~



*dos Recursos Hídricos do Rio Paraná, Pertencentes em Condomínio aos Dois Países, desde e inclusive o Salto Grande de Sete Quedas ou Salto de Guairá até a Foz do Rio Iguaçu, promulgated by Decree No. 72,707 of August 28, 1973.*

~~§ 2-§2.~~ The creation of the mixed capital company or public company referred to in the ~~caput~~ heading shall have as its purpose:

I ~~— maintain under —~~ the maintainance of control ~~of by~~ the Federal Government of the operation of nuclear plants, in accordance with the terms of the provisions of item V of the heading of art. 177 of the Constitution;

II ~~— maintain —~~ the maintainance of ownership of the share capital and the acquisition of the electricity services of Itaipu Binacional by an organ or ~~by~~ entity of the public federal administration, to attend to comply with the provisions of ~~the Tratado entre a República Federativa do Brasil e a República do Paraguai para o Aproveitamento Hidroelétrico dos Recursos Hídricos do Rio~~ Treaty between the Federative Republic of Brazil and the Republic of Paraguay for the Hydroelectric Use of the ~~Paraná, Pertencentes em Condomínio aos Dois Países, desde e inclusive o~~ River Water Resources, Owned in Condominium by the Two Countries, from and including ~~Salto Grande de Sete Quedas ou~~ Salto de Guairá até a ~~Foz do Rio Iguaçu,~~ promulgated by Decree No. 72,707 of 1973; and

III ~~— manage —~~ the government programs under management ~~of Eletrobras, manage of~~ financing contracts that utilize resources of the RGR executed until November 17, 2016 and administer the administration of assets of the Federal Government under administration of by Eletrobras provided for in Decree-Law No. 1,383 of December 26, 1974;

~~Art. 8. In the event of acceptance by Eletrobras of the conditions for the privatization established by this Law and by~~

IV ~~—~~ the CPPI, management of the current account named the National Electricity Conservation Program - Procel, as provided for in Law No. 9991 of 2000.

§2. Eletronuclear is authorized to include in its purposes those established in §1, in case the Federal Government does not create the public company or mixed capital company referred to in the heading.

~~Art. is prohibited~~ 10. Subject to the conditions set forth in art. 3, the Federal Government is forbidden from subscribing new shares of Eletrobras ~~in the on its privatization referred to in art. 1,~~ directly or indirectly, through a company under its control.

~~Art. 9. The government programs under the management of Eletrobras, beyond the rights and the obligations associated with them, shall be transferred to the mixed capital company or public company referred to in the caput of art. 7 or to the organ or entity of public federal administration, in the form set form in the regulation.~~

~~Sole paragraph. For purposes of this Law, the following are understood as government programs:~~

~~I — Programa de Incentivo às Fontes Alternativas de Energia Elétrica — Proinfa;~~

~~II — Programa Nacional de Universalização do Acesso e Uso da Energia Elétrica — "Luz para Todos"; and~~

~~III — Programa Nacional de Conservação de Energia Elétrica — Procel.~~

~~11. Art. 10. The mixed capital company or public company resulting from the restructuring referred to in item I of the caput of art. 3 shall be responsible for the management of the financing contracts that utilize resources of RGR executed until November 17, 2016.~~

§ 1. For the purposes of ~~the caput~~ item III of §1 of art. 9, the mixed capital company or public company referred to in the ~~caput~~ heading of ~~art. 7~~ 9 shall reimburse the RGR, within five days, counted from the payment date provided for in each financing contract, for the resources relating to:

- I -- amortization;
- II -- contractual interest ~~rate;~~ rates; and
- III -- credit reserve ~~fee~~ rate.

§ ~~2-1~~. During the term of the financing ~~financing~~ contracts referred to in the ~~caput~~ heading, the mixed capital company or public company responsible ~~for~~ the management shall be entitled to the contract administration fee.

§ ~~3-2~~. In the event of any ~~eventual~~ contractual default by the debtor agent, the reimbursement to the RGR shall occur after ~~the~~ effective payment by the debtor agent to the mixed capital company or public company managing ~~the~~ financing ~~financing~~ contracts referred to in the ~~caput~~ heading, and the amount shall be ~~increased~~ plus by interest and fines, ~~paid~~ in accordance with the contractual provisions, due until the date of ~~payment~~ date.

§ ~~4-3~~. In the event of the non-repayment of the installments within ~~the~~ period established, the mixed capital company or public company managing ~~the~~ financing ~~financing~~ contracts referred to in the ~~caput~~ heading shall ~~restore to reimburse the~~ RGR the amounts due, plus ~~interest and fines~~ fine set forth in the contract, ~~observing pursuant to~~ the provisions ~~of § 3 in § 2~~.

§ ~~5-4~~. Any ~~eventual~~ responsibilities and obligations related to the management of the RGR arising from ~~fact~~ events that occurred prior to the date ~~of the entry~~ this Provisional Measure comes into force of this Law shall not be assumed by the mixed capital company or the public company managing the financing ~~financing~~ contracts referred to in the ~~caput~~ heading.

§ ~~6-5~~. The mixed capital company or public company that manages the financing ~~financing~~ contracts referred to in the ~~caput~~ heading shall ~~not~~ be responsible for the recovery of debt or ~~for~~ any amounts referred to in art. ~~21-A~~ of Law No. 12,783, of 2013.

§ ~~7-6~~. The mixed capital company or public company that manages the financing ~~financing~~ contracts referred to in the ~~caput~~ heading shall ~~not, in be responsible, under any event, be responsible~~ circumstances, for the credit risk related to ~~the~~ loans that use RGR resources.

### CHAPTER III

#### FINAL PROVISIONS

Art. ~~11-12~~. The guarantees granted by the Federal Government to ~~Eletrobras~~ and its subsidiaries, and the mixed capital company or public company referred to in the heading of art. ~~3-9~~ 9, in contracts signed prior to the privatization referred to in this Law Provisional Measure shall be maintained.

Art. ~~12-13~~. Law ~~No. n°~~ 5,899, of July 5, 1973, is effective with the following amendments:

"Art. ~~4~~. The Federal Government shall remain authorized to designate an organ or entity ~~for of~~ the ~~public~~ federal public administration ~~offor~~ the acquisition of the totality of ~~the~~ electricity services of Itaipu.

Sole paragraph. ~~The organ or the entity for of the public federal public administration referred to in the caput heading shall be the Itaipu Energy Sales Agent (Agente Comercializador de Energia de Itaipu) and remain charged with effecting shall be in charge of carrying out the commercialization of the totality of the sales of all electricity services, on pursuant to the terms regulations of the regulation of Agência Nacional de Energia Elétrica National Electricity Agency - Aneel.~~ (NR)

Art. ~~Art. 13-14~~. Law No. ~~1,3839.991~~, of ~~1974~~ 2000, is effective with the following amendments:

"Art. ~~Art. 2-5-A~~ .....

.....



~~§6. The assets and the facilities taken over and expropriated with resources from the Reserva Global de Reversão—RGR funds set forth in line "b" of item I of the heading of art. 5 shall be integrated in the same account, as property of the Federal Government, in a special regime for the utilization of the deposited by concessionaires and permissionaires of public services services of electricity, under the administration of distribution in the Procel current account, to be managed by the mixed capital company or public company referred to in the caput of art. 3 of Law \_\_\_\_\_ dated \_\_\_\_\_, resulting from the restructuring of Centrais Elétricas Brasileiras S.A.—Eletrobras, in accordance with the provisions of the regulation, until they shall be: \_\_\_\_\_~~

~~I—disposed;~~

~~II—transferred to the concessionaires, licensees or other authorized of the generation, transmission or distribution of electricity; or~~

~~III—transferred to the direct administration of the Federal Government.~~

~~§ 1. The administrative, financial and tax costs incurred by the mixed capital company or public company referred to in the caput of art. 7 of Law No. \_\_\_\_\_ dated \_\_\_\_\_, with register, the conservation and the management of assets and facilities, referred to in the caput shall be reimbursed with resources from RGR, as set forth by Aneel. \_\_\_\_\_~~

~~§ 2. The reversible assets utilized exclusively and permanently for the production, transmission and distribution of electricity shall be transferred without charge to the concessionaires, licensees or other authorized of the generation, transmission or distribution of electricity that manage or utilize them.~~

~~§ 3. The reversible assets transferred in the form provided for in § 2 shall be integrated to the respective granting instruments as assets linked to the concession, permission or authorization, according to Aneel regulation, being the properties registered as assets of the Federal Government.~~

~~§ 4. The assets and the facilities transferred in the form provided for in § 2 shall not be liable for indemnity for the reversal referred to in Law No. 8,987 of February 13, 1995.~~

~~§ 5. The real estate assets that are not being used exclusively and permanently for the production, transmission and distribution of electricity may be transferred to the direct administration of the Federal Government, in the form provided for in item III of the caput.~~

~~§ 6. Once the transfer is made in the form provided for in item III of the caput, the Federal Government shall succeed the mixed capital company or public company referred to in the caput of art. 3 of Law No. \_\_\_\_\_ dated \_\_\_\_\_, in contracts, agreements, rights, obligations and judicial actions in which Eletrobras is part and whose object refers to property rights, possession, custody and registration of the referred to assets or facilities. \_\_\_\_\_~~

~~§ 7. Aneel shall regulate the procedures for the substitution, modernization and disposal of assets transferred to the concessionaires, licensees or other authorized for the generation, transmission or distribution of electricity. "{referred to in the heading of art. 9 of Provisional Measure No. 1031 , of February 23, 2021, and supervised by Aneel, as regulated by the Federal Executive Branch." (NR)~~

~~Art. 15. Law nº"Art. 3. The mixed capital company or public company referred to in the caput of art. 3 of Law No. \_\_\_\_\_ dated \_\_\_\_\_, may dispose of assets that are not being used exclusively and permanently for the production, transmission and distribution of electricity referred to in art. 2, as long as~~

authorized by Aneel. \_\_\_\_\_

~~§ 1. The Federal Government may authorize the concessionaires, licensees or other authorized for the generation, transmission or disposal of electricity to dispose of the assets referred to in this article.~~

~~§ 2. In the event of disposal, the net proceeds raised shall revert to the RGR and the concessionaire, licensee, or other authorized for the generation, transmission or distribution of electricity or the company referred to in the caput may retain ten percent of this amount as an administration fee.~~

~~§ 3. The movable assets unable to be sold may be subject to disposal, according to Aneel's regulation." (NR)~~

~~Art. 14. Law No. 10,438, of 2002, is effective with the following amendments:~~

~~"Art. 13. \_\_\_\_\_~~

~~\_\_\_\_\_ § 1. The resources of the CDE shall come from:~~

~~I - the annual fees paid by agents that trade energy with the end consumer, by means of tariff charges included in the tariffs for the use of transmission or distribution systems;~~

~~II - the annual payments made as for the title of the use of public assets;~~

~~III - fines imposed by Aneel on concessionaires, licensees and other authorized;~~

~~IV - the credits of the Federal Government referred to in art. 17 and art. 18 of Law No. 12,783 of January 11, 2013; and~~

~~"Art. 13. \_\_\_\_\_~~

~~\_\_\_\_\_~~

~~§ 1º \_\_\_\_\_~~

~~\_\_\_\_\_~~

~~V - the annual fees paid by electricity generation concessionaires whose obligation is provided for set forth in the respective concession contracts referred to in Provisional Measure no. 1031, of February 23, 2021.~~

~~\_\_\_\_\_ " (NR)~~

~~\_\_\_\_\_ " (NR)~~

~~Art. 16. The capitalization of Eletrobras, referred to in § 1 of art. 1, is conditioned on the conversion of this Provisional Measure into Law.~~

~~Art. 15. Law No. 9,991 of 2000 is in force with the following amendments:~~

~~"17. \_\_\_\_\_ The \_\_\_\_\_ Art. 5-~~

~~A. \_\_\_\_\_~~

~~\_\_\_\_\_~~

~~§ 6. The resources provided in "b" of item I of the caput of art. 5 shall be deposited by the concessionaires and licensees of public services of electricity distribution in the checking account of Procel, administered by an organ or entity of the public federal administration and supervised by ANEEL, as provided for in the regulation." (NR)~~

~~Art. 16. The following are hereby revoked:~~

I - the following provisions of Law No. 3,890-A of April 25, 1961:

a) art. 7; and

b) art. 12; and

II - the sole paragraph 1 of art. 2 of Decree Law No. 1,383 of 1974; and

III - the § 1 of art. 31 of Law No. 10,848 of March 15, 2004.

Art. ~~17-18.~~ This ~~Law~~Provisional Measure shall enter into force on the date of its publication.

Brasília,

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Brasília, February 23, 2021; 200th of the Independence and 133rd of the Republic.