



vda VIEIRA DE ALMEIDA

EFELA'S ENERGY LAW AND REGULATION PERSPECTIVES

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EFELA'S ENERGY LAW AND REGULATION PERSPECTIVES

PORTUGAL

- MAIN MEASURES REGARDING ENERGY TAKEN BY THE PORTUGUESE STATE DURING THE STATE OF EMERGENCY

- State of emergency started on March, 19 [Decree of the President of the Republic no. 14-A/2020, of 18 March]
 - May be declared if a public disaster occurs (or threat)
 - After hearing the Government and obtaining the Parliament's authorization, the President of the Republic may declare a state of emergency, which allows ordering the partial suspension of the citizens' rights, freedoms and guarantees [Articles 19, 134(d), 138, 161(l) and 197.1(d) of the Constitution of the Portuguese Republic, and in Law 44/86, of 30 September 1986]
- Renewed twice and extended until May, 2 [Decree no. 17-A/2020, of 2 April, and Decree no. 20-A/2020, of 17 April]
- From then on, the state of calamity became effective [Council of Ministers Resolution no. 33-A/2020, of 30 April, approved pursuant to the terms of article 19 of the Legal Framework of Civil Protection, enacted by Law no. 27/2006, of 3 July, and extended for the first time by Council of Ministers Resolution no. 38/2020, of 15 May, further extended by Council of Ministers Resolution no. 40-A/2020, of 29 May, and finally extended by Council of Ministers Resolution no. 43-B/2020, of 9 June]
 - May be declared when, in light of the occurrence or risk of a serious accident or catastrophe, and its foreseeable intensity, it is deemed necessary to adopt derogatory measures to prevent, react or restore normal living conditions in the areas affected by its effects [article 9/3 of the Legal Framework of Civil Protection]

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 - Order was issued setting the **conditions for the operation of some essential goods and services** and seeking to **safeguard the supply chains** of among others electricity and natural gas, and the supply of liquid fuel and liquefied petroleum gas (LPG)
[Order no. 3547-a/2020, of 22 march]
 - Entered into force and became **effective at midnight on March 23, being immediately enforceable**
 - Sought to maintain, during the state of emergency, the **undisrupted provision of electricity, gas, liquid fuel and LPG**
 - **Services and infrastructure which should be ensured** by the relevant entities, foreseeing that **specific teams** should be designated for the **continuous operation and maintenance of the infrastructures**, as well for **securing response to urgent situations** and remote costumer services (including in case of breakdowns and incidents on networks/infrastructures)

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 - Entities subject to assign specific teams to ensure the continuous provision of essential goods and services were **managing entities and concessionaires for natural gas distribution, managing entities for electricity transmission, entities managing natural gas transmission and storage and services related to LPG terminals and distribution system operators, municipalities and concessionaires for low-voltage electricity distribution**
 - All entities in the energy sector should comply with the imposed measures regardless of nature of such entities, of the concession agreements or of the applicable licenses
 - Without prejudice to the directives, recommendations and regulations issued by the relevant entities of the sector with regulation or supervision responsibilities such as the Energy Services Regulator
 - Impact on the relationship of the entities to which the measures were applicable with **third parties** - relevant entities to keep in force and in effect the contracts or agreements, namely supply and services agreement, entered into with third parties as required or necessary for the fulfilment of their obligations

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 - Other exception provisions to be enforced during the state of emergency, with particular impact on specific Covid19 issues, commercial relations with consumers and in relation to licensing procedures before the Energy Directorate
 - Prohibition of interruption/suspension of supply of electricity/natural gas to costumers – up to month subsequent to end of state of emergency (i.e. until June 2) - subsequently extended until 30 September 2020 in relation to consumers either unemployed, with reduction in income equal/higher than 20%, or were infected with COVID-19 [Law no. 7/2020 and Law no. 18/2020]
 - Grid operators shall prioritize the supply to priority facilities (hospitals and other healthcare facilities, including facilities exceptionally mobilized for such effect, as well as public safety and civil protection facilities)
 - Changes to electricity and gas prices, with reduction of the same for certain tariffs
 - Deadlines for procedures and formalities before the Energy Directorate, including those foreseen in the context of tender procedures, being temporarily suspended and temporary suspension of new requests for attribution of titles or agreements for attribution of injection capacity, registration of small-scale generation units or self-consumption generation units, production licenses and establishment licenses for grid infrastructure - some exceptions



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