

## Energy & Natural Resources - Portugal

### Charging electric vehicles – liberalisation and new opportunities

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#### Legal framework Registration and licensing

In line with the liberalisation of the market for charging points for electric vehicles in Portugal, Ministerial Orders 240/2015 and 241/2015 (dated August 12 2015) detail the licensing requirements applicable in this regard. As a result, there is now a legal framework to promote competition among charging point operators, which the government hopes will definitively boost electric mobility in Portugal.

#### Legal framework

The legal framework for electric mobility in Portugal was enacted in 2010 by Decree-Law 39/2010. The creation of an electric mobility network was envisaged as a pilot project. Previously, revenues from charging points were set administratively through Ministerial Order 180/2011, rather than being determined by market conditions. This was due to the need to grant a reasonable investment return to charging point operators at the initial stage of a project and therefore ensure the availability of a minimum number of charging points. However, the legislature considered this to be a temporary solution. The ultimate aim was for the remuneration of charging point operators to be on competitive terms.

In light of the above, Decree-Law 39/2010 was amended by Decree-Law 94/2014, which abrogated the remuneration mechanism for charging point operator revenues. As a result, the remuneration conditions for operators are now competitive and their revenues are determined by market conditions. The implementation of these changes was dependent on the publication of the abovementioned ministerial orders. The ministerial orders established the fees and the technical and legal requirements for licensing electric mobility supply activities and charging point operations.

#### Registration and licensing

The supply of electricity for electric mobility activities and the operation of electric mobility charging points are competitive and liberalised, subject to prior registration with the competent authorities and the receipt of a licence respectively.

Registration to become an electricity supplier in this sector is undertaken online. When granted, registration entitles the supplier to develop its activities throughout the country.

Licences for the operation of charging points may be requested by interested parties and are valid for 10 years. Charging point operators must be autonomous from the entity responsible for the management of electric mobility network operations. If the government deems that there are too few charging points to satisfy demand, a public tender may be launched for the award of the respective licences.

The management of operations in the electric mobility network is a non-competitive and regulated activity, developed by an entity appointed by the member of government responsible for the energy sector. Revenues generated are regulated and determined in accordance with the Regulation for Electric Mobility, as approved by the energy sector regulator.

The entity responsible for the management of operations in the electric mobility network must be independent of entities that – directly or indirectly – are dedicated to:

- the operation of charging points;
- generation activities; or
- the transmission, distribution or supply of electricity.<sup>(1)</sup>

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(1) This obligation does not impede the entity responsible for the management of electric mobility network operations from owning charging points, provided that their operation is assigned to a duly licensed charging point operator by means of a competitive and transparent tender process.

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