

# Government approves decree-law on private service electrical facilities

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## Introduction

On August 10 2017 the government approved Decree-Law 96/2017, which establishes the legal framework for:

- medium, high and low-voltage private service electrical facilities powered by the public service electric network (RESP); and
- temporary and itinerant self-generation facilities (for safety purposes), including the control, supervision and regulation of activities associated with such facilities.

The decree-law will enter into force on January 1 2018 and revoke the Electrical Facilities Licensing Regulation 1936, as amended, but only with regard to the provisions applicable to private service electrical facilities covered by the new framework. The new law also complements Law 14/2015, which approved the conditions to access and perform activities relating to private service electrical facilities.

## Private service electrical facilities

Decree-Law 96/2017 categorises private service electrical facilities as follows:

- Type A – temporary or itinerant self-generation facilities (for safety purposes), which are not subject to specific legal regimes;
- Type B – medium, high or extra high-voltage facilities powered by the RESP; and
- Type C – low-voltage facilities powered by the RESP.

The law determines that the execution of the following electrical facilities must be preceded by a project drawn up by a designer and issued with a liability note:

- Type A facilities for safety purposes or powering construction sites with a capacity of 41,4 kilo-volt-ampere (kVA);
- Type B facilities;
- Type C facilities located in public or private areas where public entertainment takes place;
- facilities located in areas with explosion risks, on campsites or in marinas, regardless of their type; and
- Type C facilities installed in properties, collective or not, with a capacity of over 41,4 kVA.

## Construction of facilities

The construction of electrical facilities will be carried out by an installing entity for private service

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electrical facilities or a technician responsible for individual execution, pursuant to the project or the applicable technical and safety rules. The installing entity or technician should issue a compliance statement or liability note regarding the execution of the facility.

## **Connection and operation**

The connection of electrical services to the RESP or their entry into operation is subject to one of the following statements or certificates, according to the type of facility:

- An operation certificate issued by the Directorate General for Energy and Geology (DGEG) is required for Type A electrical facilities with a capacity of more than 100 kVA and Type B facilities. The certificate will be issued following an inspection of the facility and payment of the relevant fee. Before entering into operation, the electrical facility may be authorised by the DGEG to operate temporarily in order for tests to be carried out.
- A compliance statement or liability issued by the installing entity or technician is required for the execution of:
  - Type A facilities with a capacity of 100 kVA or less; and
  - Type C facilities, when temporary or located in residential areas, provided that the facility has a capacity of no more than 10.35 kVA.
- An inspection statement issued by an electrical facilities surveyor entity is required for Type A and C facilities not covered by the previous bullets.

## **Inspection requirements**

In terms of operation, Decree-Law 96/2017 imposes that certain electrical facilities must be monitored by a responsible technician due to their complexity and the associated risk. The distribution system operator must confirm the safety conditions of electrical facilities connected to its network and inform the DGEG of any issues in this regard. If the distribution system operator concludes that a facility constitutes a danger, it must suspend the supply of energy and immediately inform the DGEG of the situation.

Electrical facilities which are not monitored by a technician must be inspected regularly. The methodologies and procedures used in inspections must be approved by the director general of the DGEG within three months of Decree-Law 96/2017's entry into force.

Finally, the activities concerning the execution, inspection and operation of electrical facilities are subject to market supervision and quality of service regulation by the Regulatory Entity for Energy Services, while approval is being granted by the DGEG.

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