

LEGAL ALERT

SIMPLIFICATION OF LICENSING PROCEDURES APPLICABLE TO RENEWABLE ENERGY GENERATION PROJECTS

The Portuguese government has enacted [Decree-Law no. 30-A/2022, of 18 April](#), which sanctions certain administrative exemptions and other measures to promote renewables. These measures, briefly summarized below, will be in effect for 2 years and shall apply to:

1. Renewable generation, storage facilities, self-consumption plants and the respective grid connection lines;
2. Hydrogen facilities; and
3. Power transmission and distribution infrastructures.

Environmental Impact Assessment (“EIA”): the development of renewable generation projects, storage facilities, self-consumption plants and the respective grid connection lines, as well as facilities for hydrogen generation from water electrolysis, that are not located in sensitive areas and, among other thresholds, are below 50 MW or under 20 towers for wind farms, is not subject to EIA, except if the Directorate General for Energy and Geology (“DGEG”) requests such EIA due to evidence that the project is likely to cause significant impacts to the environment.

Opinions from other administrative authorities: the deadline for any mandatory opinion to be issued is reduced to 10 business days. Failure to do so shall be deemed as a favorable opinion. When the project is subject to an EIA, authorities that participate in such procedure and that, under other legal regimes were required to issue opinions, must issue the relevant opinions and/or authorizations within the EIA procedure, thus avoiding the double intervention by these authorities in the licensing of the projects.

Integrated pollution prevention and control (“IPPC”): hydrogen facilities become exempt of the procedures provided for in the IPPC regime. Additionally, projects for hydrogen generation from water electrolysis (including their modifications) are not subject to an EIA procedure when they are below certain thresholds. The case-by-case analysis shall only apply if and when DGEG considers that the project is likely to cause significant impacts to the environment.

Mandatory incorporation of H2 and other renewable gases: gas suppliers with a portfolio above 2000 GWh per year must incorporate at least 1% of green hydrogen or biomethane.

COD: commissioning of renewables facilities, storage facilities and self-consumption facilities becomes exempt of operation license or certificate from DGEG, provided that grid connection conditions are complied with and a prior notice is delivered to DGEG. Operators should request the operation license or certificate within 3 years from the delivery of such notice to DGEG.

Stakeholders engagement: local communities must be engaged in the administrative procedures for renewable generation projects and self-consumption plants with at least 20 MW or 10 towers of wind generation. Measures to promote local agricultural projects, generate employment or to promote biodiversity are within this scope.

Injection of power into the grid by wind farms: this legal regime allows for wind farms to inject electricity into the grid above the limit of injection power that has been determined.

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