

MORAIS LEITÃO

GALVÃO TELES, SOARES DA SILVA
& ASSOCIADOS

DYNAMIC MANAGEMENT OF INJECTION CAPACITY

New procedures

JUNE 2026



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DYNAMIC MANAGEMENT OF INJECTION CAPACITY

On 22 May 2026, [Decree-Law no. 100/2026, of 22 May \(DL 100/2026\)](#), was published, establishing a supplementary regime to [Decree-Law no. 15/2022, of 14 January](#), and regulating the dynamic management of injection capacity in the public electricity grid (RESP) following the allocation of the RESP injection capacity title (TRC).

The new regime addresses limitations identified in the current legal framework, introducing more flexible, efficient and transparent management mechanisms for TRCs already allocated – which may prove decisive in processes involving the acquisition, divestment and restructuring of renewable assets.

The legislation establishes the following procedures for the management of TRCs:

A. Split

B. Aggregation

C. Waiver

D. Exchange

E. Transfer of capacity

F. Allocation of capacity

G. Change of production technology

H. Hybridisation

I. Reduction of installed capacity

J. Change of interconnection point

All procedures are initiated by the TRC holder and must, as a rule, be submitted within a maximum of 60 days from the entry into force of DL 100/2026.¹

This guide details each of the above-mentioned procedures, describing, for each one, what it entails, who may apply for it, the circumstances to be taken into account, the procedural steps and the associated deadlines.

TRC holders **may also combine multiple requests in a single application** to the DGEG, provided there is a connection between them.

The DL 100/2026 entered into force on **23 May 2026** and shall remain in force until 30 June 2027. The decree-law shall be further regulated by ministerial order issued by the member of Government responsible for the energy sector.

The legislation has a direct impact on the valuation of renewable energy projects and carries significant practical implications for portfolio management and M&A transactions in the sector.²

The [Energy and Natural Resources](#) Team at Morais Leitão will continue to closely monitor developments relating to this legislation and remains fully available to answer any further questions.

¹ It is debatable whether this 60-day period constitutes a procedural deadline – counted in business days pursuant to article 87 of the Code of Administrative Procedure – or a limitation period – counted in calendar days pursuant to article 279 of the Civil Code. On the one hand, it is a time limit for the submission of applications in administrative proceedings, which suggests a procedural nature. On the other hand, the expiry of this period without the submission of an application appears to definitively extinguish the TRC holder's right to access the mechanisms provided for in the legislation, which is characteristic of a limitation period. Given the substantive nature of these preclusive effects – and as a matter of prudence – this guide adopts the classification as a limitation period, calculated in calendar days. This interpretation may be revised in the event of different guidance from the legislator or the DGEG.

² Bear in mind that TRCs are, as a general rule, transferable (a transfer being deemed to occur, namely, where there is a direct or indirect change of control of the respective holder) by means of an endorsement (*averbamento*) on the relevant certificate, to be carried out by the DGEG or the competent RESP operator, subject to a reinforcement of the security deposit in an amount equal to half the value initially established.

A. SPLIT OF TRC

What is it?

A split involves **dividing a TRC into** two or three **separate titles**, whilst maintaining the total allocated capacity.

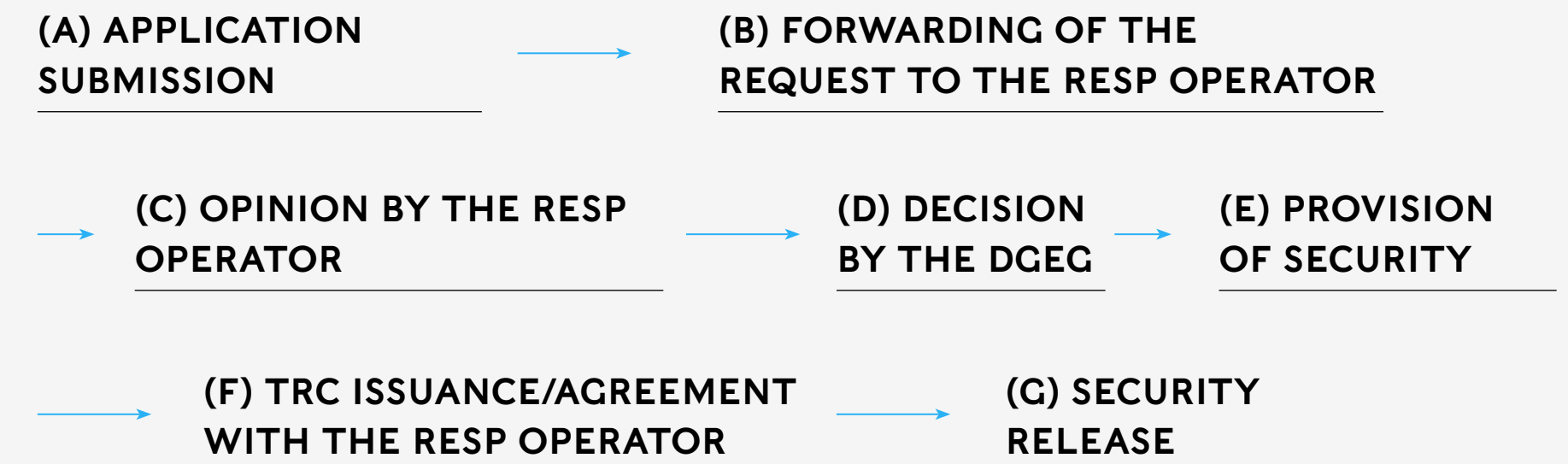
Who can apply?

Holders of TRCs allocated under the **agreement** modality.

What should be taken into account?

- In the case of connection to the National Transmission Grid (RNT), each of the TRCs resulting from the split must have a minimum injection capacity of 50 MVA.
- The TRCs resulting from the split must maintain the conditions of the initial TRC, namely: (i) the holder, (ii) the deadlines (in particular for the purposes of obtaining the production licence), (iii) the obligations and conditions (in proportion to the respective injection capacity), (iv) the legal, regulatory and contractual conditions set out in the initial TRC and its respective addenda, and (v) the interconnection point.
- The sum of the injection capacity of the TRCs resulting from the split must be equal to the injection capacity of the initial TRC.
- The split entails an obligation on the holder to make part of the allocated capacity available for transfer (see [E. Transfer of Capacity](#)).
- The split of the TRC is compatible with (i) the partial reduction of the primary generation source through storage capacity compensation (see [I. Reduction of installed capacity](#)); and (ii) the change of the interconnection point (see [J. Change of interconnection point](#)).

PROCEDURE



DEADLINES

(A) The application for authorisation of a split must be submitted by the holder of the TRC to be split to the DGEG within a maximum of 60 calendar days from the entry into force of DL 100/2026 (*i.e.*, **by 22 July 2026**).

(B) The DGEG forwards the application to the competent RESP operator for technical assessment.

(C) The RESP operator issues a binding opinion within **90 business** days, and may identify network reinforcements whose costs are to be borne by the holder of the TRCs resulting from the split.

(D) The DGEG shall decide within **10 business days** of receiving the opinion. The authorisation decision shall result in the expiry of the initial TRC.

(E) Provision of: (i) a security deposit to the DGEG for each TRC resulting from the split (within 10 business days); and (ii) where applicable, a security deposit to the RESP operator corresponding to the outstanding amount relating to the costs of network reinforcements.

(F) Issuance of the TRCs resulting from the split and conclusion of agreements with the RESP operator (as per templates approved by the DGEG).

(G) The DGEG and the RESP operator shall release the security deposits initially provided within 5 business days of the conclusion of the respective agreement.

B. AGGREGATION OF TRCS

What is it?

An aggregation consists of **combining two or more TRCs into a single title**, whilst maintaining the total injection capacity and the respective allocation modality.

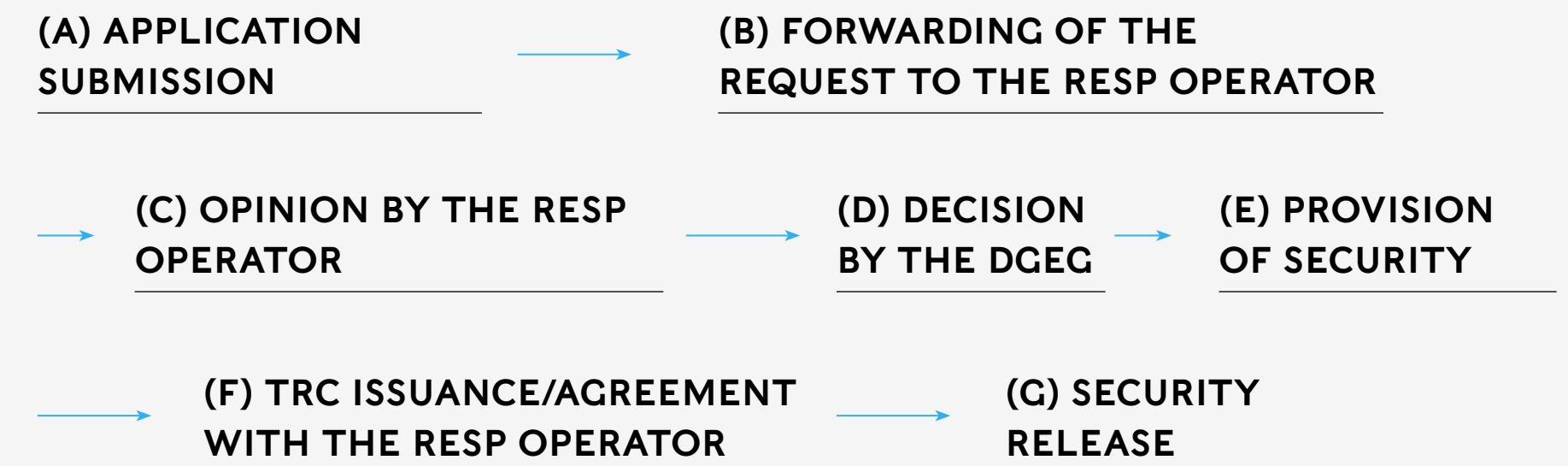
Who can apply?

Holders of TRCs allocated under the **general access** and **agreement** modalities.

What should be taken into account?

- The TRC resulting from the aggregation must maintain the conditions of the TRCs to be aggregated, namely: *(i)* the holder, *(ii)* the deadlines (in particular for obtaining the production licence, calculated from the date of issuance of the oldest initial TRC), *(iii)* the obligations and conditions, and *(iv)* the legal, regulatory and contractual conditions set out in the TRCs to be aggregated and their respective addenda.
- The maximum injection capacity of the TRC resulting from the aggregation may not exceed the sum of the injection capacities of the initial TRCs.
- The interconnection points specified in the TRCs to be aggregated must belong to the same network, subject to the following conditions: *(i)* in the case of connection to the RND, they must belong to the same distribution network connected to the same RNT substation; and *(ii)* in the case of connection to the RNT, they must be at the same voltage level.

PROCEDURE



DEADLINES

(A) The application for authorisation to aggregate must be submitted by the holder of the TRCs to be aggregated to the DGEG within a maximum of 60 calendar days from the entry into force of DL 100/2026 (*i.e.*, **by 22 July 2026**).

(B) The DGEG forwards the application to the relevant RESP operator for technical assessment.

(C) The RESP operator issues a binding opinion within **90 business days**, and may identify network reinforcements whose costs are to be borne by the holder of the TRCs resulting from the aggregation.

(D) The DGEG shall decide within **10 business days** of receiving the opinion. The authorisation decision shall result in the expiry of the initial TRCs.

(E) Provision of: *(i)* a security deposit to the DGEG (within 10 business days); and *(ii)* where applicable, a security deposit to the RESP operator corresponding to the outstanding amount relating to the costs of network reinforcements.

(F) Issuance of the TRC resulting from the aggregation, where applicable, and conclusion of agreements with the RESP operator (as per templates approved by the DGEG).

(G) The DGEG and the RESP operator shall release the security deposits initially provided within **5 business days** of the issuance of the TRC resulting from the aggregation or, where applicable, the conclusion of the relevant agreement.

C. WAIVER OF TRC

What is it?

A waiver involves **the voluntary relinquishment** of a TRC, either in full or in part, by its holder prior to the issuance of the production licence.

Who can apply?

Holders of TRCs allocated under the **general access** modality who **have not** yet **obtained a production licence**.

What should be taken into account?

- The amount of the security deposit to be refunded to the holder in connection with the waiver depends on the date of submission of the application:
 - Up to 30 days after the entry into force of DL 100/2026 (*i.e.*, by 22 June 2026): 100% of the security deposit corresponding to the waived capacity shall be refunded;
 - Between 31 and 60 days after the entry into force of DL 100/2026 (*i.e.*, by 22 July 2026): 80% of the security deposit corresponding to the waived capacity shall be refunded, with the remaining 20% applied towards the SEN's general charges.
- The waiver does not exempt the holder from fulfilling overdue obligations or from costs incurred or owed to RESP operators, nor does it affect the application of the general expiry rules.



PROCEDURE

(A) APPLICATION SUBMISSION

→ (B) DECISION BY DGEG

DEADLINES

(A) The waiver of the TRC must be submitted by the respective holder to the DGEG within a maximum of 60 calendar days from the entry into force of DL 100/2026 (*i.e.*, **by 22 July 2026**).

(B) The DGEG shall decide within **30 business days** of receiving the application. Approval of the waiver entails: *(i)* the expiry of the TRC in respect of the waived portion; *(ii)* the immediate release of the waived capacity for reallocation; and *(iii)* the full or partial refund of the security deposit, in the proportion corresponding to the waived capacity (and, in the event of a partial refund, the enforcement of the remainder).

D. TRC EXCHANGE

What is it?

An exchange consists of **swapping positions in agreements concluded with the same RESP operator**.

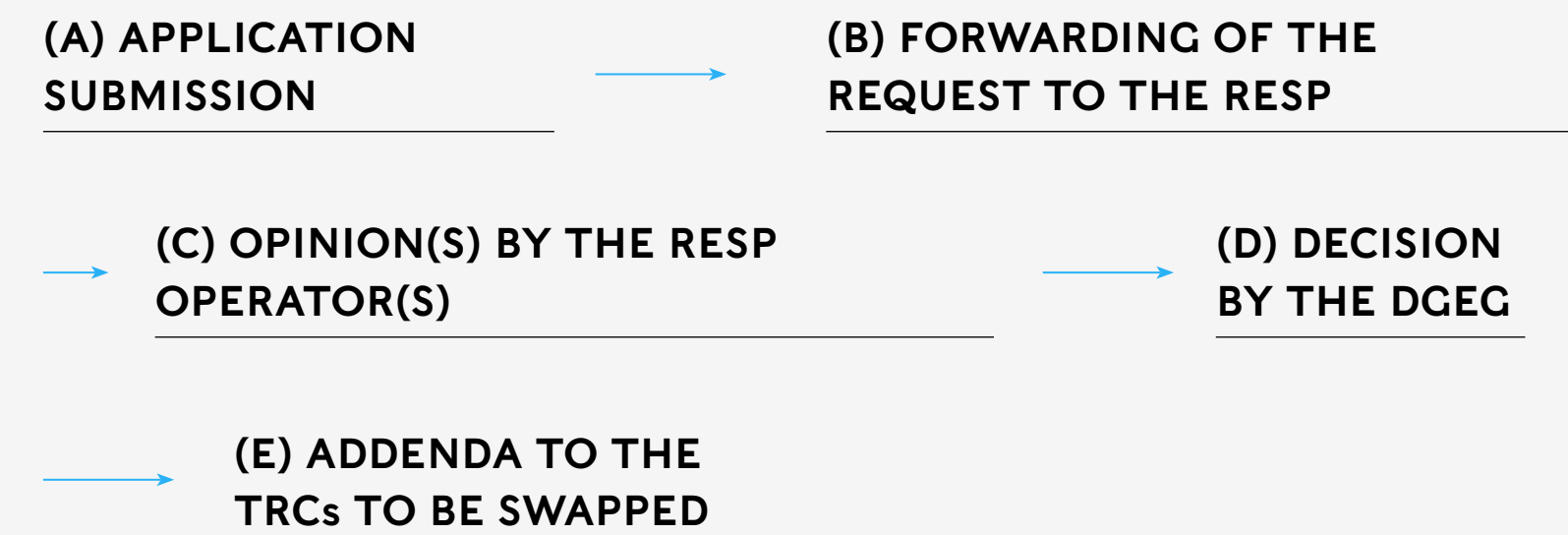
Who can apply?

Holders of TRCs allocated under the **agreement** modality.

What should be taken into account?

- The TRCs to be exchanged must belong to the same network (RNT or RND, as applicable).
- The TRCs resulting from the exchange must maintain the conditions of the TRCs to be exchanged, namely: *(i)* the maximum injection power into the RESP, which may not exceed the sum of the injection powers of the TRCs to be exchanged, *(ii)* the obligations and conditions to which the respective holders are bound, and *(iii)* the legal, regulatory and contractual conditions set out in the TRCs to be exchanged and their respective addenda.
- Priority is to be given to projects that already hold a prior control title, or a favourable or conditionally favourable environmental impact statement or environmental compliance decision, in respect of the execution project.

PROCEDURE



DEADLINES

(A) The application for exchange must be submitted by the holders of the TRCs to be exchanged to the DGEG within a maximum of 60 calendar days from the entry into force of DL 100/2026 (*i.e.*, by **22 July 2026**).

(B) The DGEG forwards the application for technical assessment: *(i)* in the case of connections to the RND, to the RNT and RND operators; and *(ii)* in the case of connections to the RNT, to the RNT operator.

(C) The competent RESP operator(s) shall issue a binding opinion within **90 business days**, and may identify network reinforcements whose costs are to be borne by the holders of the TRCs to be exchanged.

(D) The DGEG shall decide within **10 business days** of receiving the opinion(s).

(E) Formalisation of the exchange by means of an addendum to the TRCs to be exchanged (as per template approved by the DGEG).

E. TRANSFER OF CAPACITY

What is it?

A capacity transfer consists of **making available part of the injection capacity in the RESP associated with a TRC.**

Who can apply?

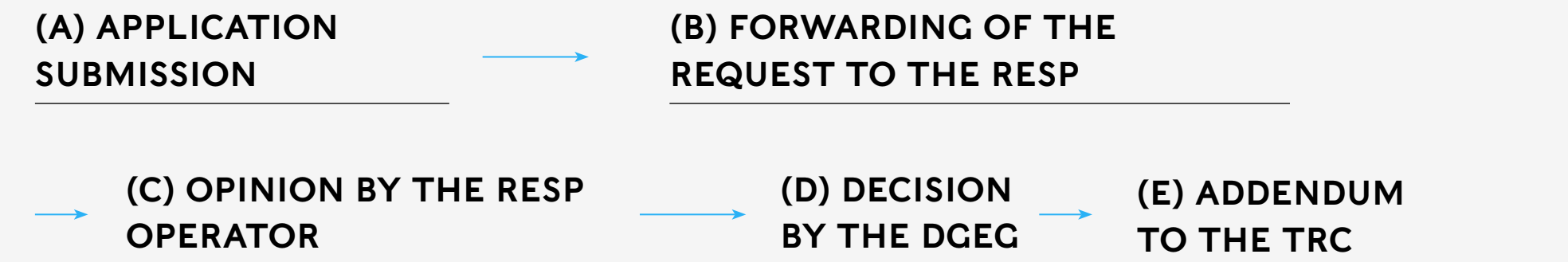
Holders of TRCs allocated under the **agreement** modality.

What should be taken into account?

- The request for transfer must include *(i)* the amount of capacity to be transferred and *(ii)* the interconnection point specified in the relevant TRC.
- The legal, regulatory and contractual conditions set out in the initial TRCs and their respective addenda apply to the TRC subject to the transfer.
- The transfer takes effect only in respect of the capacity actually transferred, resulting in a proportional adjustment of the remaining injection capacity in the RESP, grid reinforcements, payment plan instalments and guarantees provided.
- The transferred capacity shall be used to satisfy pending requests for the conclusion of agreements.³

³ To this end, it is envisaged that the RESP operator will submit to applicants for agreements likely to be accepted with the allocated capacity a corresponding draft agreement (subject to DGEG approval), with applicants having 30 days to accept it by returning the signed agreement. Refusal results in the expiry of the corresponding application.

PROCEDURE



DEADLINES

(A) The application for transfer must be submitted by the TRC holder to the DGEG within a maximum of 60 calendar days from the entry into force of DL 100/2026 (*i.e.*, **by 22 July 2026**).

(B) The DGEG forwards the application to the relevant RESP operator for technical assessment.

(C) The RESP operator issues a binding opinion within **90 business days** and submits to the DGEG the draft addendum to the relevant TRC (subject to DGEG approval).

(D) The DGEG decides within **10 business days** of receiving the opinion.

(E) Formalisation of the transfer by means of an addendum to the TRC (as per template approved by the DGEG).

F. ALLOCATION OF CAPACITY

What is it?

Capacity allocation allows the capacity declared as available under the transfer procedure (see [E. Transfer of Capacity](#)) to be used to satisfy pending requests for the allocation of TRCs under the agreement modality.

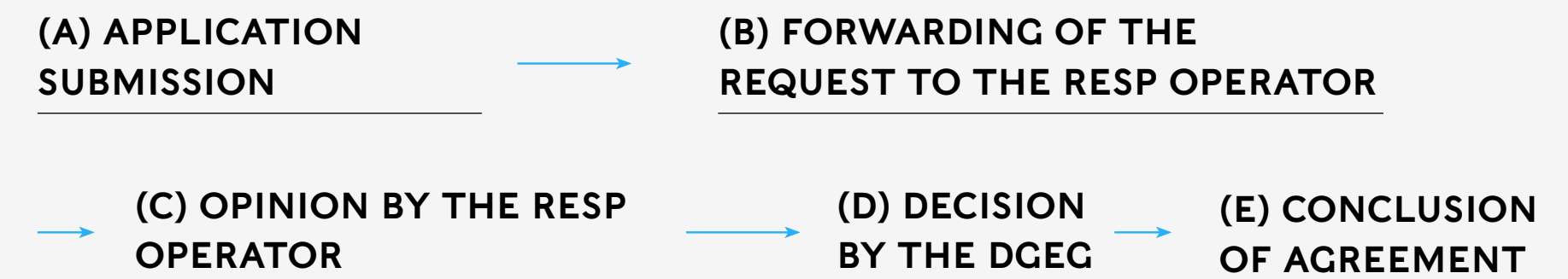
Who can apply?

Applicants with pending requests for the allocation of TRCs under the **agreement** modality **that have not yet been subject to a network study**.

What should be taken into account?

- The application for capacity allocation must contain:
 - (i) the application code from the list of pending applications for the conclusion of an agreement, published by the DGEG; and (ii) the requested amount of injection capacity in the RESP.
- The requested capacity may not exceed the value stated in the list, and the application shall lapse in respect of the portion not covered by the capacity allocation request.
- **60 calendar days** after the entry into force of DL 100/2026 (*i.e.*, 22 July 2026), applications for the conclusion of an agreement that have not yet been subject to a network study and for which no allocation of injection capacity into the RESP has been requested shall lapse.

PROCEDURE



DEADLINES

(A) The application for capacity allocation must be submitted by the interested party to the DGEG within a maximum of 60 calendar days from the entry into force of DL 100/2026 (*i.e.*, **by 22 July 2026**).

(B) The DGEG forwards the application to the relevant RESP operator for technical assessment.

(C) The RESP operator issues a binding opinion within **90 business days** and submits the draft agreement to be concluded to the DGEG (subject to DGEG approval).

(D) The DGEG decides within **10 business days** of receiving the opinion.

(E) Formalisation of the capacity allocation through the conclusion of an agreement with the RESP operator (as per template approved by the DGEG).

G. CHANGE OF PRODUCTION TECHNOLOGY

What is it?

A change in technology involves the total or partial modification of the production technology originally specified in the relevant TRC.

Who can apply?

Holders of TRCs allocated under the **general access** modality.

What should be taken into account?

- The change in technology must not result in a change to the total allocated injection capacity.
- The change in technology must not result in an extension of the licensing periods or the validity of the TRC under the general terms.

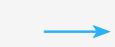


PROCEDURE

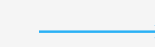
(A) APPLICATION
SUBMISSION



(B) FORWARDING OF THE
REQUEST TO THE RESP OPERATOR



(C) OPINION BY THE RESP
OPERATOR



(D) DECISION
BY THE DGEG

(E) ENDORSEMENT
OF THE TITLE

DEADLINES

(A) The application to change production technology must be submitted by the TRC holder to the DGEG within a maximum of 60 calendar days from the entry into force of DL 100/2026 (*i.e.*, **by 22 July 2026**).

(B) The DGEG forwards the application to the relevant RESP operator for technical assessment.

(C) The RESP operator issues a binding opinion within **90 business days**, designed to assess the impact of the new technological configuration on the RESP's capacity.

(D) The DGEG shall decide within **10 business days** of receiving the opinion.

(E) Formalisation of the technology change by means of an endorsement to the TRC.

H. HYBRIDISATION

What is it?

Hybridisation involves the **commencement of operations involving a complementary production technology prior to the production technology initially envisaged** in the TRC.⁴

Who can apply?

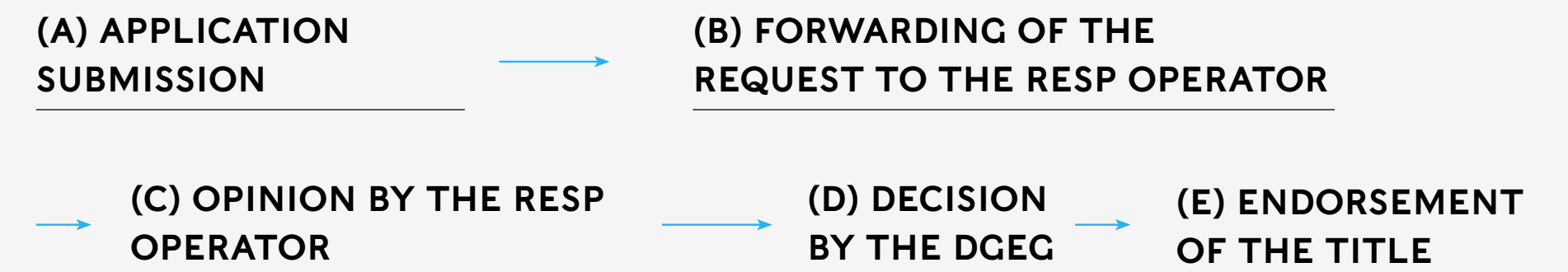
Holders of TRCs allocated under **all modalities** (general access, agreement or competitive procedure).

What should be taken into account?

- Hybridisation must not result in an extension of the licensing periods or the validity of the TRC under the general terms.
- The commencement of operations involving the complementary production technology does not entail the total or partial release of the security deposit, which shall only be released after the commencement of operations involving the technology initially envisaged in the TRC.
- Failure to implement the technology initially envisaged within the term of the TRC triggers the application of the rules established by law regarding expiry and the enforcement of the security deposit.

⁴ The concept of hybridisation adopted by DL 100/2026 differs from that set out in Decree-Law no. 15/2022, of 14 January, under which hybridisation consists of “the addition to a power generation centre or UPAC, with a production licence, prior registration or prior notification, of new production units using a different primary source of renewable energy or new storage units, without altering the injection capacity of the pre-existing power generation centre or UPAC”.

PROCEDURE



DEADLINES

(A) The application for hybridisation must be submitted by the TRC holder to the DGEG within a maximum of **60 calendar days** from the entry into force of DL 100/2026 (*i.e.*, **by 22 July 2026**).

(B) The DGEG forwards the application to the relevant RESP operator for technical assessment.

(C) The RESP operator issues a binding opinion within **90 business days**, assessing the solution’s compatibility with the connection conditions and the RESP’s planning.

(D) The DGEG shall decide within **10 business days** of receiving the opinion.

(E) Formalisation of the hybridisation through an endorsement to the TRC.

I. PARTIAL REDUCTION OF INSTALLED CAPACITY

What is it?

A partial reduction in installed capacity consists of **reducing the installed generation capacity associated with a TRC**.

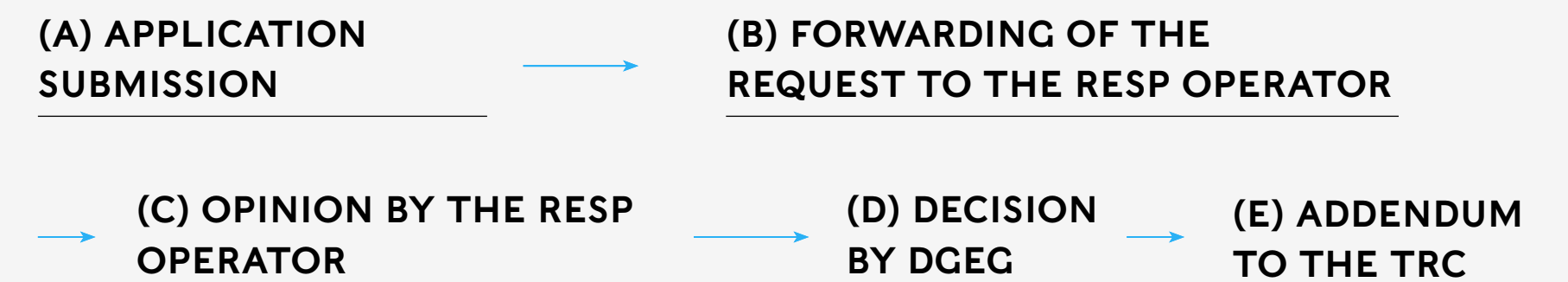
Who can apply?

Holders of TRCs allocated under the **agreement** modality.

What should be taken into account?

- The reduction may not exceed 20% of the TRC's initial capacity and does not confer the right to an increase in injection capacity in the RESP or to an extension of the licensing periods or the TRC's term of validity under the general terms.
- The reduction does not imply a loss of injection capacity in the RESP when the TRC holder chooses to offset the reduction by installing (i) an energy storage system or (ii) another generation technology, in which case the interconnection point specified in the TRC must be maintained.
- In the case of compensation through storage, the load from the RESP may not exceed 25% of the value of the reduction in capacity.
- If the reduction results in a loss of injection capacity in the RESP, the corresponding injection capacity shall be made available for transfer (see [E. Transfer of Capacity](#)).

PROCEDURE



DEADLINES

(A) The application for a partial reduction in installed generation capacity must be submitted by the TRC holder to the DGEG within a maximum of 60 calendar days from the entry into force of DL 100/2026 (*i.e.*, by **22 July 2026**).

(B) The DGEG forwards the application to the relevant RESP operator for technical assessment.

(C) The RESP operator issues a binding opinion within **90 business days**, assessing the compatibility of the solution with the conditions for access to and connection to the RESP.

(D) The DGEG shall decide within **10 business days** of receiving the opinion.

(E) Formalisation of the partial reduction in installed capacity by means of an addendum to the TRC (as per template approved by the DGEG).

J. CHANGE OF THE INTERCONNECTION POINT

What is it?

This procedure allows a TRC holder to request a change to the interconnection point initially allocated.

Who can apply?

Holders of TRCs allocated under the **agreement** modality.

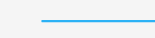
What should be taken into account?

- The change of interconnection point does not require the provision of a new security deposit to the DGEG.
- The change of interconnection point may not result in an extension of the licensing periods or the term of validity of the TRC under the general terms.



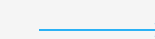
PROCEDURE

(A) APPLICATION SUBMISSION

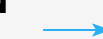


(B) FORWARDING OF THE REQUEST TO THE RESP OPERATOR

(C) OPINION BY THE RESP OPERATOR



(D) DECISION BY DGEG



(E) ADDENDUM TO THE TRC

DEADLINES

(A) The application to amend the interconnection point must be submitted by the TRC holder to the DGEG within a maximum of 60 calendar days from the entry into force of DL 100/2026 (*i.e.*, **by 22 July 2026**).

(B) The DGEG forwards the application to the relevant RESP operator for technical assessment.

(C) The RESP operator issues a binding opinion within **90 business days**, assessing the technical feasibility of changing the interconnection point.

(D) The DGEG shall decide within **10 business days** of receiving the opinion.

(E) Formalisation of the change to the interconnection point by means of an addendum to the TRC (as per template approved by the DGEG).

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