



WavEC
Offshore Renewables

WAVEC SEMINAR 2016

PORTUGAL AND FINLAND: BLUE + RENEWABLE TOMORROW

NUNO MATOS

DIAGNOSIS OF THE PORTUGUESE LEGISLATION FOR MRE

26 OCTOBER 2016

PUBLIC POLICIES

Good resources, infrastructures, climate and know-how/skills.

What about Public Policies?

- **Need to be clear and coherent**
- **Must be attractive to investors, developers, utilities, supply chain**

WavEC started a project to analyze MRE legislation quality

- **Inviting major law firms that use to participate in our initiatives**
- **To help Government to correct/update legislation**
- **To enable MRE stakeholders to be aware of the situation and to propose most appropriate measures to MRE sector**

THE PROJECT

Nine Law Firms answered to the challenge and one gave up eventually

Thematic areas chosen by the lawyers:

Licensing, MSP and Environment (the three with strong interconnections)

- **Due to possible conflicts of customers interests, WavEC undertook the conclusions**

DECREE-LAW 38/2015 (REGULATION OF THE BASE LAW FOR MSP)

1) Situation Plan:

- Represents and identifies the spacial and temporal distribution of the existing and potential uses and activities, namely renewable energies
- Includes the whole National Maritime Space (NMS)

2) Allocation Plan:

- Allocates NMS areas or volumes to uses and activities not identified in the Situation Plan

A FEW CONCLUSIONS GUIDELINES (ENVIRONMENT)

- 1. If a MRE project will be installed in a area included in the the Situation Plan, the project will need a sea private use title of the NMS, so not being subject to a EIA proceeding as the Situation Plan has already been assessed;**
- 2. If a MRE project pretends to be installed in a area outside the Situation Plan for that use, a sea private use title assignment depends on a prior approval of an Allocation Plan that will be subject to the EIA**

Does the EIA in the Allocation Plan preclude or substitute the EIA needed for the projects to be implemented and/or licenced?

Considering that the Allocation Plan may allocate the same area to diferente uses and activities, how shall be the scope of that EIA? EIA regime shall be made compatible with sea legislation to streamline the process.

A FEW CONCLUSIONS

LEGISLATION NOT APPROVED YET

- Decree-Law 38/2015 adaptation to regional specificities of Azores and Madeira;
- Ordinance of the member of the Government responsible for the Energy area about maximum power to be installed in PZ for farms with different maturity level;
- Approval of Situation Plans six months after Ordinance n.º 11494/2015, i.e., April 2016;
- Ordinance of the members of the Government responsible for the Finance and Energy areas about the annual rent to be paid by the promoters.

A FEW CONCLUSIONS

LEGISLATION NOT APPROVED YET (CONT.)

- Ordinance of the members of the Government responsible for the Finance and Sea areas on the security deposit to be paid when the sea use title is assigned;
- Ordinance of the members of the Government responsible for the Finance and Sea areas about the indemnity insurance conditions;
- Definition of the competent entity to transport offshore energy.

NEXT STEPS

Other thematic areas to analyze:

Pilot zone, fiscal matters, FIT, funding conditions (maturity level), support to supply chain industries

Active engagement of MRE stakeholders

Investors, project developers, utilities, public administration, universities, consultants, etc.

- **To send a joint proposal to the Government to correct/update legislation and to launch modern public policies in line with EC orientations**

LAW FIRM PARTNERS

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