



The Third European Union Energy Package, transposed into national law, replaces the license by the mere registration for the activities of commercialization of natural gas and electricity, reinforces the power of the regulator and improves consumers' rights.

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Portugal implements the Third Energy Package

The new regulations for the energy sector, approved by Portuguese Government, transpose into national law Directive No. 2009/72/EC and Directive No. 2009/73/EC laying down the common rules for the internal market in electricity and natural gas, respectively.

The two Directives are part of the so-called Third European Union Energy Package, whose main objectives are to increase competition, enhance the efficiency of the regulatory authorities and increase the investment to benefit of consumers of electricity and gas natural.

The set of measures now adopted change the organizational framework of the national electricity system of Decree-Law No. 78/2011 of 20 June, and the organizational framework for natural gas of Decree-Law No. 77/2011 of 20 June.

Firstly, the licensing requirement to commercialize natural gas and electricity is replaced by a registration at Direcção Geral de Energia e Geologia. As a consequence, it is expected the warranties which were associated with the license to be waived.

Secondly, in order to strengthen competition among operators in the energy market, the new energy regulation reinforces the discipline of separation of production and commercialization activities and operation of networks transport activity.

Towards this objective, the operator of the distribution network belonging to vertically integrated undertaking and serving a number of clients over 100,000 must now draw up a compliance program which sets out the measures to be taken to ensure that discriminatory and anticompetitive conduct is excluded.

Thirdly, the consumer's rights are enhanced, namely the change of supplier, that must now be effected within three weeks. Other important change is that consumers may allow access to their current supplier's consumption data by other suppliers, without any charge.

The new energy regulation also sets out the obligation on suppliers to provide information to consumers, for example, about their consumption, at any time, without any charge.

The directives and the new energy regulations agreed in the need to provide protection to vulnerable customers, mainly on the prices issues. However, neither the directive nor the new law established specific measures to ensure such protection.

Finally, the enlargement of the powers of regulatory authorities is made, mainly by competition control and protection of consumers.

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