



Greenhouse gas emissions

SUMMARY

The operators of greenhouse gas emitting plants must mandatorily own a greenhouse gas emissions permit.

Some of them may benefit from gratuitous greenhouse gas emissions permits if they have so requested to APA.

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The Portuguese Government has implemented Directive 2003/87/EC, of 13 October on greenhouse gas emissions permits (**CELE**).

According to Decree-Law no. 38/2013 of 15 March, the Portuguese Environment Agency (*Agência Portuguesa do Ambiente*) (**APA**) will be responsible for granting gratuitous greenhouse gas emissions permit, managing the Portuguese Registry of Emission *Permits* (*Registo Português de Licenças de Emissão*) which is integrated in the Union Registry and also technical management of the Portuguese Carbon Fund (*Fundo Português de Carbono*).

The operators of greenhouse gas emitting plants that carry out any of the activities listed in Annex II of the Decree-Law must mandatorily own a greenhouse gas emissions permit (*título de emissão de gases com efeito de estufa*) (**TEGEE**). The request for a TEGEE must be submitted with the competent authority responsible for the permitting procedure by filling in a specific form made available by APA on their internet website.

The competent authority must forward the request to APA, along with their opinion, who will then issue a decision within a thirty working day period. In case this period has elapsed without APA having issued any decision on the matter, the request will be, for all purposes, considered approved.

There will also be a national list of plants subject to the CELE framework that will benefit from gratuitous greenhouse gas emissions permits in the period between 2013 and 2020 as long as they have so requested to APA by filling in a specific form.

The permits will be granted as from the month of February of each year and are valid for a period of eight years starting at 1 January 2013. The permits that were not granted gratuitously will be subject to auction sales and all the revenue generated will be used to organize campaigns that contribute to the development of a competitive and low carbon based economy.

This Decree-Law entered into force on 16 March and reports its effects to 1 January 2012, with the exception of the supervision and the sanctions frameworks.

This information is provided for general purposes only and does not constitute professional advice.