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JUNE 2025 | THE NEW PORTUGUESE RULES FOR

# ENERGY INTENSIVE CONSUMERS

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# FOREWORD

Portuguese large electricity-consuming industries have long waited for the intensive electricity consumers' benefits scheme (*Estatuto do Cliente Eletro-Intensivo* – “**ECEI Rules**”) established by [Decree-Law No. 15/2022](#), the national electricity framework regulation enacted in January 2022.

Aimed at facilities with high, continuous, and predictable electricity consumption, the ECEI Rules are designed to tackle one of the main competitive challenges faced by Portuguese industry: the high cost of electricity. By lowering the final electricity prices and facilitating access to more competitive energy conditions, the ECEI Rules help align Portuguese energy costs with those of international competitors.

Key benefits of the ECEI Rules include:

- Reductions and exemptions from various charges related to the use of the national electricity grid;
- Compensation for indirect CO<sub>2</sub> costs;
- Exemption from proximity requirements between production units and self-consumption facilities.
- Access to a risk coverage mechanism that supports the execution of long-term renewable energy supply contracts.

In March 2022, [Ministerial Order No. 112/2022](#) defined the eligibility criteria for adherence, as well as the obligations and support measures for consuming facilities covered by the ECEI Rules.

However, ECEI Rules becoming effective was contingent upon its approval by the European Commission under its State aid rules. Such approval was finally granted on 24 April 2025, thereby unlocking ECEI's implementation.

In this new context, [Ministerial Order No. 203-A/2025/I](#) firstly amended the ECEI Rules by adjusting the access requirements, the adhesion contract, and the respective framework of obligations and benefits.

With an annual allocation of at least 60 million euros intended for approximately 319 eligible companies, the ECEI Rules were established to be a strategic tool for the competitiveness of Portuguese industry.

Therefore, the right time has come to analyse the ECEI Rules highlighting their main implications for the Portuguese energy intensive industry.



## PARTIAL REDUCTION OF COSTS

By joining the ECEI Rules, consuming installations can benefit from a partial reduction in the General Interest Costs applied to the electricity they purchase from the Portuguese Public Service Electricity Grid.

However, the resulting rate cannot fall below EUR 0.5/MWh.

- **An 85% reduction of the cost** applies if the installation belongs to a sector deemed to be at significant risk, as established in Annex I of the [European Commission Communication 2022/C 80/01](#), concerning the “Guidelines on State Aid for Climate, Environmental Protection and Energy 2022”.
- **A 75% reduction of the cost** applies if the installation belongs to a sector at risk, pursuant to the same Annex. This reduction may be increased to 85% provided that the following cumulative requirements are met:
  - a)  $\geq 50\%$  of the installation’s electricity consumption originates from renewable sources; and cumulatively
  - b)  $\geq 10\%$  of the installation’s electricity consumption is secured through a forward contracting instrument or bilateral contract; or
  - c)  $\geq 5\%$  is guaranteed by self-consumption from renewable sources.
- To comply with the requirement to prove consumption from renewable sources, the corresponding guarantees of origin must be cancelled on behalf of the consuming installation.

## TOTAL REDUCTION OF COSTS

Adherence to the ECEI Rules allows consumer installations to benefit, in the case of self-consumption, from:

- Full exemption from General Economic Interest Costs on the energy transmitted through the Portuguese Public Electricity Grid.
- Exemption from proximity criteria between the consumption installation and the self-consumption production unit.

- **Total reduction of General Economic Interest Costs** applied to the global system use tariff for the portion of self-consumed electricity from a production unit for self-consumption, when transmitted through the Portuguese Public Electricity Grid.
- **Exemption from the proximity criteria** between production unit for self-consumption and the location of consumption installations, which is a requirement for carrying out self-consumption production activity:
  - a) 4 km for medium-voltage connections
  - b) 10 km for high-voltage connections; and
  - c) 20 km for extra-high voltage connections.

If the connection occurs at the same substation, there is no distance limitation.

## RISK COVERAGE MECHANISM

The risk coverage mechanism for medium and long-term renewable electricity purchases is a financial instrument aimed at:

- **Shielding energy intensive consumers** from electricity price volatility; and
- **Encouraging renewable energy use** by involving financial institutions that provide guarantees. These guarantees cover part of the contractual obligations, making it easier to enter into medium- and long-term power purchase agreements (PPAs) for renewable electricity.

- **Access to a risk coverage mechanism** related to the payment of the purchase price for renewable electricity on a medium and long-term basis through long-term bilateral contracts, subject to the following requirements:
  - a) A minimum contract duration of five years; and
  - b) Coverage of at least 10% of the consumer's annual electricity consumption.
- The risk coverage is provided by Mutual Guarantee Societies ("SGM"), which are supported by a counter-guarantee issued by Banco Português de Fomento, S.A., acting as the managing entity of the Mutual Counter-Guarantee Fund.
- The SGM guarantee coverage for the risk of non-payment of the agreed contract price, limited to the actual loss suffered.
- Banco Português de Fomento, S.A. assumes the liabilities arising from the obligations guaranteed by the SGM, up to a maximum of 80%.



## RISK COVERAGE MECHANISM



The payment under the guarantee by the SGM is made within the contractual period, once the contractual conditions for triggering the guarantee are met.

The energy intensive consumer is required to repay the SGM for all amounts paid under the guarantee.

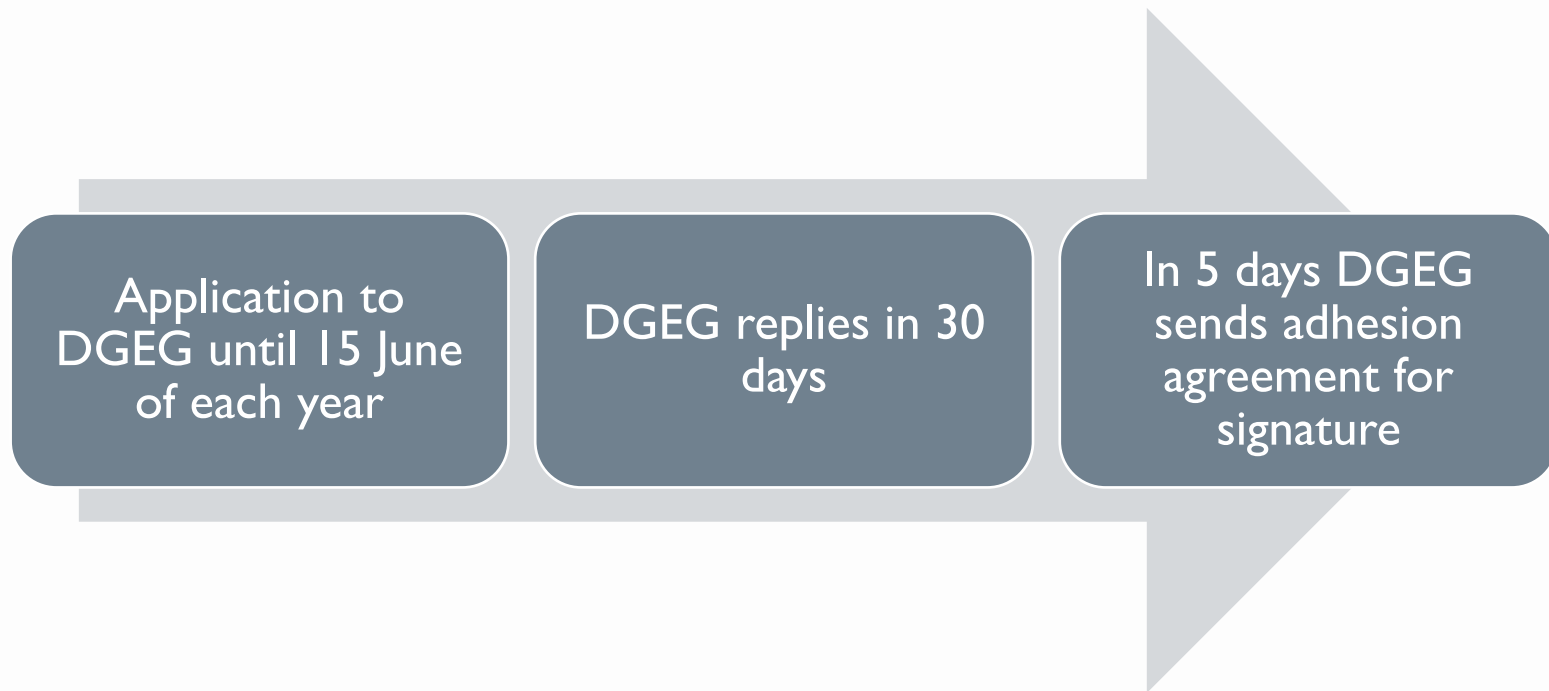


The SGM receive a guarantee fee from the energy intensive consumer for the guarantee they provide.

Banco Português de Fomento, S.A. receives a counter-guarantee fee, which is a percentage of the guarantee fees charged by the SGM to energy intensive consumers.



## THE ADHESION PROCESS



## ELIGIBILITY REQUIREMENTS FOR STANDARD ADHESION

To be eligible for the ECEI Rules, a consumption facility must meet the following requirements.

- Be part of one of the sectors of activity identified in Annex I of the European Commission Communication 2022/C 80/01.
- Be connected to the Medium-Voltage, High-Voltage, or Extra-High-Voltage Electricity Grid
- Comply with the requirements established under the System for Greenhouse Gas Emission Allowance Trading or the Intensive Energy Consumption Management System, if applicable
- Meet the following requirements in at least two of the last three years.
  - Annual consumption  $\geq 1$  GWh, including self-consumption and system services.
  - $\geq 40\%$  of the annual consumption during normal off-peak and super off-peak periods, net of energy from self-consumption and system services.
  - Intensity level  $\geq 1$  kWh/€ of gross added value.

## THE APPLICATION FOR STANDARD ADHESION

The application to benefit of the ECEI Rules must be addressed to DGEG with a set of documents and information, including:

- Identification of the applicant, the consumption facility, the sector or subsector, and the facility's activity code;
- Copy of electricity supply contract established at the organized market, either through bilateral agreement or via a supplier in the free market;
- When applicable, evidence that the consumption facility complies with requirements of:
  - System for Greenhouse Gas Emission Allowance Trading; and
  - Intensive Energy Consumption Management System.
- Declaration of electricity consumption and proof of electricity from self-consumption and system services for the past three years;
  - If the consumer has no historical data, it may be estimated proportionally to the annual consumption.
- Audited certificate of the annual gross added value of the consumption facility for the past three years;
- Declaration confirming that it does not qualify as an “Undertaking in Difficulty” as defined by EU Regulation [2014/C 249](#);
- Declaration confirming that the company is not subject to any pending recovery order following state aid granted under a European Commission decision;
- Declaration that no state aid has been received for the same eligible costs or that such aid does not exceed the legal limits.

## ELIGIBILITY REQUIREMENTS FOR CONDITIONAL ADHESION

Electricity consumers with consumption facilities in operation for less than three years may apply for conditional adherence to the ECEI Rules in the calendar year prior to the year in which the application is processed.

### **Obligation of the Energy Intensive Consumer**

- The consumer is required to meet the eligibility requirements in at least two of the three years following the application for adherence.

### **Compliance Assessment**

- Compliance will be evaluated based on actual or estimated data.

### **Application**

- The application for conditional adherence must contain the same documents required for standard adherence



## DURATION AND RENEWAL OF THE ADHESION AGREEMENT

Type of Agreement	Regular Adhesion Agreement	Conditional Adhesion Agreement
Duration	<ul style="list-style-type: none"> <li>• 4 years</li> </ul>	<ul style="list-style-type: none"> <li>• 3 years</li> </ul>
Request for renewal and/or conversion	<ul style="list-style-type: none"> <li>• Renewal request must be submitted to the DGEG by June 15 of the final year of the contract term, otherwise it may be rejected.</li> <li>• The renewal shall be for an equal period.</li> <li>• The request must include all necessary documentation to verify compliance with the eligibility criteria and the obligations under the ECEI rules.</li> </ul>	<ul style="list-style-type: none"> <li>• The conversion request must be submitted to the DGEG by June 15 of the final year of the contract term, otherwise it may be rejected.</li> <li>• After this deadline, the conditional accession contract must be converted into a standard accession contract with a four-year term.</li> <li>• This conversion is subject to actual consumption levels.</li> <li>• The request must include all necessary documentation to verify compliance with the eligibility criteria and the obligations under the ECEI rules.</li> </ul>
Failure to meet the eligibility requirements in a specific year	<ul style="list-style-type: none"> <li>• Denial of the request for renewal or conversion of the adhesion contract in the calendar year following the breach, or termination of the agreement.</li> </ul>	



## TERMINATION OF THE ADHESION AGREEMENT

The power to terminate the adhesion agreement to the ECEI Rules falls under the authority of the Director-General of DGEG. Termination leads to the following consequences:

- **Cessation of all support measures** granted under the ECEI Rules; and
- **Reimbursement of unpaid General Interest Costs (CIEG)** during the term of the agreement. This reimbursement must be made by **July 1st** of the year in which the breach was identified.

The adhesion agreement shall be terminated in the following cases:

- Voluntary withdrawal;
- Cessation of activity;
- Subsequent non-compliance with eligibility requirements;
- Failure to notify changes to the agreement conditions;
- Submission of false information or the intentional provision of false statements for the purposes of entering into, renewing, or converting the adhesion agreement; and
- Facilities benefiting from the ECEI Rules must submit to DGEG, by April 30 of each calendar year during the term of the agreement — including the calendar year following its expiry — evidence of continued compliance with the eligibility requirements, by providing the relevant supporting documentation.



## ENERGY AUDITS AND ENERGY MANAGEMENT SYSTEMS

The new ECEI Rules aim at ensuring transparency and accountability in the use of public benefits, while simultaneously promoting continuous improvement in the energy performance of facilities and the adoption of sustainable and efficient practices within the energy intensive sector.

Facilities that benefit from the ECEI Rules and that are not part of the Energy Consumption Management System must carry out an energy audit by certified professionals by the end of the first calendar year of the agreement.

For conditional adhesion agreements, the audit must be done by the end of the second calendar year after the year the facility started operating.

In addition, they must carry out at least one of the following actions:

- Implement all energy efficiency measures identified in the energy audit report that have a payback period of 3 years or less;
- Invest at least 50% of the support received in projects that reduce greenhouse gas emissions at the facility; or
- Ensure that at least 30% of their electricity consumption comes from renewable sources, through self-consumption, guarantees of origin, bilateral contracts, or other equivalent mechanisms.

## FINAL IMPLEMENTATION REPORT

The energy intensive consumers must submit a Final Implementation Report by April 30 of the calendar year following the term of the adhesion agreement to ECEI Rules.

The Final Implementation Report must include::

- An analysis of the evolution of eligibility requirements;
- The energy audit report;
- Proof of compliance with at least one of the mandatory actions (energy efficiency, emissions reduction, or use of renewable energy);
- Evidence of the installation and operation of monitoring, recording, and control systems;
- Proof of installation, certification, and audit of the energy management system.



## TRANSITIONAL RULES

The adhesion agreements to the ECEI prior to the new ECEI Rules did not benefit from the cost-reduction measures and the risk-coverage mechanism, as these only came into effect following the European Commission's approval under State aid rules on 24 April 2025.

Electricity consumers with valid agreements for the year 2025 are required to align their contracts with the newly established rules to benefit from the cost-reduction measures and risk coverage mechanism.

According to Explanatory Note [No. 2/DG/2025](#) of DGEG, electricity consumers had the opportunity of filing a conversion request at DGEG through the Energy Intensive Consumer Portal by May 31, 2025.

To avoid termination of their ECEI status, those who failed to submit the conversion request can still file a renewal request until June 15, 2025, following the adhesion process described above in this paper.



## ABOUT US

MACEDO VITORINO is a leading Portuguese law firm. We advise domestic and foreign clients in a wide range of business sectors, including banking, distribution, industry, energy, TMT and projects. We are known for our professional and client-oriented approach to complex and difficult matters.

Since the foundation of our firm in 1996 we have been involved in several high-profile transactions in all of the firm's fields of practice, including banking and finance, capital markets, corporate and M&A, etc.. We have also acted on many complex disputes and restructurings.

We have strong relationships with many of the leading international firms in Europe, Asia and the Americas, which enable us to handle cross-border transactions effectively.

The firm recognised by The European Legal 500, IFLR 1000 and Chambers and Partners for its work in its main practice areas.

Our team is committed, hard working, accessible and friendly. We believe in collegiality, teamwork, trust and loyalty. Clients value our team approach, the good management of time and our focus on their business goals.

We advise:

- NATIONAL AND MULTINATIONAL COMPANIES
- BANKS AND OTHER FINANCIAL INSTITUTIONS
- FUNDS
- BUSINESS AND SCIENTIFIC ASSOCIATIONS
- FOREIGN EMBASSIES
- INDIVIDUAL ENTREPRENEURS
- PRIVATE EQUITIES
- START-UPS
- PRIVATE CLIENTS



## OUR ENERGY GROUP

Our Energy Group provides advisory services to clients in all aspects related to the implementation and development of energy infrastructure, energy markets, and sectoral regulation, with a particular focus on renewable energy.

MACEDO VITORINO works on the development of energy production projects regarding:

- ADMINISTRATIVE AND ENVIRONMENTAL LICENSING PROCESSES
- NEGOTIATION OF O&M, EPC, AND PPA CONTRACTS
- SECTOR-SPECIFIC ENERGY REGULATION
- ENERGY PROJECT FINANCING
- ENERGY DERIVATIVES
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