

A SINGLE NATIONAL HIGH-DEMAND ZONE

João Macedo Vitorino, Frederico Vidigal and Guilherme Portes

SUMMARY

The entire mainland Portuguese territory covered by the Public Service Electricity Grid (*Rede Elétrica de Serviço Público* - “**RESP**”) has been classified as a single National High Demand Zone (“**HDZ**”) for the purposes of applying the exceptional procedure for the allocation of grid connection capacity, as established under [Decree-Law No. 80/2023](#).

Pursuant to Ministerial Order No. 1135/2026, published on 2 February, the allocation of new grid connection capacity for consumption projects throughout Portugal is now exclusively subject to this exceptional procedure. As a result, the submission of new grid capacity requests outside this framework is suspended until the exceptional procedure is formally concluded.

The exceptional procedure is now being launched, starting with the opening—within five business days—of a public consultation for the submission of expressions of interest, which will remain open for 20 business days.

This consultation represents the only opportunity to submit new grid capacity requests while the exceptional procedure is ongoing, which is expected to last for up to approximately six months.

I. Introduction

Within the context of the exceptional procedure for the allocation of grid connection capacity for electricity consumption facilities, Order No. 1135/2026 was published, which:

- (i) Classifies the entire Portuguese mainland territory covered by the RESP as a single HDZ; and

- (ii) Formally launches the exceptional grid capacity allocation procedure.

The recognition of a single nationwide HDZ reflects the increasing and widespread pressure on the RESP, resulting from a cross-cutting increase in requests for the connection of high-power consumption facilities (exceeding 20 MW) across the entire national territory, requiring the adoption of a uniform response to prevent the successive recognition of new HDZs.

Notwithstanding, under Ministerial Order No. 15/2026/I, which regulates the aforementioned exceptional procedure, certain grid access requests in medium and high voltage are expressly excluded, namely those with a requested capacity of up to:

- 50 MVA, where the request relates to:
 - (i) Essential public services;
 - (ii) predominantly residential projects, including housing projects and urbanisation works; or
 - (iii) operation of charging points for electric vehicles and electric vessels.
- 20 MVA, for all other medium and high-voltage network access requests.

These excluded requests are not subject to the suspension of capacity allocation resulting from the exceptional procedure and therefore remain governed by the standard grid access regime. Grid connection capacity may continue to be granted to such projects, subject to existing technical availability.

All other grid capacity requests are subject to the exceptional allocation procedure, which begins with the opening of a public consultation for expressions of interest.

2. Stages of the Exceptional Procedure

The exceptional procedure for allocating grid connection capacity to electricity consumption facilities under the RESP may involve up to five stages:

- (i) Expression of interest, security deposit and assessment of unused capacity;
- (ii) Assessment of demand and grid reinforcement;
- (iii) Availability and transfer of unused capacity;
- (iv) Alignment of project schedule with grid reinforcement timeline; and

- (v) Auction for the allocation of available capacity.

2.1. Expression of interest, security deposit and assessment of unused capacity

The exceptional procedure begins with the opening of a public consultation, launched by the RESP operator responsible for managing the procedure. The purpose of this consultation is to collect expressions of interest from project developers seeking to obtain grid connection capacity to the RESP.

The public consultation must be opened within five business days from the formal launch of the procedure and remains open for 20 business days. The consultation notice is published by the Portuguese Directorate of Energy (*Direção Geral de Energia e Geologia* – “**DGEG**”) in the Official Gazette and made available on the websites of DGEG and the relevant RESP operators.

During this stage, interested parties are required to submit key information regarding their projects, including (i) the execution schedule, (ii) the investment plan, and (iii) the actual power requirements, which must realistically reflect the phased development of the project and the expected scaling over time.

Submission of the expression of interest is conditional upon the provision of a security deposit, payable at the time of submission. Failure to provide such deposit results in the immediate exclusion from the procedure. The amount of the security deposit is calculated based on the requested capacity, according to the following progressive tiers: (i) €13,500 per MVA for up to 20 MVA; (ii) €20,250 per MVA between 20 and 60 MVA; (iii) €30,375 per MVA between 60 and 120 MVA; (iv) €35,437.50 per MVA between 120 and 240 MVA; and (v) €40,500 per MVA for capacities exceeding 240 MVA.

In parallel and during the same period, distribution and transmission grid operators identify grid capacity that has been allocated but is not being used and report this information to the RESP operator responsible for running the procedure.

2.2. Assessment of demand and grid reinforcement

Once the initial stage is completed, the RESP operator has 15 business days from the closing of the public consultation to assess whether the grid capacity resulting from the network reinforcements in the applicable development and investment plans is sufficient to meet the demand expressed in the submitted expressions of interest.

Where such capacity is deemed sufficient, the requested grid connection capacity is allocated to the applicants in accordance with the timelines set out in their expressions of interest, through the issuance of the corresponding grid connection capacity title.

If, however, the demand exceeds the capacity that can be made available through the planned grid investments, the procedure moves on to the next stage.

2.3. Availability and of unused capacity

At this stage, DGEG notifies holders of previously allocated but unused grid capacity and requires them, within 10 business days, to either:

- (i) Justify the continued need for such capacity by submitting a detailed usage timeline; or
- (ii) Voluntarily release all or part of the unused capacity¹.

Capacity holders have 10 business days to respond to the notification. DGEG then reviews the responses within a further 10 business days and may validate or reject the proposed usage timelines, notifying its decision to both the capacity holders and the RESP operator. Failure to comply with an approved usage timeline may result in the loss of the right to the unused capacity.

Once this stage is completed, the RESP operator has 10 business days to assess whether the capacity voluntarily released, together with the capacity made available through planned grid reinforcements, is sufficient to meet the demand identified in the expressions of interest. If so, the available capacity is allocated to the interested applicants in accordance with their proposed timelines, through the issuance of the relevant grid connection capacity title.

If the voluntarily released capacity is insufficient, capacity holders who have not released their unused capacity become subject to a mandatory transfer obligation, in whole or in part. The amount of capacity to be transferred and the transfer mechanism are proposed by the RESP operator and submitted to the Energy Services Regulatory Authority (*Entidade Reguladora dos Serviços Energéticos – “ERSE”*) for approval within 10 business days. ERSE then has 15 business days to issue its decision.

¹ The release or transfer of grid capacity may be temporary or permanent and is always subject to financial compensation. Where no auction takes place, the amount of compensation is set by ERSE. Where the capacity is included in an auction, the compensation corresponds to the price determined through that auction.

Following ERSE's decision, the RESP operator has five business days to reassess whether the capacity released and transferred, together with the capacity resulting from grid reinforcements, is sufficient to meet demand. If so, capacity is allocated to the interested applicants. If not, the procedure moves on to the next stage.

2.4. Alignment of project schedule with grid reinforcement timeline

Where, even after the release and transfer of unused capacity combined with the planned grid reinforcements, available capacity remains insufficient to meet demand, the procedure moves into a timeline alignment stage.

At this stage, the RESP operator conducts a consultation with the interested parties over a period of 20 business days, with the aim of aligning the proposed project timelines with the implementation schedule of the grid reinforcements.

If this consultation results in an agreed alignment of timelines that allows the expressed demand to be met, the RESP operator allocates the requested grid connection capacity to the applicants in accordance with the agreed schedule, through the issuance of the corresponding grid connection capacity title.

If no agreement on timeline alignment is reached, the procedure proceeds to the auction stage, incorporating the capacity that has been released or transferred in the previous stages.

2.5. Auction for the allocation of available capacity

The auction pools together the grid capacity that has been made available or transferred during the previous stages and may be structured by different time periods and/or in lots, using a competitive bidding process.

The auction rules and documentation are prepared by the RESP operator and submitted for approval to ERSE. Once approved, they are published in the Portuguese Official Gazette and made available on the websites of both ERSE and the RESP operator.

Any amounts paid by bidders for the acquisition of grid capacity are offset against the security deposit previously provided, with the corresponding amount being refunded. The capacity awarded is limited to the quantities and timelines indicated in the expression of interest, and the associated rights are conditional upon compliance with the project's requirements. The auction must be completed within a maximum period of 20 business days from its publication.

The allocation procedure is completed with the issuance of the grid connection capacity title, which must be issued within a maximum of 10 business days following the conclusion of the auction.

3. Additional Key Points

- **Failure to obtain sufficient capacity:** If the applicant does not obtain enough grid capacity to meet the needs set out in its expression of interest, any capacity provisionally obtained is forfeited and the security deposit is refunded. As an alternative to a refund, the applicant may choose to reconfigure and reschedule the project, adjusting its capacity requirements to the capacity effectively awarded through the auction.
- **Non-transferability:** Grid connection capacity allocated under the exceptional procedure is not transferable, except in the following limited cases: (i) intra-group corporate restructurings, (ii) transfer of the industrial or commercial business where the consumption facility is located, provided that the installation remains at the same site, and (iii) succession by death, provided that the successor fully assumes all associated rights and obligations.
- **Amendment to project timelines:** For up to six years following the conclusion of the procedure, capacity holders may request from DGEG an extension or rescheduling of the timetable set forth in the capacity title, or a partial waiver of the allocated capacity. Any extension may not exceed two years compared to the originally approved timeline
- **Priority Projects:** Projects classified as priority benefit from preferential treatment in the allocation of grid capacity. Such projects may be satisfied ahead of other applicants or, in the case of an auction, the auction may be limited exclusively to priority projects. Priority status is granted to projects which, at the time of submission of the expression of interest (i) operate in sectors identified as being at risk or at significant risk under Annex I to European Commission Communication 2022/C 80/01 and hold PIN (National Interest Project) status, or (ii) are financed under the Recovery and Resilience Plan (PRR) Mobilising Agendas or Green Agendas.

4. Why this Matters

The launch of the exceptional procedure changes the rules governing access to grid connection capacity under the RESP for consumption projects. While the procedure is in force, the allocation of new grid capacity is no longer continuous and may only take place within the framework of the exceptional procedure. The submission and allocation of new grid capacity requests outside this regime are suspended until the procedure is formally closed.

Access to grid connection capacity is therefore concentrated in a single public consultation phase, lasting 20 business days. Interested parties that fail to submit an expression of interest within this window are excluded from the ongoing procedure and are prevented from accessing new grid capacity for as long as the exceptional procedure remains in force.

The exceptional procedure does not have a predefined duration. Its closure depends on the cumulative completion of the legally prescribed stages, including capacity allocation, any mandatory transfer of capacity, timeline alignment and, where applicable, the auction process. Based on the statutory deadlines, the procedure is expected to last several months—typically between four and six months—although this timeframe may vary depending on the complexity of the process.

In this context, the expression of interest phase represents the critical gateway to accessing grid connection capacity under the RESP. Investors that do not submit applications during this window will only be able to request capacity once the exceptional procedure has been concluded, with no certainty as to when the general access regime will be reinstated.

The legislator's rationale is clear: to manage demand and ensure an efficient allocation of existing grid capacity. However, this objective is implemented through a framework that places decisive weight on procedural sequencing and timing, rather than on a substantive assessment of the economic, industrial or strategic merits of competing projects. As a result, the model risks sidelining or delaying higher-value projects that arise outside the procedural window, undermining system flexibility and potentially limiting the country's capacity to attract more sophisticated, value-added industrial investment.

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