

## NEW PORTUGUESE MINISTERIAL ORDER ON FLEXIBLE GRID ACCESS RIGHTS

*João Vitorino and Frederico Vidigal*

### SUMMARY

The Portuguese Government has launched a public consultation on the draft ministerial order ruling the procedures for the dynamic management of injection capacity on the Portuguese Public Electricity Grid (*Rede Elétrica de Serviço Público* or “**RESP**”), as provided for in Decree-Law No. 100/2026, of 22 May (“**DL 100/2026**”).

The draft order sets out the rules for the implementation of the grid-capacity management mechanisms enacted by DL 100/2026, establishing the procedures, the supporting documents and relevant deadlines to applications submitted by holders of grid capacity access rights (*títulos de reserva de capacidade* or “**TRCs**”).

It also introduces a measure with potential sector-wide impact: the public disclosure of available injection capacity at each interconnection point, thereby enhancing transparency regarding the capacity available for use of the RESP.

The public consultation runs until 2 July 2026 on the [ConsultaLEX](#) portal.

### I. Implementing DL 100/2026

DL 100/2026 introduced flexibility into already allocated injection capacity. Before, once a TRC granted, developers had limited room to adapt projects, reorganise capacity, or release capacity they would not use. To address this, the Decree-Law introduced a set of mechanisms, including:

- Splitting or merging titles (*cisão* and *agregação*);
- Releasing or transferring capacity (*renúncia*, *permuta* and *cedência*); and

- Project reconfiguration (change of generation technology, hybridisation, partial capacity reduction, and change of interconnection point).

While DL 100/2026 establishes the general principles governing these mechanisms, their practical implementation depends on complementary regulation. The draft order now under public consultation gives effect to this framework, setting out the procedures, supporting documentation and deadlines applicable to the various applications provided for in DL 100/2026<sup>1</sup>.

## 2. How applications are processed

The draft order establishes a set of common rules applicable to the generality of procedures. In all cases, applications must include:

- The identification of the applicant;
- Evidence of the relevant powers of representation;
- The identification of the TRCs concerned;
- The qualification of the application submitted;
- An indication of any related applications.

Grid operator opinions must now be based on express criteria, including grid security and reliability, the location of interconnection points, technical connection conditions, potential reinforcement needs, and the efficient use of capacity.

Where the grid operator concludes that network reinforcements are required or identifies additional costs to be borne by the applicant, the Directorate-General for Energy and Geology (DGEG) must notify the applicant prior to the final decision, who may withdraw the application within 10 business days.

---

<sup>1</sup> You can find more about DL 10/2026 in our paper [The New Flexible Grid Access Rules in Portugal](#).

### 3. Information on grid capacity

One of the most significant innovations concerns capacity disclosure. Grid operators will be required to publish, on the DGEG platform, up-to-date information on injection capacity at each interconnection point, including:

- Total capacity allocated at each point, distinguishing between already connected and not yet connected capacity; and
- Capacity available for new allocation.

In addition, a dedicated list will be published of capacity that holders have declared available for transfer (*cedência*), indicating the interconnection point, the MVA value, and the relevant grid operator.

The systematic publication of this information will provide developers with a clearer view of grid occupation at each interconnection point and help identify potential opportunities for the use or transfer of capacity.

### 4. Timelines

Most applications — splits, consolidations, swaps and amendments of technology, capacity or interconnection point — follow a common flow:

Step	Entity	Deadline
Review of the application	DGEG	10 days
Referral of the application to the grid operator	DGEG	5 days
Binding opinion	Grid operator	90 days
Final decision	DGEG	10 days

Two applications follow their own paths: the waiver (*renúncia*), which the DGEG decides within 30 days and without an opinion from the operators; and the capacity transfer (*cedência*), where, once the agreement has been approved, the holder has 30 days to accept it.

The deadlines are counted in business days.

## 5. Participation

The public consultation runs until 2 July 2026 on the [ConsultaLEX](#) portal.

Contributions must be submitted exclusively through the platform made available for that purpose.

© 2026 MACEDO VITORINO

### ABOUT MACEDO VITORINO

MACEDO VITORINO is a Portuguese law firm advising domestic and international clients on complex transactions, projects and legal matters. Our practice covers a broad range of legal areas and industry sectors, including banking, distribution, industry, energy, technology, media, telecommunications and projects, enabling us to provide integrated legal advice tailored to each client's specific needs.

We combine technical rigour with a practical, business-focused approach, assisting clients with the structuring, negotiation and implementation of transactions, as well as with regulatory, contractual and corporate matters. We aim to deliver solutions that are legally robust, clear and effective, particularly in matters requiring coordination across multiple areas of expertise.

We also maintain correspondent relationships and partnerships with leading law firms in Europe, the United States, Brazil and Asia, allowing us to handle cross-border transactions efficiently and to provide our clients with coordinated legal support across multiple jurisdictions.

If you would like to know more about MACEDO VITORINO, please visit our website. [www.macedovitorino.com](http://www.macedovitorino.com).

### IMPORTANT NOTICE

This information is of a general nature and should not be regarded as professional advice. If you require legal advice on these matters, you should contact a lawyer. If you are a client of MACEDO VITORINO, you may contact us by email at [mv@macedovitorino.com](mailto:mv@macedovitorino.com).