

# IS PORTUGAL CATCHING THE POWER SECTOR WAVE? - ABREU ADVOGADOS

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**Portugal has taken an important step toward the implementation of an internal energy market based on wave power. An ambitious goal has been set to create a wave power cluster that would allow Portugal to ultimately export technology and know-how, as Denmark accomplished with its early development of an onshore and offshore wind industry.**

El Consejo de Ministros portugués ha aprobado un anteproyecto de ley para regular el acceso, gestión y producción de electricidad a partir de energía undimotriz (energía producida por el movimiento de las olas). En este artículo, Manuel de Andrade Neves, socio y responsable del área de derecho administrativo de Abreu Advogados, explica cómo la administración lusa ha creado una zona de pruebas en el pueblecito de São Pedro de Moel, cerca de Marinha Grande, que está bajo el control de una entidad pública (la autoridad ejecutiva de la zona de pruebas.) Esta autoridad es la encargada de conceder la licencia para la gestión de la instalación, de evaluar el impacto ambiental,

así como de proporcionar la conexión a la red eléctrica.

On November 8th, the Council of Ministers formally approved a piece of legislation, still pending publication, which will regulate the access, management and the generation of electricity based on ocean wave power (offshore).

With this law, the government intends to promote the generation of electricity based on renewable energy sources, as well as to encourage the scientific research and technological development associated thereto, while carrying out the National Sustainable Development Strategy and transposing the EU Directive on Renewable Energy Targets.

## **Pilot zone**

A pilot zone, or demonstration zone, has been created west of São Pedro de Moel, a small summer beach village near to the city of Marinha Grande in the district of Leiria. This pilot zone is a confined offshore maritime area of around 25 Km<sup>2</sup> with water depths below 30 metres exclusively dedicated to the development of prototypes and farms with the view of generating electricity based on wave power.

Within this area, which shall be managed under concession by a public entity (the Pilot Zone Managing Authority), licences for the generation of electricity may be granted by the relevant authority to eligible developers in accordance with the terms and conditions set forth under the said statute. This was the legal solution that the government found in order to provide private developers the opportunity to use the public maritime domain for testing purposes, or for the final generation of electricity, while benefiting from an appealing renewables tariff.

It is anticipated or expected that the managing authority will have to plan, build and maintain the necessary power infrastructure which developers will be able to plug directly into. It shall also have the purpose of collecting and monitoring environmental data, providing for public access and ensuring the safety of the projects to be developed inside the pilot zone.

But more importantly for the development of this wave power-based industry is the 'one-stop shop' concept attributed to this public entity. It should be possible for any developer, for research and development purposes or for generation purposes, to engage with a single entity to license the project, assess the environmental impact studies, and provide the connection point to the electrical power grid. In other circumstances three to five public authorities and a similar number of proceedings would be involved.

Given the importance of the first crucial steps in the creation of an industrial wave power cluster, it is arguable that the size of the pilot zone seems hesitant and presents difficulties incompatible with the size of the government's undertaking. Also, one would expect that to ensure the success of this endeavour an extremely active and agile managing authority would be necessary. Let us hope that Portugal really catches this wave.

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