

A new Portuguese electric mobility regime taken out to public consultation

On 26 February 2025, the Cabinet approved a proposal for a decree-law repealing and replacing, with profound changes, Decree-law 39/2010 of 26 April, which established the Legal Regime for Electric Mobility.

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The legislative proposal was submitted to public stakeholder consultation on 27.02.2025 for a period of 30 days¹. Interested parties can submit responses until 29.03.2025.

The preamble justifies the government's legislative initiative:

a) With, on the one hand, the national energy and climate policy set out in the National

Energy and Climate Plan (PNEC 2030) and the push for *sustainable mobility centred on electric vehicle users* and the final charging experience;

b) With, on the other hand, the entry into force of Regulation (EU) 2023/1804 of the European Parliament and of the Council of 13 September 2023 on the deployment of alternative fuels infrastructure (AFIR Regulation) and the *adaptation of the Portuguese*

¹ See the following [link](#).

electric mobility model to the European Union's regulatory framework; and

- c) In addition, *the recommendations of ERSE and the Competition Authority to make the national electric mobility system more flexible and promote free competition were taken into account.*

The stated objectives of the legislative proposal under public consultation are to:

- a) Make it easier for Electric Vehicle Users (EVUs) to use charge points;
- b) Implement effective territorial coverage;
- c) Promote market liberalization;
- d) Simplify the activities of the electric mobility system to facilitate and improve the final EVU experience.

Although the changes introduced into the electric mobility ecosystem are significant and far-reaching, what most stands out for those who follow the electric mobility sector in Portugal is that this legislative proposal puts an end to the particularity of the Portuguese electric mobility regime, which is still in force, and which was considered by some to be the “key to Portuguese success in electric mobility”². This legislative proposal, if it succeeds, represents the end of the “SIBS-type model, unique in the world” and applauded by many³. This brings the Portuguese model closer to that of other European countries.

Qualifications aside, the main innovations contained in the proposed legislative text are:

- a) The figure of the electricity supplier for electric mobility (CEME) no longer exists, replaced by that of the mobility service provider (PSM), whose set of rights and obligations is not defined in this legislative text, and is referred to the AFIR Regulation;
- b) The centralized management of the electric mobility network in Portugal, which is currently the responsibility of the Electric Mobility Network Manager, is eliminated and assigned to Mobi.e (a public corporation). This means that PSMs can set up their own charging networks and there will no longer be a common public network;
- c) The range of electric mobility activities now includes:
 - In addition to the *operation of charge points*, to be carried out under a licence in line with the current model (although with the innovation linked to the provisional nature of the licence until the installation of a charge point by the charge point operator, OPC), the provision of electric mobility services;
 - The *activity of managing electronic roaming platforms* (defined as the exchange of data and payments between an OPC and a PSM from which an EVU acquires a charging service, an activity that currently exists in most European countries but is unnecessary in Portugal, given the existence of a centralized management platform managed by Mobi.e);

² See the following [link](#).

³ See the following [link](#).

- The aggregation of electric mobility data transmission to the National Access Point (the management of which is assigned to IMT, I.P.), to be developed by the Electric Mobility Data Aggregation Entity (EADME), which will be an entity to be designated by ministerial order until 31.12.2027 (in light of the transitional provisions, it appears that the year 2027 is an oversight, meaning 31.12.2026);
 - EADME does not operate in the market and receives the data communicated by the charge point operators (whereas today it is Mobi.e that transmits this data, in its capacity as manager of the electric mobility platform).
- h) The introduction of the concept of electric water vehicles and the respective charging infrastructure, with the definition of the rules relating to the installation and operation of this infrastructure being left to a ministerial decree;
 - i) The issue of bonds for the economic valuation of CO₂ emissions saved by incorporating electricity from renewable sources for use in electric mobility is provided, leaving this matter to a ministerial decree;
 - j) Greater clarification in the definition of publicly accessible charge points, in line with the AFIR Regulation;

All these activities are carried out under free competition, although they are subject to regulation by ERSE;

The planned regulations must be approved within 90 days of the entry into force of the proposed legislative act.

- d) It is expressly made compulsory for charge points to allow so-called ad hoc charging, so that EVUs can charge at any point without the need to register, without the need for a written contract and by purchasing the charging service instantly from the charge point operator;
 - e) The interconnection of international electric mobility systems via electronic roaming is provided for;
 - f) The introduction of charging functionality using self-consumption renewable energy production;
 - g) The possibility of using smart charging and the introduction of bidirectional charging (vehicle-to-grid), the regulation of the latter being left to a ministerial decree;
- The proposal provides for a transitional period of two years, until 31.12.2026, which, according to the preamble, is particularly important for *entities already operating in the electric mobility sector* on the date the proposed legislative act comes into force;
- a) There is a requirement for OPCs with charge points already installed to notify Mobi.e if they want their charge points to be disintegrated, and they will remain integrated in the absence of such notification;
 - b) Until 31.12.2026, Mobi.e guarantees that the platform it currently manages operates autonomously and completely unbundled from all other electronic platforms used, which, especially in conjunction with the provision referred to in (i) above, may indicate that Mobi.e

- will continue to manage the platform it currently manages;
- c) CEMEs may, if they wish, notify the DGEG by 31.12.2026 that they will be working as an OPC or PSM;
 - d) The obligations regarding the means of payment to be made available by OPCs to EVUs, at charge points that are already permanently installed and in operation on the date of entry into force of the decree-law, apply from 1 January 2027, in accordance with the provisions of the AFIR Regulation, by which date the OPCs must complete the necessary renovation work on the installed charge points, in order to ensure universal access and diversity of methods of payment, including contracting and payment on an ad hoc basis.