

ANEEL RELEASES TECHNICAL NOTE ON AGENTS' ACCESSION TO PROVISIONAL MEASURE NO. 1,212

On August 05, 2024, ANEEL released Technical Note No. 780/2024-SCE-SGM-SFT/ANEEL, which analyzes the requests for accession to Provisional Measure ("MP") No. 1,212/2024, submitted by generation agents to extend the implementation deadline of their projects, to guarantee the right to maintain the discount on the Tariffs for the Use of Transmission or Distribution Systems ("TUST/TUSD"), in an additional 36 months to the 48 months initially provided for in Law No. 14,120/2021.

Agents interested in acceding to the MP should:



(i) Submit an application to ANEEL by June 10, 2024;



(ii) Submit a Term of Accession within 45 days of the application; and



(iii) Provide a performance bond by July 09, 2024 ("MP Requirements"). Once the application has been granted, the benefiting agents must initiate their works by October 10, 2025, to secure the discount.

The Technical Note, which will be forwarded to ANEEL's Board of Directors for deliberation, provides information on the agents that have met the MP Requirements and clarifies some important points, as highlighted below:

601 agents have met the MP Requirements.

[Click here](#) to access the list of agents whose applications have been granted.



Please note: meeting the MP Requirements does not guarantee eligibility for the discount. The agent must still initiate the works by October 10, 2025, and comply with the 84-month deadline for reaching commercial operation.

1,429 agents did not meet the MP Requirements, or there are pending adjustments by the interested party before B3.

[Click here](#) to access the list of agents whose applications have been rejected.

5 agents have filed legal actions to secure their accession to the MP, although the MP Requirements have not been met. As long as the effects of the court ruling/preliminary injunction persist in such cases, the agents remain entitled to the discount.

[Click here](#) to access the list of agents with a preliminary injunction in force.

Definition of the works' initiation milestone.

The works' initiation milestone defined in Provisional Measure No. 1,212 and MME Ordinance 79/2024 will be confirmed:



(i) Through the information provided on the Ralie interactive panel regarding the inspection's analysis of the "Construction Site Assembly" event; or



(ii) A document proving the acquisition of the generating units to be submitted via the Electricity Generation Projects Monitoring Report ("RAPEEL").

5- Deadline for implementation and entry into commercial operation.

Projects that accede to the MP will be granted an implementation period of **90 months (54+36 months)** by ANEEL, counting from the date of publication of the grant.

[Click here](#) to access the list of agents whose implementation period has been extended to 90 months.



Please note: this extension does not apply to power plants whose energy has been traded in the Regulated Contracting Environment ("ACR").

[Click here](#) to access the Technical Note in full .

Demarest's Energy and Natural Resources team is available to provide any further clarifications that may be necessary.