



Legal Aspects of Offshore wind in Brazil

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**'November Conference on Brazilian-Norwegian Energy Research'
October, 28th 2020**

MINISTÉRIO DE
MINAS E ENERGIA



Summary

- 1. About EPE**
- 2. Offshore wind and energy planning in Brazil**
- 3. Roadmap Offshore Wind Brazil 2035**
- 4. Legal and regulatory aspects**
- 5. Final remarks**

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About EPE

EPE – Energy Research Office



www.epe.gov.br



100% state-owned company that aims at supporting the Brazilian Ministry of Mines and Energy

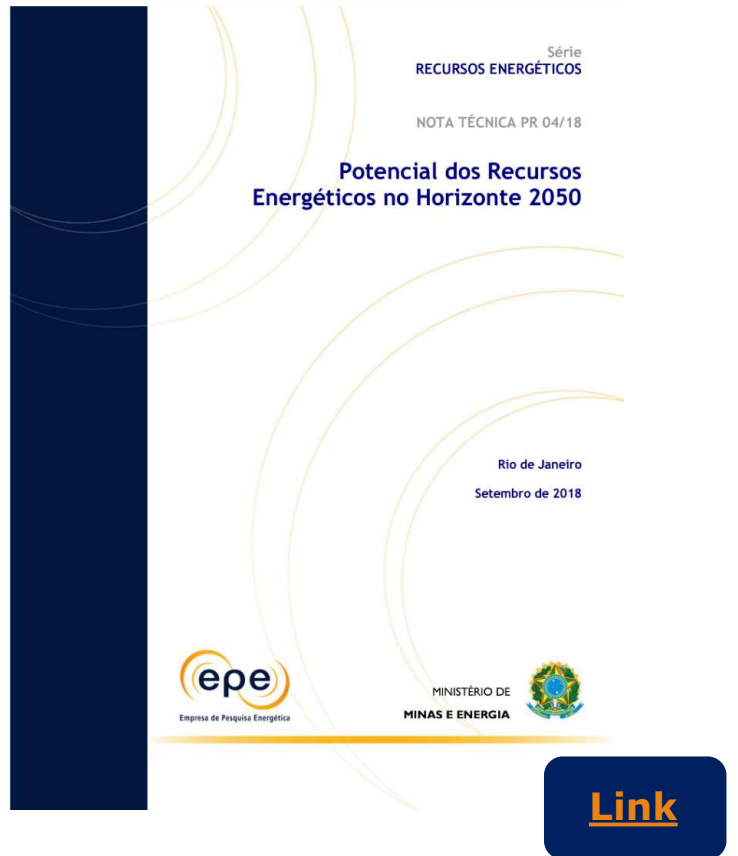


Our purpose is to ensure the basis for the sustainable development of the country's energy infrastructure

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Offshore wind and energy planning in Brazil

National Energy Plan (PNE 2050)



- **Published in September/2018**
- **Long-term planning perspective (30-year horizon)**
- **Assessment of the Brazilian energy sector's trends and expansion alternatives**
- **First attempt to identify offshore wind potential in Brazilian waters**
- ✓ **Offshore wind facilities have developed rapidly worldwide over the past years (proven technology and cost reduction)**
- ✓ **Environmental licensing process in progress for some offshore wind projects in Brazil**



Available at: http://www.epe.gov.br/sites-pt/publicacoes-dados-abertos/publicacoes/PublicacoesArquivos/publicacao-227/topico-416/NT04%20PR_RecursosEnergeticos%202050.pdf

Ten Year Energy Expansion Plan (PDE 2029)



- **Medium-term perspective (10-year horizon)**
- **Carried out annually by EPE**
- **Produced under the guidelines and support of the Brazilian Ministry of Mines and Energy**
- **Indication of the expansion prospects of the Brazilian energy sector**

i First PDE's edition to consider offshore wind



Available at: <https://www.epe.gov.br/en/publications/publications/pde-2029-executive-summary>

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Roadmap Offshore Wind Brazil 2035

Roadmap Offshore Wind Brazil 2035







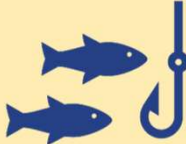

Which **actions** should Brazil take in order to have **offshore wind farms** operating by **2035**?

- identify possible barriers and challenges;
- point out some recommendations from the planner's perspective;
- better understand relevant aspects related to the source.



Available at: <http://www.epe.gov.br/pt/publicacoes-dados-abertos/publicacoes/roadmap-eolica-offshore-brasil>

Topics covered by the Roadmap

 <p>Offshore wind potential</p>	 <p>Technological aspects and costs</p>	 <p>Grid connection</p>
 <p>Legal and regulatory aspects</p>	 <p>Environmental aspects</p>	 <p>Final remarks</p>

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Legal and regulatory aspects

Legal and regulatory aspects



**Brazil is not a
"one-stop shop"**

Different agencies involved in the authorization process

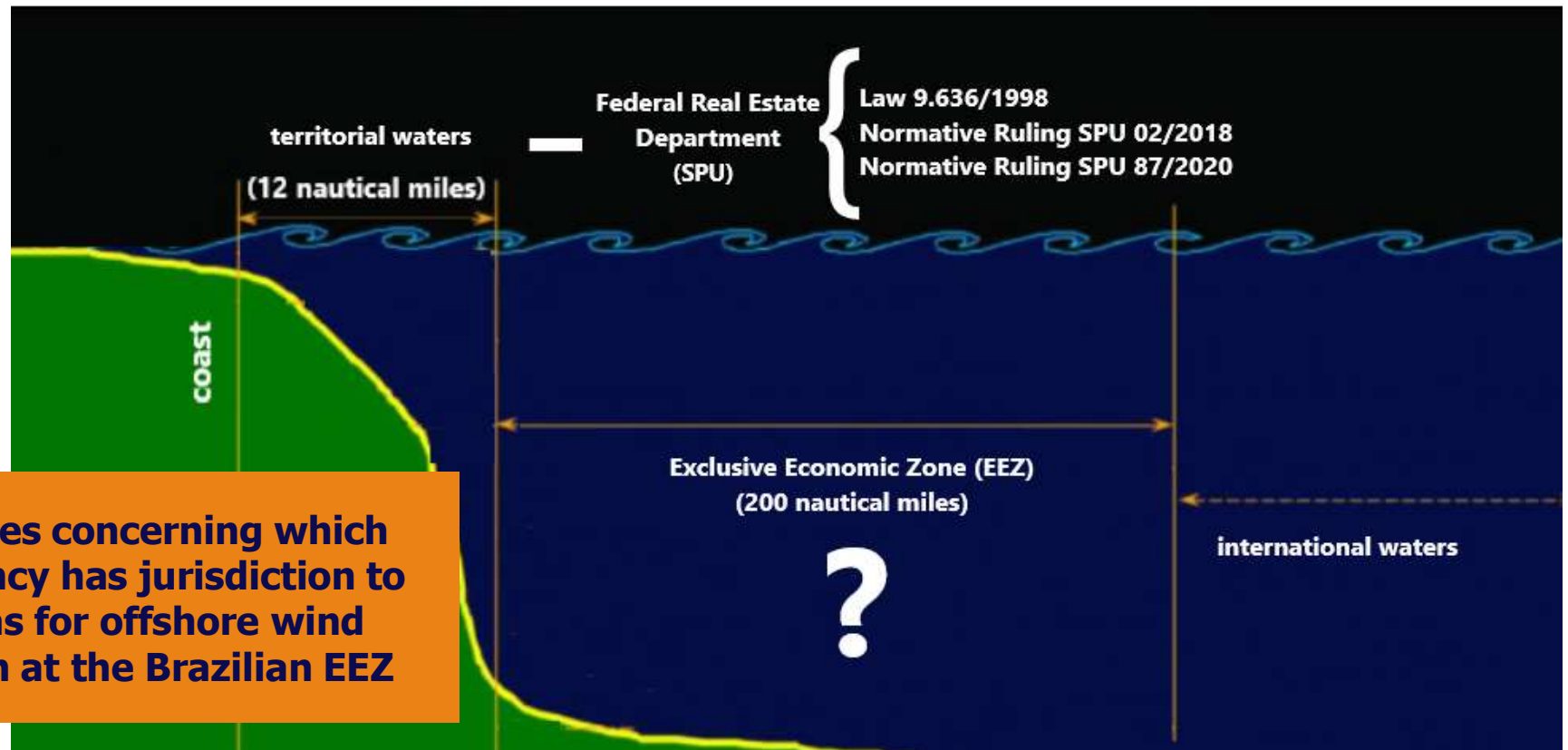
- **Navy's authorization**
Normative Ruling n. 11 (NORMAM 11)
- **Lease Requirement Registration (DRO)**
issued by the Brazilian Energy Agency (ANEEL)
Normative Ruling n. 876/2020
- **Environmental license**
issued by the Federal Environmental Agency (IBAMA)
Decree n. 8.439/2015
Normative Ruling n. 237/1997
- **Developers must secure a seabed lease**
- **Grid connection permit**
issued by the National Grid Operator (ONS)
Normative Ruling n. 281/1999
- **Exploitation lease**

Legal and regulatory aspects

Seabed lease



Uncertainties concerning which federal agency has jurisdiction to lease areas for offshore wind exploitation at the Brazilian EEZ



Legal and regulatory aspects

Exploitation lease

- **Final step**
- **Issued by the Electrical Energy Agency (ANEEL)**
- **Normative Ruling n. 876/2020**
- **Documents required:**
 - (i) Company documentation;**
 - (ii) Technical specifications of the project;**
 - (iii) Environmental license;**
 - (iv) Grid connection permit;**
 - (v) Deployment schedule;**
 - (vi) Fulfillment guarantee.**

Legal and regulatory aspects

Legislative bill n. 11.247/2018

Efforts to stimulate the development of the offshore wind generation

Leased areas will be submitted to public tender

Developments that cannot be deployed or operated simultaneously will be submitted to a dispute process between them

EPE will be responsible for granting preliminary environmental licenses for areas to be tendered

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Final remarks

Final remarks



- **Regulatory improvements concerning the lease of EEZ areas are desirable.**
- **Streamline the licensing process is desirable.**
- **The existing regulation already enables the development of offshore windfarms in Brazil. Regulation targeted at offshore wind power might help its development in Brazil.**

Thank you!

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