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# Update

## Mobility



April 2022

## Incentives for electric mobility in condominiums

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1. The Order no. 3419-B/2022, of March 22, which approves the *Regulation on the Allocation of the Incentive for the Introduction into Consumption of Zero Emission Vehicles in 2022*, provides for the allocation of a 10 million euro incentive in 2022 for the purchase of electric vehicles, cargo or city-use bicycles, motorbikes and other personal mobility devices (Typologies 1 to 6) and for the installation of charging points in multi-family condominiums connected to the Mobi.E. Network (Typology 7).

This latest typology of incentives – in multifamily condominiums connected to the Mobi.E. Network – is intended to “*serve as a pilot to test future support aimed at these new mobility trends and the emerging needs of their users*”.

2. According to the abovementioned Regulation, the incentive for the installation of charging points in condominiums is expressed in the grant of an incentive amounting to **(i)** 80% of the purchase price of the charger, including VAT, up to a maximum of € 800 (eight hundred euros) per charger, one charger corresponding to one parking space, to which may be added **(ii)** 80% of the value of the electric installation associated to the charger acquired (including VAT), up to a maximum of € 1,000 (one thousand euros) per parking space.

For the eligibility of the application, under this Regulation, it is necessary to fulfill three requirements:

- a) The charging point is installed in a building constituted as horizontal property associated with multi-family housing units;
- b) The place of installation of the charging point is a “common space for private use”;
- c) The charging point is connected to the public electric mobility network – being a charging point for private use, connected to the Mobi.e Network, under article 27 of the Legal Framework

for Electric Mobility, approved by Decree-Law no. 39/2010, of 16 April - which implies that, regardless of the place of installation and its allocation for the use of only one condominium member, it may be used by other UVE, besides its holder, who will pay for the energy charged and the service for using the charging point.

3. This regime established in the Regulation has raised some doubts and criticisms regarding *who* may benefit from this financing and *where* the charging points subject to financing should be installed.

Firstly, regarding the **legitimacy to submit applications**, the Regulation provides that the application may be submitted by residents – “*the residents* [vg. tenant, usufructuary, etc.] *or owners who are natural persons, who may submit individual or joint applications*”. Thus, even if in the same condominium there are owners of multi-family units who are natural and legal persons, the Regulation grants legal standing only to owners who “**are natural persons**”. This option has the effect, namely, of impeding that legal persons owning properties placed on the short-term rental market (e.g. “alojamento local”) may obtain financing for the installation of charging points to be made available to users who use their parking space and whose users are quite variable.

Secondly, by establishing that **only charging points located in “privately used common spaces” are eligible**, the Regulation leaves the doubt as to whether, by such a condition, it intends to allude to the concept of “*exclusively used common parts*” referred to in the legal regime of horizontal property in Article 1421 of the Civil Code; if so, this option means excluding from financing the charging points installed in garage spaces that are *autonomous fractions*, i.e. that are not common parts but are owned by the condominium owner.

The express option in the legislation to restrict the range of candidates to residents or owners who are natural persons and, on the other hand, the interpretative doubts that arise as to the places where charging points may be installed, are *not friendly solutions to the path of decarbonisation of mobility*, which is desired to be fast and effective for the fulfilment of the Portuguese commitment to achieve carbon neutrality by 2050.