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GENERAL COMPTROLLER OF THE REPUBLIC APPROVES REGULATION REGARDING ENERGY STORAGE SYSTEMS

On May 30, 2024, the Comptroller General of the Republic ("Comptroller") approved Supreme Decree No. 70 ("Decree"), which amends, mainly, (i) the Supreme Decree No. 62, of 2006, of the Ministry of Economy, Development and Reconstruction ("DS 62"), which approves the Regulation of Power Transfers between Generating Companies established in the General Law of Electric Services, and (ii) the Supreme Decree No. 125, of 2017, of the Ministry of Energy, which approves Regulations for the Coordination and Operation of the National Electric System.

Following the approval by the Comptroller, the Decree will entry in force once it has been published in the Official Gazette.

The most relevant amendments included in the Decree are the following:

• Incorporation of energy storage systems ("BESS") in the scope of application of DS 62.
• Regulation of the methodology for the recognition of Sufficiency Power (as such term is defined in the Decree) of BESS.
• Allowing hybrid projects to withdraw energy directly from the grid, and not necessarily from the generation plant to which it is associated.

Regarding the recognition of Sufficiency Power of the BESS, there will be a transitory regime during the first 10 years of the Decree, according to the provisions of the First Transitory Article of the Decree.

Decree is available at this link.

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