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Royal Decree-Law 7/2026: Measures regarding renewables and storage

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Royal Decree-law 7/2026 of 20 March (Real Decreto-ley 7/2026, de 20 de marzo), approving the Comprehensive Response Plan to the Crisis in the Middle East ("RDL 7/2026"), establishes a package of 80 measures and mobilises EUR 5 billion. Alongside short-term fiscal and social measures, the regulation incorporates an energy block of a structural nature aimed at accelerating electrification, renewable deployment and energy storage, strengthening energy autonomy and the resilience of the electricity system.

In this alert, we analyse some of the most relevant issues from the perspective of the development of renewable generation and storage facilities. The tax measures included in the regulation will be addressed separately in a forthcoming alert. As in previous cases, it is necessary to recall the temporary nature of Royal Decree-laws, given the requirement for Parliament to rule, within a maximum period of 30 days (Article 86 of the Spanish Constitution), on their validation or repeal.

Deployment of renewable energy and flexibility of milestones

Administrative milestones: suspension due to interim measures and exceptional extension of the fifth milestone

The Eleventh Final Provision amends Royal Decree-law 23/2020 (Real Decreto-ley 23/2020) to clarify the impact of administrative or judicial interim measures on the calculation of administrative milestones:

> *"If, before the expiry of any of the administrative milestones […], the promoter provides evidence of the existence of an interim measure entailing the suspension of the effectiveness of the administrative authorisations granted […], the calculation of the time limits […] shall be suspended from the adoption of the suspension until it is lifted."*

The Official State Gazette ("**BOE**") expressly adds that this rule also applies where the suspension arises under Article 117.3 of Law 39/2015 (Ley 39/2015). The consequence is particularly relevant for projects affected by local litigation, environmental challenges or administrative appeals: the time during which the interim measure is in force no longer counts against the promoter, provided that such measure is evidenced before the grid operator and the competent energy authority.

In addition, Article 25 allows for an exceptional extension of the fifth administrative milestone for certain facilities that already hold construction authorisation. The request must be submitted within three months from the entry into force of the Royal Decree-law or from the granting of construction authorisation, if later. In any event, the maximum date for obtaining final operating authorisation may not exceed 31 December 2030.

This exceptional extension of the fifth milestone reopens the possibility of choosing the relevant semester within a three-month period and also applies to projects that have already made use of previous extension mechanisms. Once the extension has been granted, neither provisional nor final operating authorisation, nor preliminary or definitive registration, may be granted prior to the commencement of the committed semester.

Finally, with regard to access and connection permits for urban development or planning actions, a five-year expiry period is established, with the possibility of exception where, in the opinion of the Spanish Competition and Markets Authority ("**CNMC**"), the existence of circumstances not directly or indirectly attributable to the applicant is duly evidenced.

Shared infrastructure and promoter liability

Article 24 requires the holders of generation facilities, storage facilities and hybrid installations evacuating through the same position using shared evacuation infrastructure, and already holding prior administrative authorisation, to submit, within a period of one year, the agreement referred to in Article 21.5 of Law 24/2013 on the Electricity Sector.

"Failure to comply within the indicated period […] shall result in the allocation of responsibilities […] being carried out proportionally to the access capacity reflected in their access and connection permits."

This measure reinforces the need to formalise infrastructure-sharing agreements between promoters as early as possible.

Likewise, Royal Decree-law 7/2026 introduces a new regulation into Article 21.5 of the Electricity Sector Law imposing joint and several liability vis-à-vis the electricity system for projects sharing evacuation infrastructure, and requiring the communication, prior to obtaining the resolution granting prior administrative authorisation, of a signed agreement by all owners setting out the allocation of responsibilities among the various producers, storage facility owners and hybrid facility owners, under the conditions laid down by the Royal Decree-law.

Renewable Acceleration Zones and preferred energy projects

Renewable Acceleration Zones ("**RAZs**") are created, and criteria are established for Autonomous Communities to define these zones as preferred areas, from an administrative standpoint, for renewable deployment.

Additionally, the figure of preferred energy projects is introduced. For reasons of public interest, projects holding the Social and Territorial Excellence seal, strategic investment projects, certain planned infrastructures, repowering projects and projects located in low-sensitivity areas will benefit from priority processing. This instrument constitutes an administrative prioritisation mechanism and does not entail any substantive exemption from applicable obligations.

Repowering

Article 22 optimises the authorisation processing procedure for repowering. Until climate neutrality is achieved, the repowering of generation facilities and electrochemical storage installations by an amount not exceeding an additional 25% of the originally installed capacity benefits from a simplified regime.

The regulation also allows the reuse of studies, measurements and mapping included in previous files, provided that they remain technically and legally valid and are supplemented where necessary. This provision also applies to the repowering of hybrid generation and storage facilities, as well as to the repowering of transmission and distribution networks where the increase does not exceed 25% or where no increase in height or route modification is involved.

- Environmental assessment of projects: continuation of procedures in cases of omission of certain reports

Article 23 introduces specific features in the environmental assessment of generation, storage and network projects. Its dual rationale is to avoid administrative blockages due to incomplete or delayed reports, while maintaining enhanced safeguards where there may be appreciable impacts on Natura 2000 sites.

""The environmental authority shall carry out a formal analysis of the file […]. If this analysis reveals that the file does not include the required reports […] or that the environmental impact study […] is incomplete […], the environmental authority shall require the competent authority to remedy the file within a

period of three months, during which the deadline for issuing the environmental impact statement shall be suspended."

The regulation adds that, once this three-month period has elapsed, if the file remains incomplete, the environmental authority may proceed with the technical assessment. It also provides for an additional ten-day period for reports not issued and allows the procedure to continue up to the adoption of the environmental impact statement, except in cases involving potential impacts on Natura 2000 sites.

Mandatory hearing of the promoter prior to the issuance of the environmental impact statement is required.

Additionally, Article 23 empowers the Government to approve, by way of Royal Decree, minimum requirements regarding satisfactory alternatives and preventive, corrective and compensatory measures applicable to the environmental assessment of these projects.

Demand and storage

Replacement of the guarantees regime with a capacity reservation charge

The main novelty affecting new demand, and particularly storage facilities requiring absorption capacity from the grid, is the capacity reservation charge regulated in Article 11, which replaces the guarantees regime previously set out in Article 23 bis of Royal Decree 1183/2000, which is repealed.

"This charge shall apply to all holders of the relevant permits relating to consumption facilities whose connection point voltage is equal to or higher than 1 kV, and shall apply from the moment such access and connection permits are obtained until the commencement of the activity corresponding to such facilities."

In practical terms, this measure turns the demand permit into an asset subject to a recurring cost. Until now, firmness was mainly based on guarantees and on certain temporal milestones. Following the entry into force of the Royal Decree-law, maintaining demand capacity without initiating activity entails a monthly cost.

The amount is calculated on the basis of the power terms of the transmission and distribution network charges in period P1, multiplied by a factor k to be established by the Secretary of State for Energy. The BOE provides that this factor shall be higher at higher voltage levels and the longer the period elapsed since the permit was granted. An initial exemption period with k = 0 may also apply.

The First Transitional Provision specifies initial factors of 0.4, 0.6, 1.0 and 1.5 for tariff segments 6.1 TD, 6.2 TD, 6.3 TD and 6.4 TD respectively, together with semi-annual increases. A three-month exemption from the date of granting the permits is also foreseen.

From a financial perspective, Article 11.4 characterises this charge as an advance payment of access tariffs. The offset operates as follows: for the first year, the consumer recovers 100% of the amount paid; for the second and subsequent years, recovery is limited to 80% of the amounts corresponding to those years.

"*In no event may this offset exceed the access tariff cost payable by the consumer in each billing period.*"

This mechanism requires distinguishing between three dimensions: (i) cash-flow, as the promoter advances payments prior to entry into operation; (ii) regulatory risk, as future recovery depends on the project commencing activity and maintaining its permit; and (iii) sizing, as total recovery is adjusted based on the ratio between contracted power in P1 and the access capacity of the permit, meaning that oversized permits will recover less.

Failure to pay may result in expiry of the permit, which in any case occurs where unpaid amounts in a calendar year exceed 10% of the total due. Expiry on this ground, or under Article 26 of Royal Decree 1183/2020 (Real Decreto 1183/2020), entails the loss of any right to offset or reimbursement.

High priority demand projects, tenders and reinforced expiry

The category of high-priority demand projects is created. Upon receipt of such an application, the grid operator will suspend the processing of other projects at the node until the priority application is resolved. In the transmission network, receipt of a priority application displaces the activation of demand tender procedures.

Upon receipt of such a request, the Network Operator shall suspend the processing of all other projects at the relevant node until the priority application has been decided. In the transmission network, the filing of a priority application shall take precedence over, and defer, the procedure for launching demand-capacity tenders. Priority projects include residential developments or facilities providing essential services, new industrial loads declared to be of strategic importance, and increases in consumption at installations that hold a valid access contract and make effective use of the grid.

La disposición final decimoquinta modifica asimismo el régimen de activación de concursos de demanda para que solo se tengan en cuenta las solicitudes admitidas. La nota aportada destaca esta corrección porque evita que solicitudes inadmitidas sigan bloqueando artificialmente la celebración o mantenimiento del concurso.

The Fifteenth Final Provision amends the demand tender activation regime so that only accepted applications are taken into account. This correction avoids inadmissible applications artificially blocking the celebration or continuation of tenders. In parallel, new expiry milestones are established for demand connections. The amended Article 26.8 of Royal Decree 1183/2020 provides for automatic expiry: (i) where, within twelve months from granting the access permit, payment of 10% of the value of the network investment actions referred to in Article 25 is not made; (ii) where, within three years, the Project Mandate agreement is not signed; and (iii) where, within four years, the technical access agreement is not executed.

For storage facilities with grid absorption components, these milestones are now central to project scheduling.

The CNAE code must be included in the application and reflected in the access and connection permit. Changes affecting the CNAE Division or Group are not permitted, and the declared activity must be maintained for three years, except in cases relating

to planning instruments, industrial estates or shared infrastructure transferred to the grid operator. Existing permits must be updated within six months.

This anchoring of permits to declared activity reduces speculative practices and limits radical project reorientation once capacity has been obtained.

Transitional regime

Transitional Provisions Three, Four, Five and Six complete the regime. Key points include:

- The possibility of waiving demand permits without execution of economic guarantees.
- The establishment of milestones for access and connection permits for demand facilities granted prior to the entry into force of the Royal Decree-law and not yet formalised by an access contract, with deadlines extending up to four years from entry into force.
- A voluntary regime for the reimbursement of guarantees where the equivalent capacity reservation charge exceeds their amount.
- The mandatory adaptation of demand permits for storage facilities to flexible permits, once approved by the CNMC.

Electrification, self-consumption and new demand

Self-consumption, electric mobility and renewable heat

In the area of self-consumption, Royal Decree 244/2019 (Real Decreto 244/2019) is amended to extend the distance from 500 metres to 5 kilometres for all technologies and up to 5 MW. Membership in more than one self-consumption scheme is permitted provided they are not of the same modality. Sectoral assessment is positive, although simplified surplus compensation is not extended to higher access capacity thresholds.

The Auto+ programme is created to incentivise the acquisition in Spain of electric and electrified vehicles.

The deployment of heat pumps is promoted through Energy Saving Certificates, with correction coefficients for replacing combustion boilers with electric heat pumps expected to be established within one month.

The amendment to the Consolidated Text of the Local Finance Law allows tax reliefs of up to 50% on Real Estate Tax (IBI) and up to 95% on Construction, Installation and Works Tax (ICIO) for properties incorporating thermal or electrical solar energy systems or ambient energy systems.

Pumped-storage hydropower

Final Provision Eight of Royal Decree-law 7/2026 declares pumped-storage hydropower storage facilities to be of public utility and adds Article 55.2 bis to the Electricity Sector Law (LSE) to make the specific public-utility declaration (DUP) conditional on two prior milestones: (i) the immediate opening (from the filing of the DUP application) of a negotiation period with affected owners to reach agreements for

the acquisition of goods and rights, with the effects of Article 24 of the Compulsory Expropriation Act of 16 December 1954; and (ii) the submission of a responsible statement certifying that agreements have been reached over at least 50% of the area affected in generation projects and 25% in pumped-storage projects (percentages modifiable by royal decree). Expropriation of any additional area will only be permitted where, after 12 months of negotiation, the impossibility of reaching agreement is certified and the facility has been declared a "strategic energy installation." In addition, the administration may at any time require documentary evidence of the steps taken, and proof of attempts to contact owners will be accepted where they could not be located. This scheme tightens pre-expropriation due diligence (agreements first, expropriation second), reduces litigation risk by favouring negotiated solutions, and enhances the bankability of pumped-storage projects by anchoring them in the public-interest framework and providing a clear pathway to the expropriation-enabling instruments where reasonable negotiation does not succeed.

Other electrification and demand measures included in Royal Decree-law 7/2026

For a comprehensive, holistic view of the measures introduced by Royal Decree-Law 7/2026 in this alert, it is appropriate to record the following additional provisions:

- Creation of a voluntary social and territorial excellence standard, to be considered in access and connection processes, renewable energy economic regimes and the declaration of preferred energy projects.
- A call for grants for Community Transformation Offices.
- Release of capacity for self-consumption at nodes reserved for tenders, provided it is linked to a self-consumption modality and the ratio between contracted power in P1 and installed generation capacity is at least 0.5.
- Approval, within three months, of a Royal Decree regulating renewable energy communities and citizen energy communities, recognising municipal promotion and participation as an own competence.
- Initiation of a new transmission network planning process within a maximum of three years from approval of the current planning, and at least one partial modification every two years.
- From 1 June 2026, preparation by the system operator of a report on transmission nodes where existing or planned positions may be repurposed or new demand-feeding positions introduced.
- Introduction of the figure of the collective access and connection manager, facilitating more agile procedures, particularly for collective self-consumption.
- Establishment of a free telephone line for enquiries and complaints relating to administrative files.

- Obligation for generation facilities with connection points at 132 kV or higher to transfer, directly or indirectly, part of the project benefits to nearby citizens and local communities.
- Provision for a Royal Decree of the Council of Ministers to approve sustainability, environmental, resilience and digital sovereignty requirements for data processing centres connected to the grids.

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