

# ANALYSIS

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Energy  
Changes to the administrative milestone system for renewable energy production projects introduced by Royal Decree-law 7/2026

Royal Decree-law 7/2026, of 20 March, approving the Comprehensive Plan to Address the Crisis in the Middle East - published in the Official Journal of Spain on 21 March - introduces significant changes to the regulation of the electricity sector. Although it needs to be ratified by Parliament, generally speaking it came into force on the day of its publication.

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**ENERGY TEAM**

Gómez-Acebo & Pombo

In this legal alert we put the focus on the main regulatory changes introduced by Royal Decree-law 7/2026 (RDL 7/2026) regarding the modification and extension of the administrative milestone system established in RDL 23/2020<sup>1</sup> for renewable energy generation projects.

Some of these regulatory changes had already been in effect during the period of application of Royal Decree-law 7/2025, of 24 June, approving urgent measures to strengthen the electricity system ('RDL 7/2025'), which was annulled after being voted down by the Lower House of Parliament on 22 July 2025.

## 1. Possibility of extending the fifth milestone of RDL 23/2020

Article 25 of RDL 7/2026 provides for the possibility of applying for an extension of the deadline to obtain the final operating authorization ('AAE') and, therefore, of the fifth milestone deadline. Such an application must be submitted within a period not exceeding three months from the entry into force of RDL 7/2026 or, if later, from the date of obtaining the administrative construction authorization. The latest date to which the deadline may be extended is 31 December 2030.

The obligation to select the six-month period and the commitment regarding the impossibility of obtaining the AAE and the preliminary or final registration in the administrative register of facilities that produce electricity prior to the start of the selected six-month period remain in effect.

The competent authority has a maximum of four months to grant or deny the deadline extension and failure to issue a decision shall be deemed a rejection.

RDL 7/2026 introduces, in order to have up-to-date information on the commissioning of production and storage facilities, the obligation that, as of 1 June 2026, devolved regions must provide the Directorate-General for Energy Policy and Mines, on a monthly basis, with a list of facilities that, with an installed capacity exceeding 5 MW, have extended the administrative milestone for the operating authorization, specifying the facilities' generation technology and the six-month period in which each extension was granted.

In addition, in the first submission, devolved regions must provide a list of facilities that have obtained an extension of the deadline for the operating authorization milestone pursuant to Article 28 of RDL 8/2023 of 27 December or on the basis of Article 32 of RDL 7/2025.

In the case of facilities connected to the transmission grid, the substation to which they are connected must also be reported. Once the information has been compiled, the Directorate-General for Energy Policy and Mines will make it public with the breakdown it deems appropriate.

The foregoing shall also apply to all access and connection permit holders for generation and storage facilities who have obtained an extension of the milestone under

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<sup>1</sup> Royal Decree-law 23/2020, of June 23, approving measures in the energy sector and other areas to promote economic recovery.

Article 28 of RDL 8/2023<sup>2</sup> or during the validity of Article 32 of RDL 7/2025, who may request an advance or a delay of the date originally chosen, within the permitted limits.

In turn, the milestone of Article 1(1)(a) (5) or, where applicable, (1)(1)(b)(5) of RDL 23/2020 is deemed to have been achieved when, even in the absence of a final operating authorization for the substation positions from the transmission or distribution system operator, the developer demonstrates to said operator, in the prescribed manner and within the prescribed time limit, that it holds a provisional operating authorization for testing. This provisional authorization must cover both the generating facilities and, where applicable, the storage facilities, as well as the evacuation infrastructure up to at least the last 100 meters prior to the substation where the connection point is located.

The above wording is very similar to that already used in Article 28 of RDL 8/2023, but RDL 7/2026 introduces two changes: (i) it broadens the scope of the milestone set out in Article 1(1)(a) of RDL 23/2020 to also include facilities granted access permits between 28 December 2013 and 31 December 2017 — previously, only those granted access permits after 31 December 2017 were included — and (ii) explicitly applies it to storage facilities, in addition to generation facilities.

## 2. Suspension of administrative milestones in the event of interim (injunctive and other) relief

RDL 7/2026 includes, in its eleventh final provision, the amendment of Article 1 of RDL 23/2020, establishing that permits may be extended at the request of the holder, provided that under no circumstances does the total validity period of the permits exceed 12 years for pumped-storage technology and 9 years for offshore wind technology.

In turn, RDL 23/2020 is amended to address the issue of facilities whose authorizations have been suspended due to the filing of administrative appeals or judicial review applications, including those resulting from administrative silence<sup>3</sup>. In these cases:

- The holder must demonstrate to the competent authority and the grid operator, and before the expiration of the relevant milestone, the existence of interim relief suspending the validity of said authorizations.
- The calculation of milestones (including extensions of the fifth milestone) shall be suspended until the suspension is lifted.

Once the suspension is lifted, the holder must notify the competent authority of this fact within 3 months of receiving

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<sup>2</sup> Royal Decree-Law 8/2023, of 27 December, adopting measures to address the economic and social consequences arising from the conflicts in Ukraine and the Middle East, as well as to mitigate the effects of the drought ('RDL 8/2023').

<sup>3</sup> Pursuant to Article 117(3) of the Common Administrative Procedure (General Government) Act 39/2015 of 1 October ('Act 39/2015').

notice of the lifting. Failure to notify may result in the automatic extinguishment of the access and connection permits. In those cases where the suspension derives from the event under Article 117(3) of Act 39/2015 (suspension granted by reason of positive administrative silence), when the suspension is lifted following decision

on the administrative appeals lodged, the body competent to decide on such appeals shall issue a certificate of enforceability for the appealed administrative authorizations, which shall be notified to the developer. The three-month period shall begin on the day following receipt of said certificate.