

# ANALYSIS

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Energy

## Royal Decree-law 7/2026: electricity grid access and connection measures

The measures related to grid access and connection respond to investor interest in large-scale decarbonization projects, data centres, electric mobility, and energy storage, and aim to reduce the current hoarding of demand-side access.

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**ENERGY TEAM**

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Royal Decree-law 7/2026, of 20 March, approving the Comprehensive Plan to Address the Crisis in the Middle East ('RD-L 7/2026'), in force since 22 March 2026, sets out a series of measures to optimize the use of existing electricity grids and ensure that available capacity is allocated to actual electrification projects.

This note outlines the main measures approved by RD-L 7/2026 regarding the capacity of access transmission and distribution networks and the applicable procedures for obtaining permits for access and connection to such networks.

## 1. Measures to promote electrification

Within Chapter II of Title I (energy-related measures), we highlight the following provisions that include measures regarding grid access and connection:

### 1.1. *Increased transparency regarding generation- and demand-side access capacities (Article 10)*

To increase transparency regarding generation- and demand-side access capacities, it is provided that the Directorate-General for Energy Policy and Mines ('DGPEM') may periodically request information from transmission and distribution network operators regarding: (i) access and connection capacities requested and granted to generation and demand facilities on their networks at a voltage level exceeding 1 kV, (ii) expired access and connection permits, and (iii) details on the evolution of granted access and connection capacities (in the case of demand, the conversion of such capacities into contracted power).

The Ministry for Ecological Transition and Demographic Challenge is expected to publish the aggregated information resulting from the collected data on a semi-annual basis, provided it is of public interest.

### 1.2. *Payment for reserving access capacity to transmission and distribution networks for consumption at a voltage of 1 kV or higher (Article 11)*

As of 22 March 2026, consumers holding demand-side access and connection permits whose connection point is at a voltage of 1 kV or higher (obtained in accordance with *Royal Decree 1183/2020, of 29 December, on access and connection to electricity transmission and distribution networks* — "RD 1183/2020"), will be required to pay a fee to the relevant network operator for the reservation of access capacity to the electricity transmission and distribution networks.

This new fee entails the repeal of the financial guarantee regime for demand facilities established in Article 23 bis of RD 1183/2020 (fifteenth final provision, seven).

Applications related to the development of urban plans, industrial parks, or similar access and connection applications in which the infrastructure is transferred to the network operator because multiple end-users of electricity are connected to the same infrastructure shall be exempt from the obligation to pay this fee (the regulatory framework applicable to such developments and projects may be

established by Cabinet-approved royal decree.

This fee, which shall apply from the time access and connection permits are obtained until the commencement of operations at such facilities (which shall be deemed to have commenced once the third-party grid access contract is signed), shall be considered an advance payment of electricity transmission and distribution charges ('tolls').

Therefore, once the activity associated with the consumption facility begins, the toll payments will be reduced by the amounts paid for the access capacity reservation; specifically, (i) for the first year of service, a reduction equivalent to 100% of the payments made shall be applied, and (ii) for the second and subsequent years of service, a reduction shall be applied until, in total, it represents a value equivalent to 80% of the total payments made during those years.

The service shall be determined based on the values of the capacity terms of the electricity transmission and distribution tolls (pursuant to the provisions of Circular 3/2020, dated 15 January, of the Spanish Competition and Markets Authority — 'CNMC'), corresponding to the rate band to which they belong and to the P1 time period, multiplied by a factor  $k$  to be determined by decision of the State Secretariat for Energy. However, the first transitional provision of RD-L 7/2026 provides for (i) a three-month exemption from payment of the fee starting from the date of obtaining the access and connec-

tion permits or from 22 March 2026 (for permits granted prior to that date), and (ii) the values that will apply from that point onward until their approval by the relevant decision.

Likewise, the fee shall be calculated by multiplying the established amount (as provided in the preceding paragraph) by the capacity granted in the access and connection permit and shall be paid monthly to the network operator responsible for issuing the access permits, which shall be in charge of managing the collection of said fee.

Failure to pay this fee may result in the automatic expiration of the access and connection permits (which shall occur, in any case, when the non-payment exceeds, in a calendar year, 10% of the amount due) and will result in the holders losing the right to any reduction or refund of this fee when any ground for expiration arises — including the grounds provided for in Article 26 of Royal Decree 1183/2020.

Pursuant to the third transitory provision, prior to 22 June 2026, holders of demand-side access and connection permits may: (i) surrender such permits without the financial guarantees being enforced, if they decide not to bear the cost associated with the service (if the access capacity released as a result of such surrender exceeds 5 MW, it shall be reserved, and no new applications may be accepted); and (ii) make a single update to the access and connection permit for a reduction in capacity exceeding 50% of that originally granted, without this resulting in the permit no longer being

considered the same for the purposes of expiration.

### 1.3. *CNAE Code in Demand-Side Access and Connection Permits (Article 12)*

As of 22 March 2026, consumers applying for demand-side access and connection permits with a voltage level of 1 kV or higher must include the standard industrial classification ('CNAE') code for the planned activity associated with the consumption facility for which access capacity is being requested.

To this end, holders of access and connection permits already granted will have a period of 6 months (until 22 September 2026) to update such permits to comply with this requirement; otherwise, they will automatically expire. Alternatively, holders of demand-side access and connection permits who decide not to update them may surrender them within 4 months (that is, before 22 July, 2026) without the enforcement of the guarantees provided.

The access and connection permit granted will reflect the CNAE code included in the application, and once issued, no changes to the CNAE code affecting the Division or Group will be permitted, in accordance with the provisions of Royal Decree 10/2025 (CNAE-2025).

Therefore, the CNAE code will be linked to the consumption facility that is actually connected, requiring the same activity to be kept for a period of 3 years; otherwise, the access and

connection permit will automatically expire. However, this shall not apply to applications associated with the development of urban plans, industrial parks, or similar access and connection applications in which the infrastructure is transferred to the network operator because multiple end-users of electricity are connected to the same infrastructure.

### 1.4. *High-priority consumption facilities: specific conditions applicable to procedures for obtaining access and connection permits (Article 13)*

- The following types of access and connection applications and consumption connected to a voltage of 1 kV or higher shall be considered high-priority consumption facilities: (i) real estate developments for residential use or essential services (hospitals, police, military, water treatment facilities, public transportation or its electrification, power supply to ships in ports, facilities related to national security), (ii) new industrial consumption declared as strategic projects (in accordance with Article 29 of RD-L 7/2026), and (iii) those involving an upgrade of consumption for demand facilities that have a valid third-party grid access contract and are making effective use of the grid (these facilities may update their permits to an access capacity of up to three times the value of the average contracted power over the last two years in the P6 hourly period, provided that there is no change in the Division or Group

of the CNAE code associated with the activity).

- As of 22 March 2026, without prejudice to the provisions of Royal Decree 1183/2020, for high-priority consumption facilities, the following considerations shall be taken into account in the procedure for obtaining demand access and connection permits:

a) once the application has been accepted for processing, the network operator must suspend any access and connection application that was being processed at the same network node or at nodes with which it shares a capacity zone, regardless of the status of the processing (unless it can be determined in advance that such applications are compatible with the high-priority application, both in terms of requested capacity and connection possibilities, in which case the processing of the accepted application may continue); and

b) When the transmission network operator receives an application for a high-priority consumption facility, the procedure for initiating demand-side ‘auctions’ (set out in Article 20c of Royal Decree 1183/2020) shall not apply; instead, the application must be processed through the general procedure for obtaining access and connection permits.

procedure for obtaining access and connection permits.

- For a period of 4 months following the update of access capacities (pursuant to transmission network planning) or the approval of modifications to specific aspects of such planning, applications for access and connection received and accepted by the transmission system operator will be evaluated but not resolved, nor will the corresponding access and connection permits be issued.

At the end of the 4-month period, the transmission network operator will sort the access and connection applications and prioritize those corresponding to consumption facilities considered high priority and connecting to the transmission network, proceeding to process them through the general procedure for obtaining access and connection permits under Royal Decree 1183/2020 (without the procedure for activating demand-side auctions being applicable). Once these applications have been resolved, when the activation of the demand-side auction is applicable, those nodes will be reserved for its conduct; otherwise, the activation procedure will be initiated.

- At transmission grid nodes that are activated for the conducting of demand-side auctions but where the auction has not yet begun, an access and connection

permit may be granted directly to those applications for consumption facilities considered high priority that were received during the public notice period under Article 20c of Royal Decree 1183/2020 or at any time thereafter (in which case they shall be forwarded to the State Secretariat for Energy).

- With regard to applications for demand-side access in distribution networks, a Cabinet royal decree may establish in which cases and under what conditions temporary periods may be established for the receipt and evaluation of applications, so that those corresponding to consumption facilities considered high priority may be prioritized.
- As of 22 July 2026, network operators shall submit to the DGPEM a list of the capacity released at each of the nodes in their networks, and in those where capacity exceeding 5 MW has been released, a temporary period may be established (by decision of the State Secretariat for Energy) for the receipt and evaluation of applications for demand-side access and connection capacity in the distribution networks of said nodes.

## 2. Other provisions regarding grid access and connection

The *tenth additional provision* provides for the release of 10% of the total available capacity at each of the nodes for which

the State Secretariat for Energy has decided or may decide to hold a capacity auction (in accordance with the provisions of Article 20(5) of Royal Decree 1183/2020), capacity to be allocated to new renewable energy generation facilities (i) that are associated with a self-consumption arrangement, and (ii) where the ratio between the contracted power in period P1 and the installed generation capacity is at least 0.5.

The *second transitional provision* establishes the expiration of access and connection permits for urban development or planning actions and, specifically, provides that until the regime applicable to such actions is implemented by regulation, the access and connection permits granted shall expire 5 years after their issuance if, by that date, authorization to operate the corresponding electrical infrastructure has not been obtained or the infrastructure has not been transferred to the relevant distributor (this period shall be calculated from 22 March 2026 for access and connection permits acquired prior to RD-L 7/2026).

The *fourth transitional provision* introduces new milestones for demand-side access and connection permits obtained prior to RD-L 7/2026 and for which an access contract for contracted power has not yet been formalized. In particular, the following milestones and automatic expiration deadlines apply to them: (i) payment of 10% of the investment value of the grid works within 12 months, starting from 7 November 2025, or from the granting of the access permit, whichever occurs later; (ii) the signing of the Project Assignment Contract with the network operator by 22 March 2029 (3 years); and (iii) the signing of the regulated technical access contract by 22 March 2030 (4 years).

The *fifth transitional provision* stipulates that consumers who hold already granted demand-side access and connection permits and who have deposited financial guarantees may request a refund from the competent authority once the cumulative payment for the capacity reservation fee (see section 1.2 above) exceeds €40/kW. Likewise, in the case of storage facilities, the request for a refund of the guarantees associated with the demand-side access and connection permit may be made as of 22 May 2026.

The *sixth transitional provision* establishes that, once the various types of flexible distribution access permits established by the CNMC take effect, storage facilities holding demand-side access and connection permits will have 3 months to adapt to the flexible permit system under the terms and conditions established by the CNMC. Otherwise, such facilities will not be eligible for the exceptions provided for in Article 1(3)(b) of Royal Decree 148/2021 and Article 2(2)(c) and (d) of Circular (Rules Instrument) 3/2020.

### 3. Amended regulations

The main changes introduced by Royal Decree-law 7/2026 regarding grid access and connection are as follows:

#### 3.1. *Amendment to the Electricity Sector Act 24/2013 of 26 December (eighth final provision)*

- Articles 4 and 4a are amended to streamline electricity planning and, specifically, the mechanism for planning positions to meet demand, which will allow the connection of new consumers

when there is physical feasibility, capacity, and no associated cost.

- A new sub-article (13) is included in Article 33 on access and connection, establishing that permits for access and connection of storage facilities shall be flexible permits from the perspective of demand.

#### 3.2. *Amendment to Royal Decree 1183/2020 (fifteenth final provision)*

- Paragraph (k) of Article 2 on access capacity is amended to include definitions of the two existing types of demand-side access: firm or ordinary access capacity and flexible access capacity.
- Sub-article (9) of Article 6 on demand-side access applications by consumers for self-consumption with connection at generation points on the transmission network that already have generation side access permits is amended, also including a lower capacity limit.
- Regarding the conduct of capacity auctions, several amendments are introduced in the third paragraph of Article 20(1), the first paragraph of Article 20b (demand-side auctions), the first paragraph of Article 20c (procedure for activating demand-side auctions), and a new Article 20d is added regarding the reservation of storage capacity at nodes reserved for generation or demand-side auctions.

- Sub-articles (1) and (8) of Article 26 on the expiration of access and connection permits are amended (in particular, sub-article (8) introduces new milestones

for demand facilities and the conditions under which the facility is no longer considered the same for access and connection purposes).