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ANALYSIS

Sustainability

Royal Decree-law 7/2026: renewables acceleration areas and the environmental assessment of energy projects

In this paper we outline the changes introduced by Royal Decree-law 7/2026 to the environmental impact assessment procedure: first, through the creation and regulation of renewables acceleration areas (RAAs), wherein renewable energy projects will be exempt from environmental impact assessments, and, second, by modifying certain aspects of the environmental impact assessment for energy generation and storage projects, as well as for transmission and distribution facilities.

BLANCA LOZANO CUTANDA
Professor of Administrative Law
Academic counsel, Gómez-Acebo & Pombo

ANDER DE BLAS GALBETE
Of Counsel
Public Law and Regulated Sectors Practice Area, Gómez-Acebo & Pombo

HELENA VILLENA ROMERA
Attorney
Public Law and Regulated Sectors Practice Area, Gómez-Acebo & Pombo

April 2026

Royal Decree-law 7/2026, of 20 March, approving the Comprehensive Plan to Address the Crisis in the Middle East ('the Royal Decree-law'), ratified by the Lower House of Parliament on 26 March, contains numerous measures and, as acknowledged in its preamble, it seeks not only to address the immediate consequences of the war in the Middle East but also, alongside measures "of a short-term nature, to establish a social safety net aimed at protecting households and the most vulnerable economic sectors", contains reforms "of a structural and strategic nature, with initiatives aimed at promoting energy sovereignty".

Within this second set of reforms, the Royal Decree-law introduces significant changes in the electricity[1] and renewable energy sectors. Herein we focus on the modifications introduced by Chapter III of the Royal Decree-law to the environmental impact assessment procedure both by:

a) The creation and regulation of *renewables acceleration areas (RAAs)*, in which renewable energy projects and electrochemical storage projects combined with the former will be exempt from undergoing an environmental impact assessment. This regulation transposes the amendments made by Directive (EU) 2023/2413 to Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources.

   RAAs are, as explained in the preamble, priority areas for the deployment of renewable energy from an administrative standpoint, without this excluding the possibility of developing projects in other territories in accordance with standard procedures.

b) The modification of certain aspects of environmental assessment procedures for energy generation and storage projects, as well as for transmission and distribution facilities.

1. RAAs

1.1. *Concept and legal basis of RAAs*

The implementation of these areas at the national level is long overdue, as acknowledged in the preamble to the Royal Decree-law when justifying the use of this emergency legislation. In fact, it is significantly delayed, given that the amending Directive (EU) 2023/2413 ('the Directive') stipulates that "By 21 February 2026, Member States shall ensure that competent authorities adopt one or more plans designating [...] renewables acceleration areas for one or more types of renewable energy sources" and the Royal Decree-law merely lays the legal groundwork for its regulatory development and the subsequent designation of such areas.

In fact, several devolved ('autonomous') regions have already adopted specific regulations on RAAs or equivalent devices, but so far no plans have been adopted to designate them. Now, regional regulations must be adapted, to the extent necessary, to the provisions

[1] See the article in the *GA_P Analysis* series titled "Changes to the administrative milestone system for renewable energy production projects introduced by Royal Decree-law 7/2026," available at this ***link***.

of the Royal Decree-law, which "establishes a basic state regime," as stated in its preamble, under the authority to enact basic legislation on environmental protection pursuant to Article 149(1)(13) of the Spanish Constitution, without prejudice to additional regional protection regulations. It should also be noted that the provisions of the Royal Decree-law expressly authorize the Government to approve regulatory rules that are also intended to have the nature of basic legislation.

Specifically, Article 14 of the Royal Decree-law defines a renewables acceleration area as "the specific location or area on land designated as particularly suitable for the construction of facilities for the generation of electricity from renewable sources, including, where applicable, electrochemical storage facilities combined with such facilities." The designation of a renewables acceleration area "shall entail the application of specific procedural criteria and shall apply to facilities both under regional and state jurisdiction."

1.2. *Designation procedure*

These areas are designated through the approval of a "renewables acceleration area designation plan", which may include one or more areas. These areas may be located in one or more autonomous regions, and the Royal Decree-law specifies that their size cannot be "determined based on the administrative authority responsible for issuing the [prior and, where applicable, construction] administrative authorization for the electrical facilities" referred to in the Electricity Sector Act 24/2013.

Depending on whether they are located in one or more than one autonomous region, the authority responsible for their designation varies. When the RAAs are located entirely within a single autonomous region, the designation falls to its competent authorities, following a report (mandatory but non-binding) from the Ministry for Ecological Transition and the Demographic Challenge. When such an area is located across more than one autonomous region, the authority lies with the 'Sectoral Conference on Energy' (intergovernmental energy cooperation body).

1.3. *Criteria for territorial and material delimitation; size and typology of RAAs*

In accordance with the provisions of the Directive, the Royal Decree-law establishes the minimum criteria for designating RAAs:

1. The following protected areas are excluded: Natura 2000 sites, national parks, other regional protected natural areas, critical areas for threatened species (Royal Decree 139/2011 and its updates), major bird migration routes, and areas of high environmental sensitivity defined by the mapping tool under Act 7/2021.

2. Priority for designation is given to industrial, urbanized, or artificial land, including industrial and commercial rooftops and parking lots; degraded areas, landfills,

quarries, and closed mines; and existing energy or transportation corridors and infrastructure.

Regarding the size of RAAs, the Royal Decree-law does not set a minimum or maximum size, but incorporates the criterion, derived from the Directive, that efforts shall be made to ensure that "their combined size is significant and contributes to the achievement of the objectives established in the Integrated National Energy and Climate Plan."

Although the Royal Decree does not specify this, it follows from its provisions and the Directive that such areas may be dedicated to one or more types of renewable energy sources (as defined in Article 2(1) of the Renewable Energy Directive), as well as to electrochemical storage combined with them. The Directive provides for the possibility of establishing RAAs in both terrestrial and marine areas, but the Royal Decree-law limits them to terrestrial areas, defining them as "a specific location or area on land."

The Royal Decree-law delegates the development of the procedure for approving the plans to designate RAAs to a royal decree of the Government, which must be subject to a public hearing within three months, but establishes a series of guidelines:

— The approval of such areas must be preceded by "a public participation process for receiving proposals for the designation of said RAAs, in which, in particular, local authorities may expressly propose areas within their territorial jurisdiction that are suitable for conversion into RAAs".

— The plans for designating RAAs must provide a detailed rationale for their definition and demonstrate that each and every criterion established by the royal decree is met.

— These plans will be subject to a strategic environmental assessment (SEA) by the autonomous regions where they are located, in accordance with the provisions of the Environmental Assessment Act 21/2013.

The Royal Decree-law does not specify the procedural framework or the competent environmental authority when the designation of a renewables acceleration area — because it spans more than one autonomous region — falls under the jurisdiction of the Sectoral Conference on Energy. We will have to await the provisions of the implementing regulations, but, in principle, the Environmental Assessment Act 21/2013 stipulates that the competent environmental authority is determined by the government body that formally adopts or approves the plan: the Ministry for Ecological Transition and Demographic Challenge when approval lies with the Central General Government, and the regional environmental authority when approval lies with an autonomous

region. It could also be understood that the Sectoral Conference is limited to "designating" the renewables acceleration area and that the formal approval of the plan is carried out through acts of the affected autonomous regions; in such a case, the regional environmental authorities could prepare the strategic environmental assessment within their respective jurisdictions, but it would be necessary to establish a single coordinated procedure.

The result of the strategic environmental assessment of each of the plans designating such areas shall be accompanied by the mitigation and monitoring measures to be adopted in relation to the construction of facilities. These measures will be tailored to the specific characteristics of each defined area, the type or types of technology, and the detected environmental impact, and must include, at a minimum, those established in the catalog of mitigation measures for RAAs created by the Royal Decree-law itself and to be developed by the Government.

This catalog of mitigation measures for these areas will serve as a mandatory, minimum, and uniform framework to prevent and reduce the environmental impacts of renewable energy projects and, where applicable, combined electrochemical storage projects. Its objective is to anticipate the assessment of impacts in specific areas and identify, in advance, the appropriate and proportionate measures that projects located in RAAs must implement. The catalog will establish a set of effective actions to prevent significant impacts from the outset or, when this is not possible, to reduce their magnitude or probability throughout the entire project lifecycle, from planning and site selection to construction and operation.

1.4. *Procedural and environmental framework for renewable energy projects in RAAs*

The most significant consequence of the designation of RAAs is that projects for renewable electricity generation facilities combined with projects for electrochemical storage facilities developed within these areas may be exempted from the environmental impact assessment procedure (both standard and simplified) upon adoption of the planned preventive and mitigating measures, unless, following a rapid review procedure, it is determined that they may cause significant adverse effects not foreseen in the strategic environmental assessment of the area plan. This exemption shall not apply, under the terms to be established by regulation, to the following projects:

— Projects that must undergo an appropriate assessment of their impact on Natura 2000 sites. Since these sites are excluded from RAAs, this provision refers to impacts that projects may have on Natura 2000 sites located outside these areas.

— Projects that may have significant effects on the environment in another Member State or when a

Member State that may be significantly affected so requests, in accordance with Article 49 of Act 21/2013.

For projects carried out in RAAs, the environmental impact assessment is replaced by a fast-track procedure for the preliminary review of applications to determine whether there is a high probability that the project will produce "significant unforeseen adverse effects not detected during the strategic environmental assessment of the plan designating the RAAs, given the environmental sensitivity of the geographic area where the project is located, which cannot be mitigated by the measures defined in the plan designating the RAAs or the measures proposed by the project developer". In such a case, the project must undergo the appropriate environmental impact assessment procedure.

Renewables acceleration areas require a strategic environmental assessment of the plan and mandatory prior environmental mitigation measures

The Royal Decree-law defers the regulation of this prior control procedure to subsequent regulatory development. However, it is possible to anticipate the procedures provided for in the Directive being transposed, although it should be noted that the Spanish government may modify them to introduce provisions that are more protective of the environment:

— The developer shall provide information on the project and its compliance with the standards and mitigation measures of the renewables acceleration area, and may be required to provide additional information.

— The process—in which the Directive does not provide for a public consultation procedure—will be concluded within forty-five days (or thirty days for repowering projects or facilities with an electrical capacity of less than 150 kW).

— The competent authority may issue a reasoned decision stating that the project, as described, has a high probability of causing significant unforeseen effects given the environmental sensitivity of the geographic area, which cannot be mitigated by the planned or proposed measures; in such a case, the project will be subject to the environmental impact assessment procedure.

— In the event that the competent authority does not issue a decision within the established maximum time limit, the rule of constructive approval applies, meaning the project need not undergo an environmental impact assessment.

Finally, it should be noted that the Royal Decree-law empowers the Central General Government and the competent regional authorities to establish, by regulation, simplified procedures for issuing administrative authorizations for projects involving renewable energy generation facilities, including, where applicable, electrochemical storage combined with such facilities, provided that these facilities are located in RAAs. In accordance with the Directive, these procedures will be processed within reduced timeframes, and if the maximum deadline is exceeded in the intermediate stages, administrative silence will apply; this does not apply to the final decision.

2. Special provisions for environmental assessment procedures of energy projects

Article 23 of the Royal Decree-law introduces certain special provisions in the environmental impact assessment procedure for energy generation and energy storage projects, as well as for transmission and distribution facilities, with the aim of streamlining their processing and strengthening legal certainty for project developers.

a) Technical review of the case file:

1) The preliminary formal review of the case file provided for in Article 40(1) of Act 21/2013 remains in effect, as does the requirement that the environmental agency request the deciding agency to correct the case file within three months, in the event that the required reports are missing, or that public consultations have not been conducted in accordance with the provisions of the law, or that the environmental impact study is incomplete.

However, the consequence of failure to rectify within that period is modified: if, within that period, the deciding body does not submit the requested information or, once submitted, the case file remains incomplete, the environmental authority will proceed with the technical analysis. This constitutes a significant exception to the general rule provided for in the law, according to which the environmental authority would consider the environmental assessment concluded.

2) Similarly, once the time limits established in Article 40(2) have elapsed without the environmental authority having received any of the mandatory reports requested from the deciding body, it will request them again from the same body, granting it a ten-day deadline; but, once this period has elapsed, it will not declare the impossibility of continuing the procedure as provided for in Act 21/2013, but rather "will continue with the process until the environmental impact statement is issued". This provision shall not apply when the project may significantly affect, directly or indirectly, Natura 2000 sites.

b) A specific and general hearing procedure is added, granting the deve-

loper a ten-day period to comment on the draft environmental impact statement prior to its finalization, which is not provided for in Act 21/2013 (the law only provides for a hearing with the developer in the event of the rejection of the application to initiate the procedure).

The energy environmental impact assessment is streamlined, and legal certainty for developers is strengthened

c) Project modifications:

The Royal Decree-law reiterates the provision of Act 21/2013 that modifications to the characteristics of a project for electricity generation, storage, or transmission and distribution facilities must be subject to an environmental impact assessment—either standard or simplified—when they may have significant adverse effects on the environment.

However, to determine whether a modification to one of these projects may have significant adverse effects, the Royal Decree-law introduces an objective criterion that reduces discretion and increases legal certainty for the developer. Specifically, a modification shall be considered to have significant adverse effects when *a*) the planned actions exceed, on their own, the thresholds set out in Schedules I and II to Act 21/2013, or *b*) without exceeding those of Schedule II, they are located in sensitive areas in accordance with criteria 1 and 2 of Schedule III. This second criterion replaces the much more vague one in Article 7(2)(c) of Act 21/2013.

Finally, the Royal Decree-law empowers the Government to specify, by royal decree, the minimum requirements that must be met for the definition of satisfactory alternatives and the establishment of compensatory measures for these projects.