

Belén Wert, Marta Sancho and Belén López

Analysis of the key measures contained in Royal Decree 997/2025, which approves urgent measures to strengthen the electricity system

Royal Decree 997/2025, of 5 November, which approves urgent measures to strengthen the electricity system (“**RD 997/2025**”), approved by the Council of Ministers on 4 November 2025 and published in the Official State Gazette of 6 November 2025, seeks to establish a set of urgent measures that contribute to a more resilient and decarbonised electricity system.

RD 997/2025 incorporates some of the measures included in Royal Decree-law 7/2025, of 24 June, approving urgent measures to strengthen the electricity system (“**RDL 7/2025**”), which was repealed on 24 July 2025 as a result of the repeal agreement of 22 July by the Congress of Deputies.¹ The measures primarily relate to the strengthening of the electricity system following the crisis of 28 April 2025, incentivising storage systems (in particular, hybridised storage), and the regulation applicable to the access and connection of demand-side facilities to the transmission and distribution grids.

This Legal Briefing seeks to analyse the key energy measures contained in RD 997/2025.

1. Measures to strengthen the electricity system following the electricity crisis of 28 April

Under the heading “*Mandates in relation to the electricity crisis of 28 April 2025*”, RD 997/2025 establishes a set of measures which, according to its Explanatory Memorandum, have been adopted in response to the widespread interruption of the electricity supply recorded on 28 April 2025, and are intended to “*strengthen the supervision and verification of compliance with obligations by all electricity system agents and data transparency*”.

Specifically, the following measures have been proposed.

i) Mandates issued to the National Markets and Competition Commission (the “CNMC”)

- » The CNMC must publish a supervisory report on compliance with voltage control obligations by obligated parties within three months of 7 November 2025 (the date of the entry into force of RD 997/2025), which will be updated quarterly. The report will be submitted to the Secretary of State for Energy (“**SSE**”) and will be made public.
- » In addition, within nine months of 7 November 2025, the CNMC must carry out an extraordinary inspection plan of the replacement capacities of the entities involved in the replacement process,² the results of which will be made public. This inspection plan will subsequently be carried out periodically every three years.
- » To prepare the report monitoring compliance with voltage control obligations and the inspection plan, the CNMC may delegate or request the information, tasks, and technical analysis it deems necessary from the obligated parties and Red Eléctrica de España (“**REE**”) the Spanish system operator.

¹ See Resolution of 22 July 2025, of the Congress of Deputies, ordering the publication of the Agreement to repeal Royal Decree-law 7/2025, of 24 June, approving urgent measures to strengthen the electricity system, which was published in the Official State Gazette number 177 of 24 July 2025 (BOE-A-2025-15313).

² Special attention will be paid to autonomous start-up generation facilities, combined cycles, and distribution grids, including all components thereof from 1 kV.

ii) Mandates issued to REE

- » REE must analyse various technical aspects³ with the aim of strengthening the resilience of the electricity system, and submit its results to the CNMC and the Ministry of Ecological Transition and Demographic Challenge (“MITECO”).
- » The result of REE's analysis of the detailed technical aspects may lead to the proposal of regulatory amendments, which may be adopted within six months by the CNMC or by the MITECO, depending on their respective competences.

2. Measures that affect the development of renewable generation and storage facilities

Under the heading “*Urgent measures for the implementation of renewable generation and storage*”, Chapter III introduces certain provisions that are relevant to the administrative processing of generation and demand facilities, as well as measures to speed up hybrid electrochemical storage.

In keeping with the repealed RDL 7/2025, a definition of installed power for authorisation purposes has been introduced, along with provisions on repowering, the distinction between a “*definitive operating permit*” and a “*provisional operating permit for testing*”, relevant changes regarding the deposit of guarantees, and measures to speed up the administrative processing of storage installations.

In particular, Chapter III of RD 997/2025 incorporates the following measures:

i) Definition of installed power and the transitional regime

- » According to the Explanatory Memorandum, the sector's experience in recent years leads to the conclusion that “*it is necessary to reformulate the definition of installed power for the purposes of obtaining administrative authorisations, both for storage facilities and generation facilities*”, as a result of the “*physical reality*” of generation facilities, which may be composed of “*one or more power park modules, one or more power generation modules and one or more storage modules*”.
- » In this respect, the installed power of an electricity generation module is defined as the maximum active power that the module can achieve and is determined by the lower of the installed power of the motor unit, turbine, alternator, photovoltaic panel, transformer, inverter or converter installed in series that make up the module.
- » Specific rules have been established for bifacial panels and for electrochemical storage modules.
- » It also clarifies how to determine the installed power when several modules share inverters or transformers.
- » The entry into force of the definition of installed power has been deferred until such time as the Government expressly authorises its entry into force through a Royal Decree. However, the definition applies from the entry into force of RD 997/2025 for the purposes of: (a) the administrative authorisations of Title IX of Law 24/2013 on the Electricity Sector (“**LSE**”),⁴ and (b) registration in the Administrative Register of Electricity Production Facilities (*Registro Administrativo de Instalaciones de Producción de Energía Eléctrica*) (“**RAIPEE**”).
- » The new definition of installed power applies to applications currently being processed that have not obtained a definitive operating permit. However, as established in the first transitional provision of RD 997/2025, “*in order to avoid any harm that may be caused to interested parties by the restarting of a new procedure*”, if the new definition of installed power entails a change in the competent processing authority, the procedure will continue before the body in which it was initiated until the operating permit is obtained and registration in the RAIPEE is completed. This is provided that (i) there are no changes in the installed power of the project in accordance with the definition prior to the entry into force of

³ Among the technical aspects under analysis are (i) a new regulation addressing the speed of voltage variation; (ii) requirements for power injection into the grid by generation facilities; (iii) the regulation of adjustment services and the programming of technical restrictions; (iv) a proposed operating procedure to coordinate the development plans of the transmission and distribution grid; (v) the minimum supervisory requirements necessary for the analysis of incidents in the system, and (vi) the definition of a procedure establishing how to send the system operator the information required to carry out the analysis of incidents in the system.

⁴ Article 53 of the LSE concerning authorisations for transmission, distribution, production, and direct lines facilities is found in Title IX.

RD 997/2025 and (ii) the procedure is not withdrawn within three months of the entry into force of RD 997/2025.

- » However, if a developer withdraws the application in order to begin processing with a different Administration, the guarantees deposited will not be executed, without prejudice to the possible loss of the access and connection permits.

ii) Repowering of in-service production facilities

- » Similar to the provisions of RDL 7/2025, the legal definition of repowering has been introduced as the process of renovation of production or storage facilities, which may include the total or partial replacement or modification of generation facilities or operating systems and equipment and components with the aim of replacing machines, improving efficiency, increasing the energy produced by the facility, and/or increasing the installed power. The definition also includes the expansion of facilities, without prejudice to the environmental assessment procedure that may be applicable in each case.

The Explanatory Memorandum of RD 997/2025 provides that RD 997/2025 opts for an even broader scope than that provided for in Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources, a regulation that incorporates the concept of repowering, given the energy and environmental benefits that renewable energy sources bring to society as a whole.

- » The Government has been mandated to prepare, within a maximum period of nine months of the entry into force of RD 997/2025 (i.e. 7 November 2025), a national roadmap for the promotion of repowering, which may include: (a) an assessment of the current state of facilities eligible for repowering; (b) strategic objectives in line with European commitments on energy transition; (c) technical, regulatory and financial measures to facilitate repowering, and (d) mechanisms for the periodic evaluation and review of the success of the measures.

iii) The adaptation period for the submission of documentation for obtaining the definitive operating permit

- » The second transitional provision establishes an adaptation period of 36 months from the entry into force of RD 997/2025 for the generation and storage facilities to obtain the definitive operating permit, allowing the documentary requirements that were previously in force to be temporarily replaced.
- » For these purposes, the requirement to provide the Final Operational Notification (FON) may be replaced during this period by the delivery of: (a) the Interim Operational Notification (ION) and (b) the prior registration in the RAIPEE.
- » Additionally, for projects that are within the expiry limit of the fifth administrative milestone of Royal Decree-law 23/2020, of 23 June, approving measures in the energy sector and other areas for economic recovery (“RDL 23/2020”), it is envisaged that the documentation to be submitted to obtain the definitive operating permit may be supplemented by the delivery of: (a) a provisional operating permit for testing; (b) an Energisation Operational Notification (EON); and (c) a statement of compliance (*declaración responsable*) in which the owner of the facility undertakes not to feed energy into the grid until the ION and prior registration in the RAIPEE or the FON have been provided to the authorising Administration.

iv) Provisional operating permit for testing and definitive operating permit

- » RD 997/2025 reinstates the distinction between a provisional operating permit for testing and a definitive operating permit,⁵ which was introduced in RDL 7/2025.
- » The Explanatory Memorandum states that the distinction between the two authorisations is expressly established by the amendment to RD 1955/2000. However, these concepts had already been introduced by Royal Decree 413/2014, of 6 June, which regulates the production of electricity from renewable energy sources, cogeneration, and waste, although without an explicit definition.

⁵ Unlike the provision of RDL 7/2025, RD 997/2025 does not provide that the fifth administrative milestone of RDL 23/2020 should become the granting of the provisional operating permit for testing, given that, unlike RDL 7/2025, RD 997/2025 is not a regulation with the force of law and therefore cannot change an RDL. As a result of the above, RD 997/2025 does not modify the fifth administrative milestone, which will continue to refer to the definitive operating permit.

- » Based on these concepts, it is envisaged that, for evacuation infrastructure shared between different production facilities that evacuate at the same connection point but are at different stages of processing, a partial provisional operating permit may be issued for testing the common infrastructure when any of the production facilities using the shared evacuation infrastructure requests commissioning prior to the facility with which the shared evacuation infrastructure is being processed.
- » The partial provisional operating permit for testing the common infrastructure allows the requesting production facility to be granted both the provisional operating permit for testing and the definitive operating permit, provided that it is expressly established that the generation facility allows all the energy generated to be evacuated.

v) **The application for a decision on the valid constitution of the guarantee**

- » As provided for in RDL 7/2025, an application to the competent Administration for a decision on the adequate constitution of the guarantee necessary to apply for access and connection permits for generation facilities must include the node or line and the voltage of the transmission or distribution grid to which access and connection is to be requested in the case of generation facilities with a capacity exceeding 100 kW.

vi) **Simplification of the processing of hybrid storage**

Various provisions have been introduced to promote the development of electricity storage facilities due to their contribution to the resilience of the system and the integration of non-manageable renewable energy, especially the hybridisation of renewable generation facilities with electrochemical storage modules or batteries. Specifically, the following measures have been introduced:

- » **Simplification of the administrative processing of hybridised electrochemical storage, under the competence of the General State Administration:** the authorisation procedures for these projects have been declared urgent for reasons of public interest, provided that no environmental impact assessment is required.

To this end, a reduction in processing times is envisaged, meaning that:

- The processing and resolution of prior administrative authorisations (PAAs) and administrative construction authorisations (ACAs) shall be carried out jointly;
 - The procedures for public information and for information and the referral of the implementation project to the various Administrations, bodies or public service companies or companies of general interest have been unified and their deadlines have been reduced by half;
 - The complete file and the report of the competent body for the processing of the project must be submitted within fifteen days to the Directorate-General for Energy Policy and Mines for a decision on the application.
- » **An exemption from the simplified environmental assessment for hybrid storage in spaces that have already been assessed:** an amendment to Law 21/2013 of 9 December on environmental assessment is planned, with the aim of exempting electrochemical storage modules located in areas that have already undergone an environmental assessment in the original energy project from an environmental impact assessment, provided that this original project has a favourable environmental impact statement (“EIS”) or, where applicable, a favourable environmental impact report.
 - » **Financial guarantees associated with storage:** as provided for in RDL 7/2025, it has been clarified that the financial guarantee associated with the access and connection permits for storage facilities that absorb energy from the grid, which are under state jurisdiction, must be deposited with the General Deposit Fund (*Caja General de Depósitos*), and it will not be necessary to include the National Classification of Economic Activities (*Clasificación Nacional de Actividades Económicas*) (“CNAE”) code on the corresponding receipt, but it must be specified that it is for storage. It is also provided that this guarantee, in the case of storage facilities that absorb energy from the grid, will be cancelled when the guarantee deposited for access and connection for generation of this facility is cancelled.

3. Measures concerning access and connection to consumption facilities

Regarding consumer access and connection, RD 997/2025 introduces the following points:

i) Expiry of access and connection permits for consumption

- » As introduced by RDL 7/2025 and “*due to the strong appetite for permits to access the electricity grid for consumption*” referred to in the Explanatory Memorandum of RD 997/2025, the automatic expiry of permits has been extended to access and connection permits for consumption granted at a voltage equal to or greater than 1 kV when the holders of such permits have not formalised, within a period of 5 years, an access contract for a contracted power in any of the periods⁶ of at least 50% of the access capacity granted in the access permit. Such a contract must be maintained for a period of at least 3 years at that power or higher.
- » In the case of access and connection permits granted before the entry into force of RD 997/2025 (i.e. 7 November 2025) whose connection point has a voltage between 1 kV and 36 kV, the period of 5 years referred to above shall be calculated from 7 November 2025.
- » Additionally, in the event of the termination of the access contract, or where applicable, the supply contract, the access and connection permits shall remain valid for a period of 5 years from the termination of the contract for facilities with a high-voltage connection point, and 3 years for facilities connected to low voltage.

ii) Expiry of the access and connection permit due to unused access capacity for consumption

- » The expiry of unused access capacity is provided for in accordance with the provisions of Article 33.8 of the LSE, although it has been clarified that the expiry will apply to the part of the capacity granted for which an access contract has not been formalised in view of the difference between the total capacity initially granted and the greatest of the powers contracted in said access contract.
- » After the 3-year term of the access contract for the access capacity granted, if the maximum power of the access contract is less than the access capacity of the permit in force at any given time, the access permit will partially expire in respect of that difference if it is extended for a period of 5 years (in high-voltage connected facilities) and 3 years (in low-voltage connected facilities).
- » In the event of the termination of the access or supply contract, access and connection permits shall remain valid for 5 years from the termination of the contract (for high-voltage connected facilities) and 3 years (for low-voltage connected facilities).

iii) Criteria for determining that the consumption or storage facility is not the same

- » As provided for in RDL 7/2025, to determine that a consumption or storage facility is not the same for the purposes of access and connection permits, the following criteria have been introduced, in addition to the existing criterion of displacement of the geometric centre of the facility by a distance greater than 10 km:
 - a. If there is a change in the Division or Group of the CNAE code associated with the facility; and
 - b. If there is a reduction in access capacity for consumption of more than 50% of the access capacity originally requested and granted in the access and connection permits.

iv) Incorporation of new data in the guarantees relating to access and connection permits for consumption

- » Holders of access and connection permits for consumption facilities that must provide a new guarantee as a result of the new data required in the guarantee receipts due to the modification brought about by RD 997/2025 will have a period of 6 months to do so.

⁶ The amendment introduced by RD 997/2025, in accordance with the repealed RDL 7/2025, amends the regulations currently in force, which limited the periods to P1, meaning that power can now be contracted for any of the periods.

- » Those permit holders who decide not to replace the guarantees deposited may renounce the access and connection permit within a period of 6 months, without this withdrawal entailing the enforcement of the guarantees previously constituted. Failure to comply with the obligation to replace guarantees when this does not entail the corresponding withdrawal may be sanctioned.

4. Other measures included in RD 997/2025

i) Generation-type projects on Research, Development & Innovation (R&D&I) platforms

- » As stated in RDL 7/2025, it is envisaged that platforms used to connect generation or storage facilities classified as R&D&I will obtain PAAs and ACAs for standard projects, meaning that connecting and disconnecting prototypes will only require an operating permit if the new prototype is within the technical parameters of the PAAs and ACAs of the original type and is installed in an area that has already been environmentally assessed and does not require a new environmental assessment.

ii) Deadlines for the implementation of distribution facilities

- » In line with RDL 7/2025, the deadlines to be met by distribution companies to implement the necessary grid extensions to serve new supplies have been specified. It is expressly stated that the calculation of the periods established will not take into account those necessary to obtain authorisations, permits, or approval to carry out the works.
- » It also regulates the deadlines applicable when the new grid extension is carried out by an installation company at the expense of the requesting distribution company.

iii) Allocation of interest related to the electricity settlement system

- » It is established that the returns earned by the accounts managed by the electricity system settlement manager will be considered revenue dedicated to financing the costs of the electricity system.

Contacts



Ana Cremades

Partner, Administrative Law

acremades@perezllorca.com

T. +34 91 423 66 52

Offices

Europe ↗

Barcelona
Lisbon
Madrid

Brussels
London

America ↗

Bogotá
Mexico City
New York

Medellín
Monterrey

Asia-Pacific ↗

Singapore

The information contained in this Legal Briefing is of a general nature and does not constitute legal advice.

This document was prepared on 13 November 2025 and Pérez-Llorca does not assume any commitment to update or revise its contents.

©2025 Pérez-Llorca. All rights reserved.

Pérez-Llorca App
All our legal content



perezllorca.com ↗

