

Research RES LEGAL – Access to the grid

Country: Spain

1. Overview of access to the grid

Overview of access to the grid	In Spain, systems that generate electricity from renewable energy sources are statutorily entitled to connection to and usage of the grid at a priority. System operators may be contractually entitled to an expansion of the grid, of which they are to bear the cost if the expansion is required for a system to be connected to the grid. Apart from that, the grid operator is obligated to expand his grid in compliance with the general provisions of energy law.
Statutory provisions	<ul style="list-style-type: none">• RD 661/2007 (Real Decreto 661/2007, de 25 de mayo, por el que se regula la actividad de producción de energía eléctrica en régimen especial - Royal decree on the regulation of electricity production through a special feed-in system ("Régimen Especial").• RD 1955/2000 (Real Decreto 1955/2000, de 1 de diciembre, por el que se regulan las actividades de transporte, distribución, comercialización, suministro y procedimientos de autorización de instalaciones de energía eléctrica - Royal Decree on the Regulation of the Distribution and Transmission of Electricity)• RD 6/2009 (Real Decreto-ley 6/2009, de 30 de abril, por el que se adoptan determinadas medidas en el sector energético y se aprueba el bono social – Royal decree establishing new regulations for the energy sector)• Real Decreto 1578/2008, de 26 de septiembre, de retribución de la actividad de producción de energía eléctrica mediante tecnología solar fotovoltaica para instalaciones posteriores a la fecha límite de mantenimiento de la retribución del Real Decreto 661/2007, de 25 de mayo, para dicha tecnología - Royal decree on photovoltaic electricity generation)
Connection to the grid	System operators are contractually entitled against the grid operator to priority connection of their systems to the grid.
Usage of the grid	System operators are contractually entitled to priority usage of the grids to feed in and transmit electricity until grid capacity is used up.
Expansion of the grid	System operators may be contractually entitled to an expansion of the grid, of which they are to bear the cost if the expansion is required for a system to be connected to the grid. Apart from that, the grid operator is obligated to expand his grid in compliance with the general provisions of energy law.

2. Basic information on legal sources

Name of legal source (original language)	Real Decreto 661/2007, de 25 de mayo (RD 661/2007)	Real Decreto 1955/2000, de 1 de diciembre (RD 1955/2000)	Real Decreto-ley 6/2009, de 30 de abril (RD 6/2009)
Name of legal source (full name)	Real Decreto 661/2007, de 25 de mayo, por el que se regula la actividad de producción de energía eléctrica en régimen especial	Real Decreto 1955/2000, de 1 de diciembre, por el que se regulan las actividades de transporte, distribución, comercialización, suministro y procedimientos de autorización de instalaciones de energía eléctrica	Real Decreto-ley 6/2009, de 30 de abril, por el que se adoptan determinadas medidas en el sector energético y se aprueba el bono social
Name of legal source (English)	Royal Decree no. 661/2007 of 25th May on the Regulation of Electricity Production through a Special Feed-in System ("Régimen Especial")	Royal Decree no. 1955/2000 of 1st December on the Regulation of the Transmission, Distribution, Marketing, and Supply of Electricity and the Authorisation Procedure for systems for Electricity Generation Systems	Royal Decree no. 6/2009 of 30th April Establishing Certain Measures for the Energy Sector and Adopting the Social Bonus
Abbreviated form	RD 661/2007	RD 1955/2000	RD 6/2009
Type of law	Legislative royal decree	Legislative royal decree	Legislative royal decree
Document structure	Chapters, sections, articles	Titles, chapters, sections, articles	Chapters, sections, articles
Entering into force	01/06/2007	16/01/2001	07/05/2009
Latest amendment	28/09/2008	21/06/2009	
Future amendments	Expected in 2010 (art. 19.3, 44.3, DA Novena)		
Purpose	Establishing legal and economic provisions on electricity producers under "Régimen Especial".	Regulating connection and access to the grid and the transmission and distribution of electricity.	Establishing new regulations for the energy sector.
Relation to renewable energy	This Decree directly promotes the generation of electricity from renewable energy sources.	This decree also applies to systems that generate electricity from renewable energy sources.	This decree stipulates that operators of renewable electricity generation systems that would like to benefit from RD 661/2007 have to register their systems

			with a preliminary register (art. 4 RD 6/2009).
Link to full text of legal source (original language)	http://www.boe.es/aeboe/consultas/bases_datos/doc.php?coleccion=iberlex&id=2007/10556	http://www.boe.es/aeboe/consultas/bases_datos/doc.php?coleccion=iberlex&id=2000/24019# analisis	http://www.boe.es/aeboe/consultas/bases_datos/doc.php?coleccion=iberlex&id=2009/07581# analisis
Link to full text of legal source (English)			

Name of legal source (original language)	Real Decreto 1578/2008, de 26 de septiembre
Name of legal source (full name)	Real Decreto 1578/2008, de 26 de septiembre, de retribución de la actividad de producción de energía eléctrica mediante tecnología solar fotovoltaica para instalaciones posteriores a la fecha límite de mantenimiento de la retribución del Real Decreto 661/2007, de 25 de mayo, para dicha tecnología
Name of legal source (English)	Royal Decree no. 1578/2008 of 26th September on the Payment for Electricity Generated by Photovoltaic Systems that were Registered after the Deadline for Eligibility for Payment under Royal Decree no. 661/2007 of 35th May.
Abbreviated form	RD 1578/2008
Type of law	Legislative royal decree
Document structure	Chapters, articles
Entering into force	28/09/2008
Latest amendment	21/06/2009

Future amendments	
Purpose	Regulating photovoltaic electricity generation.
Relation to renewable energy	This decree stipulates that operators of renewable electricity generation systems that would like to benefit from RD 661/2007 have to register their systems with a preliminary register (art. 4 RD 6/2009).
Link to full text of legal source (original language)	http://www.boe.es/aeboe/consultas/bases_datos/doc.php?coleccion=iberlex&id=2008/15595
Link to full text of legal source (English)	

3. Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
Instituto para la Diversificación y Ahorro de la Energía (IDAE) – Energy Agency	http://www.idae.es/index.php/mod.indice/mem.i		+34 914 564 900	comunicacion(at)idae.es
Asociación de Productores de Energías Renovables (APPA) – Association of Spanish producers of electricity from renewable sources	http://www.appa.es/index.php	Dr. Mischa Bechberger (International Affairs Manager)	+ 34 93 241 93 63	mbechberger(at)appa.es

4. Connection to the grid

Abbreviated form of legal source	<ul style="list-style-type: none">• RD 661/2007• RD 1955/2000• RD 6/2009• RD 1578/2008	
Legal basis for a claim/addressees	(x) statutory basis () contractual basis	System operators are contractually entitled against the grid operator to the connection of renewable electricity generation systems to the grid (art. 17 RD 661/2007). System operators and grid operator have to agree the technical conditions for connection by a contract, which shall comply with the model contract provided by the Ministry of Energy and Mining (art. 16 RD 661/2007). Before such a contract may be concluded, the system operator in question shall submit to the grid operator the official authorisation of his power system and, if the operation requires special devices, of the connection devices between the systems and the connection point to the transmission and distribution grid (art. 16 par. 2 RD 661/2007).
	Entitled party	<p>The persons entitled are operators of systems that come under the so-called special regulation ("Régimen Especial"), (art. 17 RD 661/2007 in connection with art. 2 RD 661/2007). The following power systems have a special status:</p> <ul style="list-style-type: none">• Technologies. The systems' primary source of energy shall be a renewable source of energy like solar or wind energy as defined by statutory law (art. 2 par. 1 no. 2 b RD 661/2007).• Classification by the authorities. Systems shall be classified as coming under the special regulation by official notice (art. 6, 8, 14 par. 1 RD 661/2007).• Connection to a central control system. All systems that generate electricity as specified by the special regulation and whose capacity exceeds 10 MW shall be connected to a central control system, which shall be the interface to the plant operator. The control system shall provide real-time system information and make sure that the plant operator's instructions are implemented in such a way as to guarantee the reliability of the electric system. <p>Systems are required to be listed in the register of systems in order to be awarded the status of system under the special regulation (art. 9 RD 661/2007). For renewable electricity generation systems to be eligible for the register of systems, they must be registered in the preliminary register ("Registro de Pre-</p>

		asignación"). Registration in the preliminary register is conditional upon certain criteria (art. 4 RD 6/2009, art. 4 RD 1578-2008).
	Obligated party	The person obligated is the grid operator (art. 17 RD 661/2007).
Priority to renewable energy (qualitative criteria)	(x) Priority to renewable energy () Non-discrimination	Renewable energy systems shall be connected at a priority, i.e. prior to conventional power systems (art. 17e, Annex XI no. 4 RD 661/2007).
Capacity limits (quantitative criteria)		
Limitations/deadlines		Systems shall be connected to the grid after the contract on the technical conditions has been concluded (art. 16 RD 661/2007), a bank guarantee of 500 € per kW of installed capacity for photovoltaic systems and 20 € per kW for other systems has been put (art. 66 a RD 661/2007) and the Ministry of Energy and Mining has authorised the application for connection to the grid (art. 53, 59 RD 1955/2000).
Arising/enforcement of a claim		The claim arises at the date on which the construction of the system is completed and the system has been classified as system under the special regulation (art. 17 RD 661/2007). The status of system under the special regulation enters into force on the date on which the notice on classification is issued by the authority in charge (art. 14 par. 1 RD 661/2007).
Funding		
	State	
	Consumer	
	Grid operator	
	System operator	The plant operator shall bear the costs of connection to and a possible expansion of the grid (Annex XI no. 8, 9 RD 661/2007). Furthermore, operators of plants whose capacity exceeds 10 MW and which shall be connected to a control system shall bear the costs of installation and maintenance of the control systems, including installation and maintenance of the communication lines to the grid operator (art. 18 d RD 661/2007).
	Distribution mechanism	Plant operators may not pass on the cost of connection to the grid.

5. Usage of the grid

Abbreviated form of legal source	<ul style="list-style-type: none"> • RD 661/2007 • RD 1955/2000 • RD 6/2009 • RD 1578/2008 	
Legal basis for a claim/addressees	<input checked="" type="checkbox"/> (x) statutory basis <input type="checkbox"/> () contractual basis	The plant operator is statutorily entitled against the grid operator to the feeding-in and transmission of renewable electricity (art. 17 RD 661/2007). However, plant operators and grid operators are obligated to conclude an agreement that regulates the qualitative and quantitative conditions for the electricity to be fed in. The agreement shall comply with the model contract provided by the Ministry of Energy and Mining (art. 20 par. 2, art. 16 RD 661/2007).
	Entitled party	<p>The persons entitled are operators of systems that come under the so-called special regulation ("Régimen Especial"), (art. 17 RD 661/2007 in connection with art. 2 par. 2 no. 2 b RD 661/2007). The following power systems have a special status:</p> <ul style="list-style-type: none"> • Technologies. The systems' primary source of energy shall be a renewable source of energy like solar or wind energy as defined by statutory law (art. 2 par. 1 no. 2 b RD 661/2007). • Classification by the authorities. Systems shall be classified as coming under the special regulation by official notice (art. 6, 8, 14 par. 1 RD 661/2007). • Connection to a central control system. All systems that generate electricity as specified by the special regulation and whose capacity exceeds 10 MW shall be connected to a central control system, which shall be the interface to the plant operator. The control system shall provide real-time system information and make sure that the plant operator's instructions are implemented in such a way as to guarantee the reliability of the electric system. <p>Systems are required to be listed in the register of systems in order to be awarded the status of system under the special regulation (art. 9 RD 661/2007). For systems for the generation of electricity from renewable sources to be eligible for the register of systems, they must be registered in the preliminary register ("Registro de Pre-asignación). Registration in the preliminary register is conditional upon certain criteria (art. 4 RD 6/2009, art. 4 RD 1578-2008).</p>
	Obligated party	The person obligated is the grid operator (art. 17, 20 RD 661/2007).
Priority to renewable energy (qualitative criteria)	<input checked="" type="checkbox"/> (x) Priority to renewable energy <input type="checkbox"/> () Non-discrimination	Electricity from renewable sources shall be fed in at a priority, i.e. prior to electricity from conventional sources of energy. However, this priority ceases for system operators not complying with the conditions laid down by the contract on

		the technical relations between a plant operator and the grid operator (art. 17e, Annex XI no.4 RD 661/2007).
Capacity limits (quantitative criteria)	The grid operator is obligated to take in all net electricity generated by a system operator whenever feed-ins to his grid are technically possible (art. 17b, 20 RD 661/2007). Net electricity shall refer to the gross amounts of electricity generated by a system less the system's own consumption.	
Limitations/deadlines	In general, the grid operator shall satisfy his obligation to take in RES electricity unconditionally and without undue delay. However, he may impose limitations if the capacity of the grid is fully used up (Annex XI RD 661/2007).	
Arising/enforcement of a claim	The claim arises at the date on which the construction of the system is completed and the system is classified as system under the special regulation (art. 17 RD 661/2007). The status of system under the special regulation enters into force on the date on which the notice on classification is issued by the authority in charge (art. 14 par. 1 RD 661/2007).	
Funding		
	State	
	Consumer	
	Grid operator	The costs of feeding in and transmission of electricity generated from renewable energy are borne by the grid operator (Annex XI RD 661/2007).
	System operator	
	Distribution mechanism	There are no special mechanisms allowing for the costs to be passed on to the consumers.

6. Expansion of the grid

Abbreviated form of legal source	<ul style="list-style-type: none"> • RD 661/2007 • RD 1955/2000 	
Legal basis for a claim/addressees	<input type="checkbox"/> statutory basis <input type="checkbox"/> contractual basis	The system operator may be contractually entitled against the grid operator to an expansion of the grid, if grid expansion is required for his system to be connected to the grid (entitlement arises from the obligation to bear the cost as specified by Annex XI no. 9 RD 661/2007). However, the grid operator is not directly obligated to expand the grid. Yet, the grid operator has the obligation to expand his grid according to general criteria specified by energy law (art. 8-16 RD 1955/2000). Possible individual claims for an expansion may arise if grid expansion is required for a system to be connected to the grid (Annex XI no. 9 RD 661/2007).
	Entitled party	A system operator may be entitled to an expansion, if the expansion is necessary to connect his system and this claim has been laid down in the contract.
	Obligated party	The contracts concluded with the plant operators may oblige the grid operator to expand his grid. As far as the grid operator's general obligation to expand the grids is concerned, he shall elaborate a grid expansion plan in co-operation with the Ministry of the Economy every four years. The plan shall take into account the number of existing and new systems and the opinions of various stakeholders (art. 11 RD 1955/2000).
Priority to renewable energy (qualitative criteria)	<input checked="" type="checkbox"/> Priority to renewable energy <input type="checkbox"/> Non-discrimination	The grid operator is obliged to give priority to renewable electricity generation systems when expanding his grid (Annex XI par. 4 RD 661/2007).
Capacity limits (quantitative criteria)		
Limitations/deadlines	Time limitations and deadlines of an expansion of the grid depend on the terms of the contract.	
Arising/enforcement of a claim	The circumstances in which an individual claim arises depend on the conditions of the contract.	
Funding		
	State	
	Consumer	

	Grid operator	The cost of a general expansion of the grid is borne by the grid operator (Annex XI RD 661/2007).
	System operator	If the expansion is to the benefit of the plant operator only, he shall bear the cost of the expansion (Annex XI RD 661/2007).
	Distribution mechanism	Statutory law does not provide for distribution mechanisms.