

Reaction to the draft Spanish Royal Decree regulating the energy sustainability, environmental and digital resilience and sovereignty requirements applicable to data centres

Brussels, 10 September 2026 - Energy Traders Europe fully supports the objective of the Spanish government to ensure that the development of data centres is compatible with the energy transition targets at Spanish and EU levels, and the sustainable and efficient use of networks.

However, we consider that several of the requirements incorporated in the draft Royal Decree have a negative overall impact on the Spanish electricity system, which is already experiencing significant renewable curtailment, spillovers and frequent zero or near-zero electricity prices, reflecting an excess of renewable generation relative to demand. In other words, **the demand generated by data centres could help improve the situation on the Spanish electricity system, while the proposed renewable energy requirements could make it worse.**

We call for a substantial overhaul of the draft Royal Decree, and we stand at the disposal of the Ministry to work on a practical solution.

Detailed comments

The requirements proposed in the draft decree are disproportionate in terms of technical complexity and cost, as compliance would require data centres to secure highly sophisticated portfolios combining intermittent renewable generation with storage solutions, significantly increasing electricity supply costs and undermining Spain's competitiveness. In particular:

- The **additionality obligation applying to the 80% renewables requirement** is not necessary in the current circumstances of the Spanish electricity system, as at certain times of the year there are already significant renewable surpluses. Rather, allowing data centres to source their electricity from a mix of existing and new capacities will improve the security of the Spanish energy system.
- The **requirement of an hourly correlation of 80 %** is not justified. This requirement is based on criteria originally developed for renewable hydrogen, but data centres are not an energy carrier and have substantially different characteristics. From a

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practical point of view, a high hourly correlation is equivalent to imposing storage obligations implicitly. How practical constraints would be handled also remain unclear, for example renewable electricity curtailments decided by the TSO.

- The **requirement for a direct and local commercial relationship** between the data centre and a renewables producer in PPAs unnecessarily excludes various types of supply contracts, such as indirect PPAs, virtual PPAs aggregating renewables production from varying assets, as well as cross-border PPAs. All these different types of PPAs help renewables producers and data centres alike to manage their financial and volume risks over time, and we fail to understand their exclusion. The restrictive wording of the draft decree may also undermine the role of PPA intermediaries, as well as foreign (EU) suppliers, in facilitating efficient, market-based renewable electricity solutions.

The proposal places Spain at a competitive disadvantage compared with the European regulatory framework, introducing obligations that go well beyond current EU requirements for data centres and risk diverting investment to other jurisdictions. In particular, the PUE threshold ≤ 1.15 is not justified, with the proposed value being at levels close to the best cases. Its use as a mandatory condition for access and permanence would be a barrier for many projects.

The regime is discriminatory and legally questionable, as it imposes unique access, connection and sustainability obligations on data centres that are not applied to other large electricity consumers, without an objective or proportionate justification.

Finally, linking compliance with sustainability criteria to network access rights is inconsistent with EU energy legislation, which treats access and connection rights as subject to network capacity considerations, not to renewable sourcing, additionality or hourly matching requirements. Likewise, non-compliance with sourcing requirements could lead to a disconnection from the grid – a penalty normally reserved for practices endangering the network.

In conclusion, the Decree proposal increases regulatory uncertainty and investment risk, potentially discouraging both the development of data centres in the country, and investment in renewable energy. We are committed to work with the Spanish government on a better solution at a time when Spain (and Europe) is seeking to accelerate digital infrastructure deployment and strengthen technological sovereignty.