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REGULATORY SCRUTINY BOARD OPINION

Impact assessment for the Grid Package

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Brussels,
RSB

Opinion

Title: Impact assessment for the Grid Package

Overall opinion: POSITIVE WITH RESERVATIONS

(A) Policy context

Energy network infrastructure plays a crucial role in reinvigorating European competitiveness, in ensuring the EU security and in the energy transition and decarbonisation. The EU's energy networks are confronted with new and significant challenges in supporting an increasingly electrified, decentralised, digitalised and flexible electricity system characterised by a growing share of variable renewable energy sources.

This initiative responds to the Commission's commitment in the Action Plan for Affordable Energy to propose a European Grid Package.

This impact assessment addresses possible legislative measures for the Grids Package, focusing on grid planning and development for transmission and distribution grids with a cross-border dimension, cost-sharing mechanisms, as well as permitting-related measures covering energy infrastructure, renewable energy generation, storage and recharging stations. It also addresses possible legislative measures to improve the security and resilience of energy infrastructure.

(B) Key issues

The Board notes the additional information provided and commitments to make changes to the report.

However, the report still contains significant shortcomings. The Board gives a positive opinion with reservations because it expects the lead Service to rectify the following aspects:

- (1) The report does not provide sufficient analysis of the problem drivers and the link with proposed measures; it is not entirely clear what success would look like.**
- (2) The content of the proposed measures regarding permitting is not clear, neither how they compare to initiatives with a view to accelerating permitting procedures in other sectors.**

This opinion concerns a draft impact assessment which may differ from the final version.

(C) What to improve

(1) The report should clearly present and analyse the problem drivers and clarify to what extent the identified problems are due to implementation flaws in Member States (considering also the lack of data) or due to gaps in the legal framework. It should better explain to what extent this initiative can address the identified problems and how this is linked to other legislation such as the Renewable Energy Directive and the TEN-E Regulation.

(2) The report should analyse the root causes of insufficient investment in grid integration in the EU. It should explain better to what extent the proposed measures can be effective in addressing the need to invest in cross-border grids to respond to new challenges while considering Member State national interests in securing energy supply and providing energy at affordable prices.

(3) The report should in more detail assess subsidiarity considerations related to a further centralisation of the processes beyond the already existing coordination mechanism under the TEN-E Regulation and explain how this relates to national prerogatives on energy security.

(4) The report should clearly define the success in terms of progress towards “optimal grid”. The link between the general objective and specific objectives should be better explained. The specific objectives should be defined in S.M.A.R.T. terms to allow for assessing the success and monitoring the progress towards meeting the desired objectives. The report should better describe what data will be used for monitoring and how comparability of data from Member States on permitting procedures including its duration will be ensured.

(5) The report should clearly present and justify how the different options compare in terms of costs and benefits. The “optimal grid” could be also used for comparison of the effectiveness of options.

(6) The report should better describe the content of the measures regarding permitting and demonstrate the specific aspects of energy grids also by comparing to initiatives with a view to accelerating permitting procedures in other sectors. The impacts of measures related to simplifying and shortening permitting procedures should be more thoroughly assessed, including an analysis of factors such as national permitting legislation and the duration of court proceedings. For example, it should be explained how imposing shorter deadlines at the EU level may improve the situation given the different circumstances.

(7) The report should highlight possible trade-offs with other EU objectives, in particular linked to the protection of the environment. The environmental impacts beyond greenhouse gas reductions should be thoroughly analysed to allow an assessment of trade-offs stemming from accelerated permitting procedures. The report should describe better any safeguards to address these trade-offs.

Some more technical comments have been sent directly to the author Service.

(D) Conclusion

The lead Service may proceed with the initiative.

The lead Service must revise the report in accordance with the Board's findings before launching the interservice consultation.

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