

Romania's energy storage sector is growing quickly, attracting strong interest from both local and international investors. While the opportunities are significant, the legal framework remains unclear in several areas, making it essential for investors to carry out careful assessments before entering the Romanian market or expanding their portfolios.

To better understand the challenges and opportunities, it is useful to consider the following aspects:

- Permitting aspects**

When it comes to project design and permitting, developers may approach storage facilities in two ways: (i) as stand-alone projects, or (ii) as part of a renewable energy project. In the latter case, storage can be integrated either from the very beginning of the permitting process or added at a later, more advanced stage, serving as an additional component that strengthens project bankability and investor appeal.

From a permitting perspective, stand-alone battery projects are generally considered more attractive to investors, as the due diligence process can be carried out more swiftly and typically within a shorter timeframe. By contrast, where a storage facility is added alongside an already-permitted renewable project, additional efforts are required. Integrating storage at an advanced stage of permitting (e.g., once a connection agreement has already been concluded) requires close coordination to ensure that all relevant updates are made and necessary notifications are properly submitted to the authorities. Such changes may alter the main project design and configuration, making this a particularly sensitive point for both developers and investors.

- Grid connection aspects**

In terms of grid connection, particular attention should be paid to the grid connection permit and subsequent grid connection agreement. It is equally important to ensure that thorough technical due diligence is carried out, aligned with the DTAC documentation required for the building permit. This is necessary because technical inconsistencies (e.g., different charging times) may arise and materially affect the project.

As for the setting-up authorization, this is often obtained by investors at a later stage of the transaction, once financing evidence and related documentation are available.

- Environmental aspects**

For both stand-alone storage facilities and those developed alongside renewable projects, the building permit is subject to an endorsement from the environmental protection authority. Accordingly, the authority must be notified with respect to the environmental impact assessment procedure.

We have identified a legislative gap in this area, as current provisions do not specifically address storage projects. In practice, however, authorities often conclude at an early stage that a full environmental evaluation is not required. Exceptions arise where storage facilities are located near other projects that may cause cumulative environmental effects (e.g., SEVESO-type facilities). In such cases, the procedure may advance to a screening stage, at the end of which the authority issues a formal decision.

Where storage is added to a renewable project (e.g., a solar park with a BESS facility), the environmental procedure is triggered by the main energy project. For investors, it is therefore essential during due diligence to verify that the information submitted for grid connection purposes is consistent with the environmental documentation, and to ensure that all the endorsements and related documentation remain consistent and up to date.

After construction, and before commencing operation of the storage facility, an environmental authorization must be obtained. Although the existing legislation has not yet been updated to expressly regulate storage facilities, in practice the authorities typically include in the regulatory deeds issued during the construction phase a specific requirement to secure such authorization, together with a clear reference to the applicable legal ground.

- Related costs**

Investors must also take into account the cost implications. A recent regulatory development seeks to eliminate the double taxation of stored energy, long considered a major obstacle to the growth of storage facilities. The new provisions grant exemptions from transmission tariffs, distribution tariffs, and system service charges for electricity that is stored and subsequently reintroduced into the grid.

**Conclusions**

With Romania's storage market still developing, investors who carefully track legislative changes will be better positioned to develop bankable projects. Success depends not only on identifying opportunities but also on navigating a regulatory framework that is still evolving.