



First Come, First Served Is Abolished: A New Grid Connection Regime for Data Centres from 1 February 2026

Introduction

This Sunday, 1 February 2026, the regime shift will enter into force for the connection of large electricity consumers to the Danish power grid. Energinet (publicly owned entity in charge of owning and developing the energy grid in Denmark) will formally abolish the traditional *first come, first served* principle, where application for grid connection is processed in order of application time, and replace it with a prioritisation framework favoring project maturity to ensure better and more efficient use of grid capacity.

The reform has significant impact on (among other energy projects) development of data centres, where timely and reliable access to substantial power capacity is often the single most critical enabling factor.

From “First in Line” to “Ready to Be Built”

Under the previous regime, a project’s position in the grid connection queue depended primarily on when the application was submitted (*the first come, first served principle*). Early applications could in practice secure a place in the queue even for projects that were still at a very early stage of development.

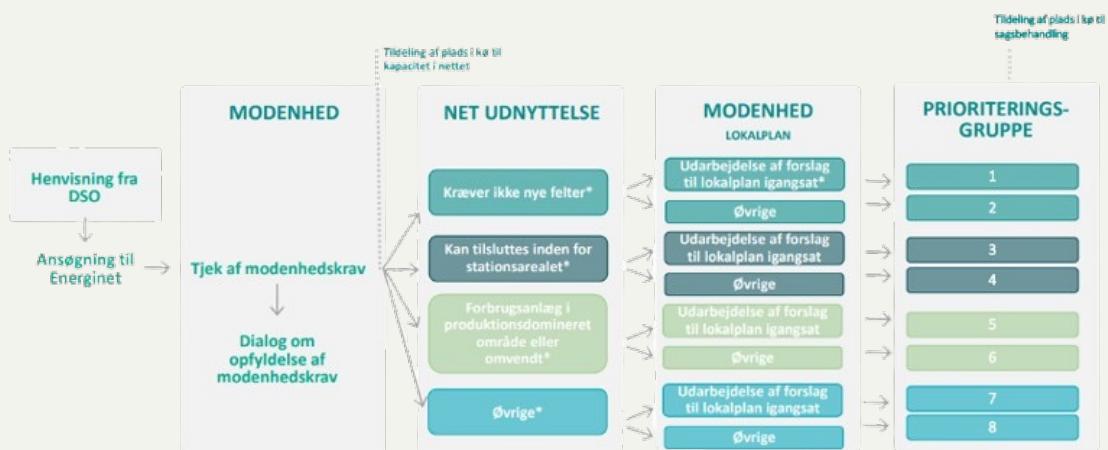
This will change fundamentally from 1 February 2026. Going forward, Energinet will no longer assess projects solely on a chronological basis. Instead, projects will be prioritised based on an overall assessment of their maturity and realism.

To enter the screening process, projects must meet two minimum maturity requirements:

1. Documentation of rights to the site where the project is to be carried out – or conditional agreements for the acquisition of such rights (e.g. purchase agreements, option agreements or similar). The requirement is assessed based on how far the grid customer has progressed in discussions with the landowner – from a written indication of willingness to enter into an agreement, a signed option agreement, to a final purchase agreement; and
1. A project timeline that complies with an Energinet template, in which the grid customer must present documentation of the time required to obtain the necessary permits for the project's implementation. The grid customer must upload an overall timeline showing the project's expected main milestones – from initial planning and regulatory processes to execution, testing and desired commissioning. The timeline must provide Energinet with a realistic overview of the project's progress.

Grouping and Prioritisation

Once a project has met the two minimum maturity requirements, it proceeds to the next stage and is placed in a group depending on how far the project has progressed. Energinet has prepared the following table illustrating the process (in Danish):



This dynamic assessment reinforces the need for contractual flexibility, allowing project documentation to adapt to changes in priority, timeline and grid assumptions. Conversely, projects that stall may be overtaken by more advanced competitors, irrespective of application date, underscoring the importance of ongoing performance obligations and information covenants.

What Does This Mean for the Development of Data Centres?

For data centre developers and investors, the regime should be incorporated in the development plans in early stage. For some development this will prolong the process, however, for others the regime change may be an opportunity for a faster route to grid connection if the planning is more progressed than other developments who had already queued up. Instead, it must be integrated into the overall project and investment strategy from an early stage. Projects already in development or planning should re-address their route to grid connection to ensure the planning caters for the new regime.

In practice, this increases the importance of:

- aligning land control with realistic planning and permitting pathways,
- documenting credible and deliverable project timelines,
- optimising load profiles and flexibility in power demand, and
- engaging early and continuously with Energinet on project maturity and prioritisation.

Investment Considerations

The abolition of the *first come, first served principle* may changes the investment profile and development route for data centre projects - and, in turn, the contractual framework underpinning such projects.

Where early grid applications previously functioned as a form of “placeholder”, there is now no assurance that land acquisition or early-stage development will translate into timely or sufficient grid access. As a result, investors may commit significant capital to land, development and preparatory works without certainty as to if, when and on what terms grid connection will be achieved. However, the regime change is introduced to ensure better use of the grid and brick in the faster way to green transition. Consequently, the regime change may be an advantage opportunity for faster grid connection.

Energinet, in collaboration with developers, major electricity consumers, and business organisations, has committed to exploring ways to make the grid connection process more efficient. Their initial proposals are expected by April 2026. We will monitor the development closely.

Investment Considerations

In practice, ongoing planning should be re-addressed to cater for the changed regime and not risking the project timeline. Further, great importance on robust and carefully calibrated agreement structures should be thought of, which - *inter alia* - may include:

- conditions precedent linked to grid connection milestones,
- staged investment and funding mechanisms aligned with documented project maturity,
- termination and step-in rights if grid access is materially delayed or cannot be secured, and
- clear allocation of responsibility for pursuing grid connection and maintaining project priority.

Project maturity will not be a regulatory requirement, but also a contractual benchmark governing capital deployment and risk allocation.

Closing Remarks

From 1 February 2026, projects will no longer be rewarded based on their position in the queue, but on how far they have progressed.

For data centre projects, this raises the bar for project maturity, capital allocation and risk management, while also creating opportunities for well-prepared projects to achieve faster and more predictable access to grid capacity.

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