

## **Decree Simplifications:**

### **news on renewable energy and energy efficiency**

*(Decree no. 77 of May 31, 2021 - Governance of the National Recovery and Resilience Plan and initial measures to strengthen administrative structures and accelerate and simplification of procedures)*

On June 1, 2021, Decree-Law No. 77 of May 31, 2021, providing for rules for the governance of the so-called NRRP (National Recovery and Resilience Plan) and certain provisions to streamline administrative procedures, came into force.

Please find below the main changes related to the renewable energy and energy efficiency sectors.

#### **1. Solar plants and storage plants** (Art. 31)

- i)* the minimum threshold for submitting a photovoltaic plant to a single authorization has been raised from 20 kW to 50 kW (amendment of table A of Legislative Decree no. 387/2003);
- ii)* the possibility of using the PAS (simplified authorization procedure) has been introduced for the authorization of photovoltaic plants up to 10 MW connected at medium voltage and located in areas for commercial, productive or industrial use;
- iii)* “stand-alone” electrochemical storage plants are not subject to either the EIA (Environmental Impact Assessment) or screening procedure, unless the connection works are not included in these procedures.

#### **2. "Environmental Impact Assessment" (EIA)** (Artt. 17, 19)

- i)* a special EIA Technical Commission is established for projects under in the NRRP and National Energy and Climate Plan (NECP);
- ii)* the timescales for Screening and EIA are shortened (the projects linked to the Pnrr and Pniec must be completed within a maximum of 130 days overall).

#### **3. Revamping e repowering** (Art. 32)

The technical requirements are identified on the basis of which revamping and repowering interventions of existing solar, hydroelectric and wind power plants can be considered "non-substantial" and therefore subject to authorization simply through PAS.

**4. PAUR (single regional authorization measure)** (Artt. 23, 24)

i) a preliminary phase has been introduced in the context of the procedure for obtaining the so-called PAUR (single regional authorization measure), which aims to allow the applicant to interact more quickly and easily with the competent authority regarding the documentation to be submitted. In particular, it is foreseen that:

1. the applicant submits to the competent authority: a) the preliminary environmental study; and b) the project (having a level of detail equivalent to the project of technical and economic feasibility referred to in Article 23 of Legislative Decree No. 50 of April 18, 2016);
2. within five days, the documentation submitted by the applicant is published on the website of the competent authority, which communicates the publication to all administrations and entities potentially interested and, in any case, competent to express themselves on the construction and operation of the project; at the same time, the competent authority convenes a preliminary services conference (conferenza di servizi) pursuant to Law No. 241 of August 7, 1990, with the same administrations and entities;
3. the preliminary services conference (conferenza di servizi) pursuant to art. 14, paragraph 3, of Law no. 241 of August 7, 1990, is carried out according to the procedures set out in art. 14-bis of the same law and the terms are reduced by half;
4. the administrations and entities involved in accordance with paragraph 2 shall express their opinion at the conference, on the basis of the documentation produced by the applicant, regarding the definition of the information to be included in the preliminary environmental study, the relative level of detail, compliance with the requirements of the law where a town-planning variant is also required, and the methods to be adopted for preparing the study, as well as the definition of the conditions for obtaining the acts of consent, however named, necessary for the construction and operation of the project. Within five

days of the end of the work of the preliminary conference, the competent authority transmits the acquired decisions to the proposer;

5. the determinations expressed during the preliminary conference can be modified or integrated with reasons only in the presence of new elements, such as to entail significant negative repercussions on the interests involved, which emerge in the subsequent procedure also following the observations of the interested parties as per paragraph 4 of article 27-bis;
6. the administrations and entities that do not express their opinion in the preliminary services conference may not set conditions, make observations or point out reasons preventing the carrying out of the intervention during the procedure as per article 27-bis, except in the presence of new elements, such as to entail significant negative repercussions on the interests involved that emerge in the course of said procedure also following the observations of the interested parties

*ii)* Certain provisions regarding the timing and procedures for issuing the PAUR are also amended.

#### **5. Administrative procedure** (Artt. 25, 61, 62, 63)

A number of amendments are introduced to Law no. 241 of August 7, 1990 regarding administrative procedures. In particular:

- i)* the power of substitution of the Public Administration (in case of inertia of the competent Administration) and the institution of silence-consent are strengthened (in the event of inertia on the part of the competent administration) and the institution of silent consent are strengthened;
- ii)* it is foreseen that the notice of rejection of the request pursuant to article 10-bis of Law 241/90 does not apply to screening, EIA and preliminary verification procedures;
- iii)* the maximum period within which an illegitimate administrative measure can be cancelled ex officio (art. 21-nonies, paragraph 1, of Law 241/90) has been reduced from 18 to 12 months.

#### **6. Superbonus 110%** (art. 33)

Regarding energy efficiency, it is provided that:

- i*) the increased deduction also regards interventions aimed at removing architectural barriers;
- ii*) in order to obtain the Superbonus, the certificate of legitimate status will no longer be necessary, while to carry out the interventions will be sufficient the so-called CILA (Notification of commencement of work asseverated).

We would like to remind you that within the next 60 days the decree under consideration will have to be converted into law and that during the conversion process there may be changes to the text.

We remain at your disposal.

Milan, June 3, 2021

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