

# The “Asset Decree”: important innovations in the energy sector

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## Authors

**Pinella Altiero**

Counsel



**Marco Muscettola**

Partner



**Alessia Francesca**

**Sblendido**

Associate



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On October 3<sup>rd</sup>, 2023, the Decree-Law of August 10<sup>th</sup>, 2023, no. 104 (the “Asset Decree”) was converted into law. The Asset Decree provides some important innovations in favour of the renewable energy plants.



## I. **Measures in favour of renewable energy plants** (Article 12-ter of Asset Decree)

According to Article 12, paragraph 3-bis, of Legislative Decree no. 387 of December 29<sup>th</sup>, 2003 (“**LD 387/2003**”) - as amended by Asset Decree - the new declarations of significant public interest do not apply to construction works of plants powered by renewable sources<sup>1</sup> (“**FER plants**”) **in relation to which the environmental impact assessment measure authorization (“EIA”)** has already been issued.

## II. **Biomethane production** (Article 18-bis of Asset Decree)

The Asset Decree provides that the values of the incentive tariff<sup>2</sup> provided by the Decree of September 15<sup>th</sup>, 2022 are updated by the Energy Services Operator (“GSE”) on a monthly basis.

## III. **The Extraordinary Commissioner** (Article 19 paragraph 9-quarter of Asset Decree)

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<sup>1</sup> Article 140 of Legislative Decree no. 42 of January 22<sup>nd</sup>, 2004.

<sup>2</sup> An incentive tariff applied to the net production of biomethane for a duration of fifteen years and paid from the date of entry into operation of the plant.



The Extraordinary Commissioner<sup>3</sup>, in agreement with the Presidents of the territorially competent regions, may request the MASE to identify the Region as the competent authority to carry out the EIA procedure.

#### **IV. Energy efficiency (Article 24 of Asset Decree)**

For interventions carried out by individuals on real estate units, the 110% deduction is also due for expenses incurred by December 31<sup>st</sup>, 2023 - and no longer by September 30<sup>th</sup>, 2023 - provided that by September 30<sup>th</sup>, 2022 at least 30% of the works has been carried out.

For more details, please see the text of the Asset Decree available at [this link](#).

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### **Il nostro team energy**



**Marco Muscettola**  
Partner



**Pinella Altiero**  
Counsel



**Matteo Agnelli**  
Associate



**Nicoletta Bezzi**  
Associate



**Beatrice Buntin**  
Associate



**Alessia Francesca Sblendido**  
Associate



**Silvia Riga**  
Associate



**Matteo Vagnoli**  
Associate



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<sup>3</sup> Appointed by decree of the President of the Council of Ministers on the proposal of the Minister of Infrastructure and Transport, after consulting the Minister of Economy and Finance, after consulting the competent Parliamentary Committees.