



# Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES Simplify)



Italy

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## Executive summary

This report covers three emerging RES-E technologies: onshore wind, rooftop PV and ground-mounted PV.

For larger onshore wind and ground-mounted PV installations, the main obstacle to site selection is to determine the view of the regional or provincial superintendencies on the intended project, as they have the right to reject the project in the administrative process due to landscape protection. In addition, despite the fact that the ground-mounted PV systems on agricultural land are considered to be of high importance for reaching the NECP goals, there is no regulatory framework in Italy that allows using former quarries and all degraded areas that are classified as agricultural land but not used as such.

The grid connection agreement is a prerequisite for the start of the administrative authorisation process. The grid connection approval is usually an uncomplicated negotiation with the local grid operator, which leads to a bilateral agreement between the project developer and the grid operator. However, especially in the south of the country, there can be problems with grid connection because the grid is very weak. In the case of wind farms, the requirements of the grid operator can be complex throughout the country, and thus aggravate the project implementation. Besides, with the expected growth in renewable energy sources, it can be assumed that problems and delays in grid connection processes will increase significantly.

The biggest obstacles in the implementation of renewable energy projects mainly occur in the administrative authorisation stage. As the regions in Italy have a relatively high level of discretion in implementing the national requirements, it can be a challenge for project developers to identify which of the seven different approval procedures is optimal for the planned project in the respective region. Furthermore, as already mentioned above, the superintendencies have a crucial influence on the realisation of the ground-mounted PV and onshore wind projects in this stage, as they are entitled to reject the project and often do so. For PV systems, municipal procedures are most difficult, especially when the area is subject to special restrictions and additional permits are required. This can lead to long waiting times and delay the entire approval process. The lack of collaboration between public administration bodies as well as insufficient and not adequately trained staff can hinder and prolong all administrative procedures.

Table 1 contains a traffic light assessment of the relevant process steps for the installation of onshore wind, rooftop PV and ground-mounted PV systems in Italy.

Table 1: Traffic light assessment of the relevant process steps

Process step	Site selection	Electricity production license	Application preparation process	Administrative authorization	Grid connection permit	Corporate legal-fiscal	Other
Onshore wind	Red	White	White	Red	Red	Green	White
PV ground-mounted	Red	White	White	Red	Red	Green	White
PV rooftop	Yellow	White	White	Yellow	Green	Green	White

<span style="color: green;">■</span> No barriers identified	<span style="color: red;">■</span> Moderate barriers identified
<span style="color: yellow;">■</span> Minor barriers identified	<span style="background-color: lightgray;">■</span> Not relevant for target country
<span style="color: magenta;">■</span> Severe barriers identified	<span style="background-color: black;">■</span> No projects implemented

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## 1. National RES targets and relevant RES technologies

Italy plans to increase the overall share of renewable energy sources (RES) in its final energy consumption to 55% by 2030, compared to the 2017 level of 34.1%. According to the NECP, the renewable energy sector needs to increase its production by 42 GW (from 53 GW in 2017) to reach its 2030 target of around 95 GW. However, on 25 May 2021, the Minister for Environmental Transition, Roberto Cingolani, stated that in the next 9 years, significantly more, namely 70 GW of renewable energy must be installed in order to reach the target (Cingolani, 2021). To achieve the goal, the NECP envisages a significant increase in energy generation from onshore wind and PV technologies. Onshore wind capacity is projected to more than double and PV capacity is expected to triple by 2030 compared to 2017 (NECP Italy, 2019).

According to the NECP, onshore wind power should account for 20% in the RES energy mix in 2030. To reach the target of 18.4 GW in 2030, around 8.6 GW will have to be added compared to around 9.7 GW in 2017. Along the way, new production will be stimulated, and existing production will be maintained and increased. The revamping and repowering of wind turbines is particularly relevant for the increase. More modern and efficient technologies are to be used at existing sites, wind-rich sites, which should also help to limit the impact on land use (ibid.).

Photovoltaics is expected to have a 54% share in the RES energy mix in 2030, with a very significant increase in capacity: From around 19.7 GW in 2017 to 52 GW (of which 0.88 GW from concentrated solar power - CSP) in 2030. It is foreseen to promote their installation primarily on buildings, roofs, car parks, service areas, etc to limit their impact on soil consumption. There is also a push to promote large-scale ground-mounted PV installations, with priority for expansion on unproductive land that is not designated for other uses, such as non-agricultural land, landfills and land along the infrastructure system (ibid.). This addresses the conflict between PV and other land uses, which has relevance across Europe.

An important factor for the success in meeting these ambitious targets is the permitting process. ENEL study estimates that it will take 100 years to permit 20 GW of PV and 24 years to permit 8 GW of onshore wind if permitting rates remain the same. Therefore, there is a great need to improve the existing permitting procedures in Italy (ENEL Green Power, 2020).

Figure 1 displays the annual deployment of PV and onshore wind between 2010 and 2019. Especially PV showed a very dynamic growth in the years 2010-2011. In 2012-2014 there was a drastic decline and since then only weak deployment. The wind sector showed a similar though less extreme development.

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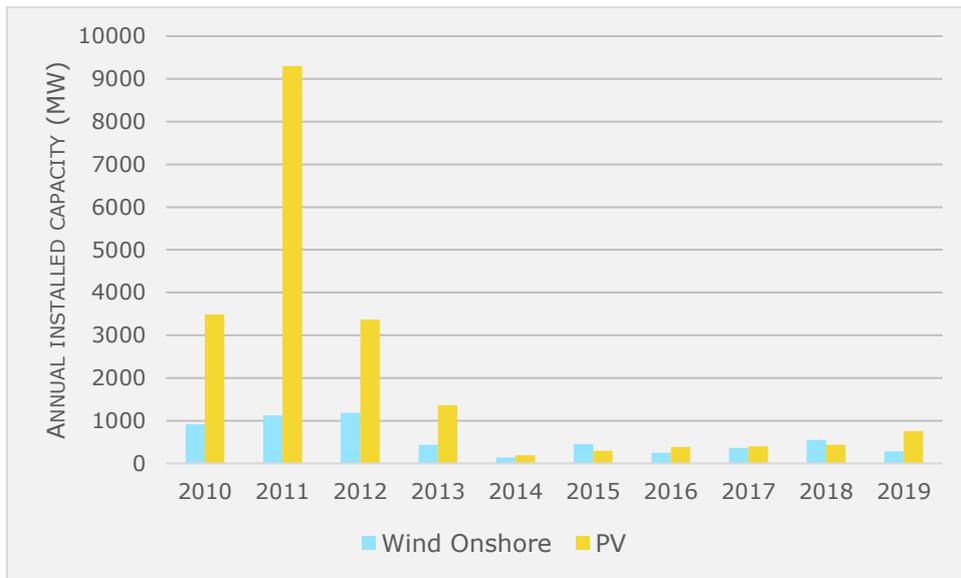


Figure 1: Annual installed capacity of PV and Wind onshore 2010-2019 (source: EurObserv'ER)

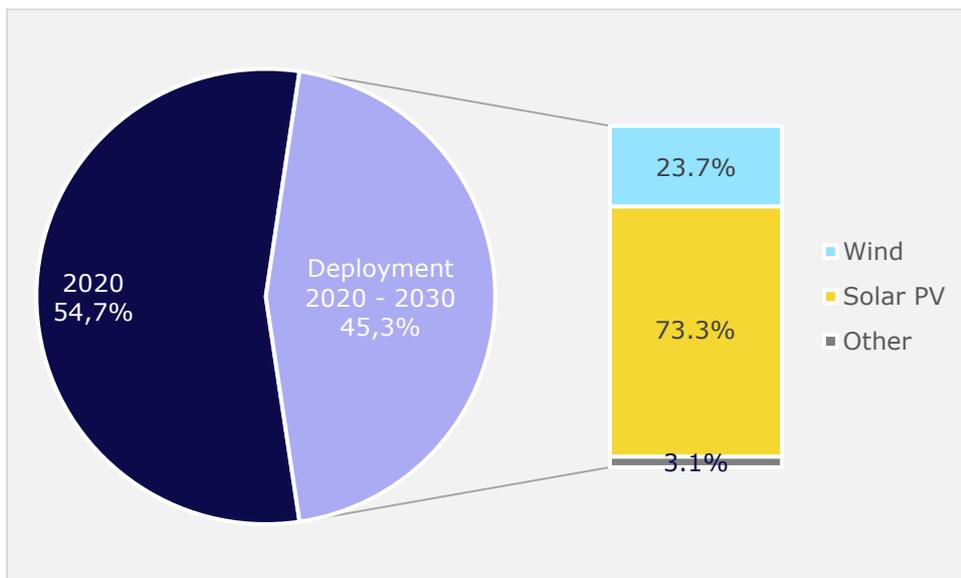


Figure 2: Planned deployment of RES-E 2020-2030 in relation to past deployment (source: NECP)

## 2. Administrative and grid connection procedure

### 2.1. Relevant process steps

The first step in realising a rooftop PV, ground-mounted PV and onshore wind project in Italy is the selection of a suitable location for the construction. For ground-mounted PV and onshore wind, this step also involves the lease or purchase of the land on which the system is to be installed, including a review of the local land use plan to find out whether the site is suitable for the planned turbine.

In the second step, the project developer will apply for a grid connection agreement from the grid operator. A grid connection agreement is mandatory before other necessary permits can be applied for.

Most permits fall under the 'Administrative authorisation' process step, which covers seven different permitting procedures, depending on the size of the installation and whether an environmental impact assessment (EIA) needs to be carried out. Additional permits can be required if the site is in a restricted area. The thresholds for capacity limits vary between the regions.

Once the construction of the system with a capacity above 20 kW is complete, the operator will proceed to the 'Corporate legal-fiscal' process step. For plants generating electricity for self-consumption, this includes obtaining an operating licence from the locally competent customs authority for excise duty on electricity. For plants that feed all energy into the grid, the project only needs to be reported to the competent authority.

### **2.1.1. Site selection**

#### **Process flow**

In Italy, municipalities are the central point in defining programmes for the development and transformation of land; they approve the General Town Planning Masterplan (*Piano Regolatore Generale*). This plan divides the municipal territory into areas, each with different characteristics, permitted uses and building characters. In this process, the municipalities have very wide-ranging and discretionary decision-making powers. Therefore, the first step in finding a suitable location for a renewable energy plant is to request a town planning designation certificate (*Certificato di destinazione urbanistica*) from the municipality's technical office, which provides information on the permitted use of a site. The certificate contains the list of restrictions to which the site is subject. These include special areas such as 'sites of community importance' (*sito di interesse comunitario*) and 'special protection areas' (*zona di protezione speciale*). It must be issued by the competent offices within 30 days of the submission of the application (D.P.R. 380/01).

The national spatial development plans do not define zones suitable for the development of renewable energy sources. Nor are they specified in the regional (*piani regionali*) and municipal (*piani comunali*) plans. In principle, the municipalities have the possibility to designate suitable (*aree idonee*) and unsuitable areas (*aree non idonee*) (§ 17.1. Annex DM 10 September 2010). Unsuitable areas for photovoltaics and wind power are designated in about two thirds of Italian regions (GSE 2018: 48). For wind power, the so-called 'Regulatory plans for the installation of wind power plants' (*Piani Regolatori per l'installazione di Impianti Eolici*) specify the unsuitable areas, i.e., the areas where it is not allowed to install wind turbines. These plans are drawn up by the municipal administrations, either individually or in association with neighbouring municipalities (Municipality of Ortona, n.d.).

According to stakeholders surveyed, there is currently a discussion about identifying suitable areas for onshore wind and ground-mounted PV. However, stakeholders are concerned because they expect that the very influential regional superintendencies (*soprintendenze*) or the associated Ministry of Cultural Heritage and Activities and Tourism (*Il Ministero per i beni e le attività culturali e per il turismo*) will oppose the determination of suitable areas (Zanchini, 2020). The superintendencies are supervisory authorities of the Ministry of Cultural Heritage and Activities and Tourism, responsible for the protection and enhancement of Italy's cultural and landscape heritage. They generally have a great influence on the entire approval process for ground-mounted PV and onshore wind in Italy (see section 2.1.2.) because the scope of their responsibilities also includes the landscape. They are involved, for example, in the preparation of the

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General Town Planning Masterplan of the municipalities. Superintendencies exist at regional and provincial level throughout Italy (D.Lgs. 42/2004).

The project developers must therefore first identify which regulations apply to their planned renewable energy plants at regional and local (municipality) level and what is the position of the respective superintendency on the project. Stakeholders report that the superintendencies are generally opposed to onshore wind and ground-mounted PV projects, due to their impact on the landscape. They report that the Ministry of Cultural Heritage and Activities and Tourism does not see itself as responsible for the energy transition and tries to prevent the construction of new wind power plants (Zanchini, 2020).

### Deadlines

The town planning designation certificate must be issued by the relevant offices within 30 days after the request (D.P.R. 380/01).

### Detected barriers

**Expansion of ground-mounted PV on agricultural land hindered.** Up to now, there are no adequate regulations in Italy for installing ground-mounted PV systems on agricultural land. The unclear regulation for ground-mounted PV is considered one of the issues that currently hinder the development of those systems most. To date, new ground-mounted PV projects in agricultural areas have been also precluded from accessing the existing financial support mechanisms. Both environmental stakeholders as well as stakeholders from the renewable energy industry call for more precise regulation (Zanchini, 2020; Cipullo et.al., 2021). In July 2020, a Simplification Decree (DL 120/20) was adopted which aims at facilitating and simplifying the authorisation processes for renewable energy installations. However, the decree does not provide any solutions regarding the construction of new installations on the former quarries and all degraded areas classified as agricultural land but not used as such (DL 120/20). Following the publication of the Simplification Decree, Italy's largest environmental organisations Legambiente, WWF and Greenpeace sent an open letter to various ministries calling for better rules, a public political debate on *agrivoltaico* and closer cooperation between the relevant ministries. The letter was addressed to the Ministry of Economic Development (*Ministro dello Sviluppo Economico*), the Ministry for Environment, Land and Sea Protection (*Ministero dell'ambiente e della tutela del territorio e del mare*), the Italian Minister of Agricultural, Food and Forestry Policies (*Ministero delle politiche agricole alimentari e forestali*), and the Ministry of Cultural Heritage and Activities and Tourism (*Ministro per i beni e le attività culturali e per il turismo*) (Greenpeace et.al., 2020). The environmentalists request to favour *agrivoltaics* (or *agrophotovoltaics*) that combine energy production and agricultural profusion (Greenpeace et.al., 2020; Zanchini, 2020; Cipullo et.al., 2021). Some organisations and actors are arguing that PV could cover a large part of the Italian territory. However, Eletticità Futura estimates that the occupation of the land by ground-mounted PV will be very limited and will be about 50.000 hectares by 2030 (+186% compared to the 2017 value). This is equivalent to approx. 2 hectares per MW, against an estimate of +266% increase in ground-mounted PV (from 7.0 to 25.6 GW) (Solar Power Europe, n.d.).

### **Simplification and standardisation of the authorisation processes is needed.**

Renewable energy projects in Italy currently have to comply with a wide variety of laws, regulations and requirements at national, regional and local level, involving several different authorities. The lack of uniform national criteria for the approval procedures

leads to different interpretations of the laws and thus to planning uncertainty for project developers. There is also no uniform standard for applications for changes (technical/layout) to approved projects (*varianti*). If the relevant authority identifies a *varianti sostanziali*, the approval procedure has to be restarted as for a new project, which leads to further delays (Stakeholder 1, 2021). The industry is therefore calling for a standardisation and simplification of the approval processes through nationally uniform rules and processes (Kossak, 2020). Stakeholders suggest promoting better coordination between the bodies involved in the process at different administrative levels (municipalities, regions, ministries), as well as defining specific responsibilities and governance frameworks (Stakeholder 1, 2021). Another suggestion from industry would be to introduce personal liability for the heads of the various bodies involved in the approval process. This could accelerate the whole procedure and make it more efficient (Stakeholder 2, 2021). Regarding the site selection process in particular, the interviewee from the Italian Environmental Association also believes that smarter and more effective site planning criteria would be useful, with the aim of ensuring that renewable energy sources are developed where they have the least negative impact on the environment (Zanchini, 2020). This barrier is also relevant for the administrative authorisation process (see section 2.1.2.).

**Long permitting times.** Permitting times are often not mandatory and vary depending on the region and project. This leads to planning uncertainty, as projects for the same technology and size are subject to different approval procedures and project durations. This also has an impact on the tenders. In the last renewable energy tender in October 2020, the capacity volumes offered and awarded a tariff corresponded to only 24% of the total available tender volumes. Stakeholders report that the problem is not related to the support scheme for renewable energy, but to the permits and approvals required for the installation of new plants. Also, long approval periods, especially in the case of wind, mean that authorised projects do not correspond to the state of the art and thus upgrades or modifications of technical layout and/or the wind turbine generator are usually necessary (Stakeholder 1, 2021).

Stakeholders call for the removal of bottlenecks in permitting procedures at national level and the establishment of fast-track procedures of a maximum of 6 months. The fast-track permitting procedures would drastically reduce permitting times, make procedures more efficient and provide project developers with more certainty with regard to permitting. Stakeholders also call for permitting processes to be brought in line with the EU's decarbonisation targets, both in terms of approval times and the potential for renewable capacity growth. Assuming the current rate of project approval in Italy remains the same, it will take several decades to reach the RES targets. The revision of the approval procedures must not only include the regulations for new renewable capacities, but also for the refurbishment and repowering projects and the projects that have already been approved but are not yet operational (Stakeholder 1, 2021). This barrier is also relevant for the administrative authorisation process (see section 2.1.2.).

**Lack of a monitoring system or independent monitoring body.** Stakeholders criticise that there is no safeguard mechanism in Italy to ensure compliance with the permitting procedures. There is only the possibility to request disciplinary measures for non-compliant officials. Further, there is no national control mechanism to monitor the achievement of the EU targets, which stakeholders believe is important (Stakeholder 1, 2021). This barrier is also relevant for the administrative authorisation process (see section 2.1.2.).

**Soil rehabilitation process too slow.** An important topic for ground-mounted PV is their construction on uncultivated, abandoned or degraded land, which stakeholders believe is very suitable for renewable energy installations (Cipullo et.al., 2021). Degraded areas are former industrial sites, of which there are more than one hundred thousand hectares in Italy. In order to enable the expansion of ground-mounted PV installations there, however, soil remediation is required, which has often not yet been carried out. There is a strong demand from the side of the industry and environmentalists for a rapid soil decontamination and a subsequent priority use of these sites for the construction of solar PV installations. According to stakeholders, these areas could also be used for innovative technologies (Zanchini, 2020).

**Lack of digitalisation in permitting procedures.** There is a general lack of digitalised processes for renewable energy projects in Italy. The exchange of documents still often takes place in signed paper format. Also, there is a lack of digital tools to map the status of ongoing permitting processes. With regard to environmental assessments at local and national level, the provision of fully digitised information and data is lacking. As a result, stakeholders propose digitisation measures to map the status of ongoing permitting processes at both national and regional level. In addition, a comprehensive national digital map should be developed showing the constraints for all technologies (e.g., environmental constraints) and the relevant bodies entitled to participate in the environmental assessment. The stakeholders would also welcome the introduction of an obligation to digitally exchange documents between the parties (Stakeholder 1, 2021).

### **Identified good practice**

No good practice related to this process step was identified.

## **2.1.2. Administrative authorisation**

### **Process flow**

The type and scope of the authorisation depends on the size of the renewable energy system, the area in which it is installed and, most importantly, the Region. More specifically, the state establishes the basic principles, while the regions and autonomous provinces implement legislation in accordance with state guidelines. Therefore, each Region has its own regulations based on national guidelines. Today there is maximum regional decentralisation and the regions have the possibility to change the administrative level at which the procedure takes place as well as the capacity dimensions that determine which procedure must be followed (GSE, 2018).

Ground-mounted PV and onshore wind projects in Italy mostly undergo the Single Authorisation, the Single Regional Authorisation or the Single Environmental Permitting procedures. For small-scale rooftop PV systems, a Communication Procedure is mainly applied. The stakeholders assume that the recently introduced Declaration of Commencement of Certified Works will also be used for new small PV systems in the future (see below). In principle, no further approvals need to be applied for with regard to the procedures already mentioned. However, if the power plant is to be built in a restricted area, additional approvals may be required and must be obtained separately.

Based on the "Decreto Semplificazioni 2021", the industry expects relevant changes to the previous authorisation system which is described here. The law still has to be ratified by Parliament and may therefore still be subject to changes (DL 31 May 2021).

### **Communication Procedure**

The Communication Procedure (comunicazione di inizio lavori per attività in edilizia libera) is applied to

- small onshore wind systems on the roof of existing buildings (single wind turbine (height  $\leq 1,5$  m and diameter  $\leq 1$ m) that are not located in areas with environmental and landscape constraints;
- PV systems installed on or integrated in the roofs of buildings in areas not covered by the Cultural Heritage and Landscape Code (D.Lgs. 42/2004);
- systems under net-metering scheme (*scambio sul posto*) that are not located in historical centres (zone A of the General Town Planning Masterplan) and that were built on existing surfaces or their outbuildings (§6 D.P.R. 380/01).

The developers of these projects have to notify the municipal technical office about the construction prior to the commencement of works. The notification must be accompanied by a detailed project design, signed by an authorised planner which describes the technical characteristics of the project and its compliance with the applicable urban planning and building regulations. Once permission has been granted, construction can begin within a period of thirty days (Benedettini and Rubino, 2017).

### **Declaration of Commencement of Certified Works**

The Declaration of Commencement of Certified Works (*dichiarazione di inizio lavori asseverata*) was introduced in July 2020. It can be applied to interventions in existing installations and changes to approved projects that do not lead to an increase in the area occupied by the installations and the associated works and that are not subject to an environmental and landscape impact assessment or to the acquisition of any other approval documents. Therefore, it is requested in particular for the following works (§ 6-bis D.Lgs. 28/11):

- Wind turbines: interventions consisting in changing the rotor type and increasing in the physical dimensions of the blades and the operating volume by no more than 15% each;
- ground-mounted PV: interventions which, e.g., as a result of the replacement of the modules and other components and by modifying the design of the installation, result in a change in the operating volume of no more than 15% and a change in the maximum height above the ground of no more than 20%;
- rooftop PV: interventions to replace photovoltaic modules on commercial buildings and, in the case of residential buildings, interventions that do not entail a change or a reduction in the angle between the plane of the modules and the plane of the surface on which the modules are located.

The project developer has to submit the declaration to the municipality in paper or electronically. The declaration should be accompanied by a project design signed by an authorised planner and the relevant project documents, which certify compliance with the safety, anti-seismic and health and hygiene regulations (ibid.).

### **Single Model for PV**

The Single National Model for the Construction, Connection and Operation of Small Photovoltaic Systems (*modello unico nazionale per la realizzazione, la connessione e l'esercizio di piccoli impianti fotovoltaici* - Single Model for PV) was introduced by the Ministerial Decree of 19 May 2015.

The Single Model for PV is a simplified procedure for the approval and connection of small rooftop PV systems that have all of the following characteristics (§ 2 Decree 19 May 2015):

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- they are realised at final consumers already equipped with active low-voltage tapping points;
- their power does not exceed the power already available at the point of collection;
- the nominal output of the system does not exceed 20 kW;
- the net-metering (*scambio-sul-posto*) subsidy is requested for the system in question;
- there are no other energy production systems at the same extraction point.

Before starting the installation work, the project developer sends a form (*Modello Unico*) electronically to the grid operator. Within 20 working days, the grid operator checks whether simple work is sufficient to connect the installation. If this is the case, the grid operator sends a copy of the *Modello Unico* electronically (by PEC, a system that allows sending e-mails with legal value equivalent to a registered letter with acknowledgement of receipt) to the municipality. The municipality verifies the declarations made by the applicant (§ 4 (3) Decree 19 May 2015). If extensive work is required to realise the grid connection, the grid operator sends the applicant a cost estimate. Once the installation of the system is completed, the applicant fills out the *Modello Unico - Parte II* and sends it to the grid operator, who forwards it to the municipality (Municipality of Terracina, 2019).

### **Simplified Authorisation Procedure**

The Simplified Authorisation Procedure (*procedura abilitativa semplificata* - PAS) is applied to installations below the thresholds of 60 kW for onshore wind and 20 kW for PV (Tab. A D.Lgs. 387/2003), which do not fall under the regulations of the Communication Procedure or the Single Model for PV procedure. For this type of authorisation, each Region can extend the scope of application to power plants up to 1 MW (§6 (9) D.Lgs. 28/11).

The project developer must submit the request for authorisation to the competent authority which is, as chosen by the Region, either the Region, the Province, or the Municipality at least 30 days before construction. The project developer submits a declaration accompanied by a detailed project design signed by an authorised planner, as well as the relevant design drawings, which certify the compatibility of the project with the approved planning regulations and building codes, as well as the compliance with the safety, health and hygiene regulations. The declaration shall also be accompanied by the technical grid connection documents prepared by the grid operator (§6 (2) D.Lgs. 28/11).

If the intervention requires acts of consent from other administrations, the competent authority may convene a so-called 'Conference of Services' (*conferenza dei servizi*) within a period of 20 days after receipt of the application. The construction process shall begin within 30 days from the conclusion of the Conference of Services (Benedettini and Rubino, 2017).

For the Simplified Authorisation Procedure, the mechanism of silent consent applies. It means that if no feedback or notification from the municipality has been received within 30 day of submitting the PAS authorisation request, construction can begin (§6 (4) D.Lgs. 28/11). If the Conference of Services convenes, the 30-day time limit is suspended until consent has been obtained or the reasoned decision concluding the procedure has been adopted.

Once approval is granted, the new power plant must be realised within 3 years. If construction is not completed within the deadline, a new simplified authorisation procedure is required. The project developer is obliged to inform the municipality of the

date of completion of the works (§6 (6) D.Lgs. 28/11). This is because after completion of the intervention, the designer or an authorised technician must issue a final acceptance certificate, which must be sent to the municipality, certifying the conformity of the works with the project submitted with the declaration and the variation in the cadastral value of eventual annexes (§6 (8) D.Lgs. 28/11).

### **Single Authorisation Procedure**

Onshore wind and PV installations exceeding predefined capacity thresholds (PV >20 kW, onshore wind >60 kW) are subject to the Single Authorisation Procedure (*Autorizzazione Unica*) (Tab. A D.Lgs. 387/2003). The Single Authorisation Procedure takes place within a 'Conference of Services' (*conferenza dei servizi*), which is managed by the Region or their delegated Provinces (competent authority). The competent authority is responsible for issuing the Single Authorisation permit (§12 (4) D.Lgs. 387/2003). In the event of supra-regional or cross-provincial projects, responsible for the Single Authorisation Procedure is the Region or Province that is interested in the largest installation of wind turbines or photovoltaic panels (Benedettini and Rubino, 2017).

In the authorisation process, also other concerned administrative bodies provide their views on the project and are involved in the decision-making process, e.g., the Region, the Province, the Municipality, Mountain Community, Superintendence, State Forestry Department, the Regional Environmental Protection Agency, the Local Health Authority etc. (§12 (4) D.Lgs. 387/2003). The Ministry of Cultural Heritage and Activities has a special role in this conference, as it always has the possibility to participate in the proceedings and, moreover, its consent is mandatory for areas protected by the Cultural Heritage and Landscape Act (§21, 25 D.Lgs. 42/2004). When applying for a Single Authorisation, project developers must submit the following information and specific documents to the competent authority: General project information, technical reports, land permissions, network costs, a town planning designation certificate (*Certificato di destinazione urbanistica*, see section 2.1.1.), documents on landscape impacts, if necessary a documentation proving the necessity to perform an EIA, a certificate of payment of administrative costs, financial guarantees, and for wind installations additional information regarding anemometric characteristics (§13 Annex, DM 10 September 2010). Additional requirements can be contained in sectoral regulations or may be imposed by the Region and Provinces (§14.2. Annex, DM 10 September 2010).

If the power plant is not to be located in a protected area pursuant to the Cultural Heritage and Landscape Code (D.Lgs. 42/2004), the project developer must notify the relevant superintendency in order to verify the existence of protection proceedings or procedures for ascertaining the existence of archaeological assets (§13.3. Annex, DM 10 September 2010).

Within 15 days from the submission of the application, the competent authority, after verifying the formal completeness of the documentation, informs the applicant that the procedure has been started or, on the contrary, that the application is inadmissible due to the lack of the prescribed documentation; in this case the procedure can only be started on the date of receipt of the complete application. Within 30 days after reception of the documents, the competent authority calls for a 'Conference of Services' and collects all the opinions and consents from the concerned administrative bodies (§12 (3) Lgs. 387/2003). If Municipality's opinion on the project is sought during the 'Conference of Services', it can provide suggestions and request design changes, but it does not have a real veto power (Cipullo et.al., 2021). The deadline for the concerned administrative bodies to submit their opinions usually cannot exceed 45 days. If the administrative bodies in charge of environmental, landscape, territorial protection, cultural heritage or the protection of citizens' health are involved in the 'Conference of Services', the duration

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of the conference is 90 days (unless the laws or regulations establish a different duration) (§14-ter (2) Law 241/90). The procedure shall be completed within a maximum of 180 days (§2 (4) Law 241/90).

The competent authority for the Single Authorization Procedure is obliged to publish all the relevant information about the application submission process on its website, including relevant deadlines (Benedettini and Rubino, 2017).

Except for cases where the decisions must necessarily be taken, failure to communicate the decision within the specified deadline is considered unconditional consent (§20 Law 241/90).

### **One Step Authorisation (PUA/PAUR)**

In Italy, the following procedures apply to projects requiring an environmental permit, depending on the capacity of the installation to be built:

- Single regional authorisation procedure (*procedimento autorizzativo unico regionale* – PAUR) for onshore wind or ground-mounted PV installations between 1 MW and 30 MW. This is a one-stop-shop procedure. It includes a Single Authorisation Procedure (as described above with small differences) and is managed by Regions.
- Single Environmental Permit (*provvedimento unico in materia ambientale* – PUA) for onshore wind or ground-mounted PV installations exceeding 30 MW. This is a ministerial procedure, followed by a Single Authorisation Procedure (as described above with small differences) which is managed by regions. The competent authority at the state level is the Ministry for Environment, Land and Sea Protection (*Ministero dell'Ambiente e della Tutela del Territorio e del Mare*). The Technical Commission is responsible for reviewing the environmental impact of SEA and EIA procedures (Ministry for Environment, Land and Sea Protection a., n.d.).

In Italy, all renewable energy installations with a capacity above 1 MW must prepare and submit to the Region (or the delegated province) a preliminary environmental study (Annex IV-bis D.Lgs. 152/06). The Region or province carries out the Verification of EIA compliance (*Verifica di assoggettabilità a VIA*) and decides whether to proceed with the EIA, in which case a final environmental impact study must be prepared (§19 D.Lgs. 152/06).

For the PAUR procedure, the project developer submits the EIA application and all other required documents to the competent authority in electronic format. The application includes design documents, an environmental impact study (EIS), a non-technical summary of the project, an information on any transboundary impacts of the project, a notice to the public and the results of the public consultation procedure, if carried out (§16 (2) Subp.1, §23 (1) D.Lgs. 152/06). The applicant prepares the public notice, it must include an overview of the project, the EIA application and information on public participation.

The competent authority then publishes the documents received on its website. In addition, information about it shall also be published on the electronic notice board of the municipalities concerned. From the date of publication of the public notice on the website, the periods for consultation, assessment and adoption of the EIA measure start. Within 10 days the competent authority informs the concerned administrative bodies about the publication of the documents on their website. The administrative bodies have 30 days to examine the documentation. If application is not complete, the project developer is given no more than 30 days to provide missing documents or information. After verification of the completeness of the application file, a public consultation period commences and remains open for 30 days. During this time the public may submit their

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observations (§24 (1;2) D.Lgs. 152/06; §27 (5) D.Lgs. 152/06; §27-bis (2; 3; 4) D.Lgs. 152/06).

From this step on, the deadlines for the PUA procedure are slightly different. In the PAUR procedure, following the public consultation, the competent authority has up to 30 days to ask the developer for any additional information (if required). In doing so, competent authority will give the developer up to 30 days to provide the additional information requested. At the request of the developer, the competent authority may grant, for one time only, the suspension of the deadlines for the presentation of additional documentation for a period not exceeding 180 days. If the applicant fails to submit the supplementary documentation within the specified period, the application shall be deemed to be withdrawn and the competent authority shall be obliged to close it. If, within 15 days of receipt of the supplementary documentation, the competent authority considers that the changes or additions are substantial and of importance to the public, it can ask the applicant to send a new notice to the public (which describes the changes of the application and must be published by the competent authority) within the following 15 days. With regard to the modifications or integrations made to the project and to the documentation, the time limits for further public consultation can be reduced twice (§27-bis (5) D.Lgs. 152/06).

When the public consultation ends or any additional documentation is received, the competent authority has up to 10 days to organise a 'Conference of Services' for decision-making process and to invite all administrative bodies concerned. In the conference, the EIA and all the permits required for the implementation and operation of the project applied for by the applicant can be granted (§14-ter Law 241/90). If the superintendency's assessment comes to the conclusion that the project negatively affects the protected cultural heritage, the EIA approval will not be granted (§2 D.Lgs. 62/08). The 'Conference of Services' lasts 90 days. By law, excluding eventual voluntary changes to the project by the developer (e.g. new placement of turbines, modifications of the connection type, etc.), the maximum duration of the PAUR procedure is 170 days, plus up to a further 100 days for any additional requests and for a new public consultation procedure (§27-bis (7) D.Lgs. 152/06).

### **Repowering**

In Italy, there is no specific repowering procedure, but the process is somewhat simplified. The simplifications depend on the modifications planned.

In the event of substantial modifications, Single Authorisation Procedure applies. 'Substantial modifications' are defined for each type of renewable energy installation. In general, substantial modification are considered modifications, which in the opinion of the competent authority might have significant adverse effects on the environment or human health. Also, if as a result of modifications the thresholds for technologies subject to the single authorisation procedure are reached, the modifications will be considered substantial (§5 l-bis D.Lgs. 152/06).

Modifications other than 'substantial modifications', including changes to the approved but not yet implemented projects or projects approved in a Single Authorisation Procedure, are subject to the Simplified Authorisation Procedure (§5 (3) D.Lgs. 28/11) or, if the modifications are within the scope of the Declaration of Commencement of Certified Works requirements, this procedure applies (§ 6-bis D.Lgs. 28/11).

Modifications to PV systems, which do not include deviations in the physical dimensions of the equipment, the volume of the structure and the area in which the systems are installed, etc., are not considered substantial and are subject to the Communication

Procedure. If necessary, separate assessments must be carried out for the environmental impact of the repowering project (§5 (3) D.Lgs. 28/11).

There is no official procedure for decommissioning a turbine.

The stakeholders consider the assessment of environmental and landscape aspects within the EIA procedure a major obstacle to the realisation of renewable energy projects (Cipullo et.al., 2021). A representative from the Italian environmental association confirmed that nature conservation is sufficiently integrated into the current procedures. Instead, the problem lies in the lack of adequate regulations for the site assessment in the respective procedures (Zanchini, 2020). In addition, the role and influence of superintendencies is perceived as excessive and extremely hindering the process.

Authority staff for the procedures is considered as insufficient, as they are too few and not sufficiently trained (Kossak, 2021).

## Deadlines

**Communication procedure.** Once permission has been granted, construction can begin within a period of 30 days (Benedettini and Rubino, 2017).

**Simplified Authorisation Procedure.** The project developer must submit the request at least 30 days before the construction. The mechanism of silent consent applies: If within 30 days of the application submission the applicant receives no feedback or notice from the municipality, the construction can begin (§6 (4) D.Lgs. 28/11).

**Single Authorisation Procedure.** The deadline for administrative bodies to send their decisions is usually 45 days and can be exceeded to 90 days (§12 (4) D.Lgs. 387/2003).

**PAUR.** The maximum duration of the PAUR procedure is 170 days, plus up to a further 100 days for any additional requests and for a new public consultation procedure. More time is needed for the PUA procedure.

According to stakeholders, the legal deadlines for PV installations are mostly met by the authorities (Kossak, 2021; Cipullo et.al., 2021). However, there is a concern that this might change in the future due to the significant number of new projects under development. However, with regard to the PAUR procedure, stakeholders report that the official deadlines only represent a minimal timeframe of the law, which does not include the periods for any requests for amendments and suspensions of the procedure, which can extend the duration of the procedure up to a time of about 500 days. Moreover, these deadlines are very often not respected by the competent bodies, resulting in the actual average approval times, which are about 5 years for wind power and one to one and a half years for PV (Stakeholder 1, 2021). Due to the long approval times for onshore wind turbines, the procedures are also perceived as inefficient from the perspective of the wind energy industry. In practice, if the deadlines are not met, some project developers demand a response and can take legal action against the inaction of the competent authority in case of repeated delays.

## Detected barriers

**High influence of superintendencies in administrative authorisation procedure.** Stakeholders consider the far-reaching power of the superintendencies and the Ministry of Cultural Heritage and Activities and Tourism as main problem for the development of onshore wind and ground-mounted PV projects in Italy (Futura, n.d.; Zanchini, 2020). They have a crucial role in the Single Authorisation Procedure (AU), PAUR and PUA

procedures, as their negative opinion can end the authorisation process. It is reported that the *soprintendent* and the ministry are generally rather negative towards onshore wind and ground-mounted PV technologies, due to their impact on the landscape. In addition, the ministry is said not to see itself as responsible for the energy transition (Zanchini, 2020). Stakeholders report that it regularly happens that projects, after having started a complex authorisation procedure and having already invested considerable financial resources, are rejected because of the opposition from the superintendencies (Cipullo et.al., 2021). Stakeholders also fear complications from the *soprintendent* and the ministry when it comes to the future designation of suitable areas, e.g., that only degraded areas will be designated and that other suitable areas are left out (Zanchini, 2020).

**Repowering projects.** Modifications of existing plants are often considered substantial and as a result, the project developers need to restart the entire process, which further increases the duration of the project implementation (Schmid et.al., 2020). The strong and restrictive influence of the superintendencies and their negative attitude towards renewable energy plants is also reflected in the repowering projects (Zanchini, 2020).

**Environmentalists call for more intelligent site planning.** Environmental stakeholders believe that nature conservation is sufficiently taken into account in the EIA procedures. In their view, the problem is not the EIA procedure itself, but the lack of reasonable rules for the sites to be used. For example, in the EIA process, an agricultural area (*area agricola*) is treated equally, regardless of whether it is located in the middle of a valuable agricultural area or right next to a motorway. The Italian regulations for renewable energy also lack criteria for soil permeability. Therefore, the interviewee from the Italian environmental association considered smarter and more effective site planning criteria to be useful, with the aim that renewable energy sources are developed where they have as little negative impact on the environment as possible (Zanchini, 2020).

**Lack of collaboration between public administrations.** Collaboration between the Ministry for Environment, Land and Sea Protection and the Ministry of Cultural Heritage and Activities and Tourism and, more generally, between the different departments of the public administration responsible for the administrative authorisation procedure (especially at regional level) is often poor, stakeholders say (Cipullo et.al., 2021; Zanchini, 2020). The stakeholders call for a more efficient balance to be created between nature and environmental protection and the development of renewable energies. Each ministry only deals with its own topics, which makes it difficult, for example, to expand agrophotovoltaics (Zanchini, 2020). In this regard, environmental associations are calling for a public debate and already approached the responsible ministries with an open letter on this issue in July 2020 (Greenpeace et.al., 2020).

**Staff shortages and inadequate training.** Stakeholders report that public administrative bodies do not always have the necessary resources, especially in terms of staff and skills, to adequately process all permit applications. Therefore, concrete measures are urgently needed to address this problem in order to carry out a large number of project reviews in a timely manner, given the ambitious renewable energy targets and the relatively short time to achieve them. Stakeholders fear that the time for granting permits could be further extended given the expected significant increase in the number of projects in the future (Cipullo et.al., 2021).

**Environmental assessment for onshore wind and ground-mounted PV projects.** The environmental assessment procedures, examining the impact of wind farms on the landscape and the use of land for ground-mounted PV installations are considered to be particularly challenging for new projects (Cipullo et.al., 2021).

**Lack of public participation and information.** Public consultation only takes place in the PUA and PAUR procedures. It takes place after the competent authority has verified the completeness of the documents and lasts for 30 days. Apart from this 30-day consultation period, the whole approval process has been described as very self-contained because it largely takes place in the individual authorities. This makes it difficult for the interested parties to follow the process. So far, project developers only have to publish the information on the planned project on the website of the relevant authority (PAUR). But according to stakeholders, most people are not aware of this or have difficulties to understand the information provided. The lack of information and knowledge is often being used by wind opponents to negatively influence the local communities and the opposition of local communities is reported as one of the major obstacles for the realisation of projects. However, the acceptance of the plants is generally improving, partly as a result of public consultation processes that also involve local communities (Cipullo et.al., 2021). In the opinion of stakeholders, a good solution is to start a participatory process at a very early stage of the project implementation, as soon as it becomes known where the power plant will be located and what the main problems are. This should take place in parallel with the preparation of the EIA and offer the possibility for the interested parties to request information from the project developer and the authority. This process should be independent of the implementing authority, as it the case in France (Zanchini, 2020).

**Projects can be legally challenged after approval.** Stakeholders report that projects that have already been approved can be legally challenged within a period of 4 months after project approval, according to Law 241/90. This represents a high risk for projects, as reported by stakeholders (Stakeholder 1, 2021).

**Simplification and standardisation of the authorisation processes is needed.** See section 2.1.1.

**Expansion of PV on agricultural land hindered.** See section 2.1.1.

**Long permitting times.** See section 2.1.1.

**Lack of a monitoring system or independent control body.** See section 2.1.1.

### Identified good practice

Stakeholders believe it is good practice for the competent authority to provide project developers with guidance on the application process at the beginning of the authorisation procedures, as for example the 'MUTA portal' of the Lombardy region (Cipullo et.al., 2021).

## 2.1.3. Grid connection permit

### Process flow

After selecting a site (see section 2.1.1.), the project developer must apply to the grid operator for grid connection, because connection contract (*contratto per la connessione*) is a prerequisite for the administrative authorisation procedure (except the Single Model for PV, which consists of the communication with the grid operator).

For connection of installations with an output of less than 10,000 kW, the project developer needs to send a request (*richiesta di connessione*) to the distribution system operator responsible for the area. For systems with a capacity equal to or greater than 10,000 kW, the request for connection must be submitted to Terna, which is the

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transmission system operator (§3.1 Annex A ARG/elt 99/08). After the application, the distribution system operator shall carry out a technical examination to assess the impact of the requested feed-in on the grid and shall provide the applicant with a cost estimate for the connection (§6.3 Annex A ARG/elt 99/08).

After submitting the request, the project developer must pay the responsible grid operator a fee for obtaining the cost estimate (§5.1 Annex A ARG/elt 99/08):

- EUR 100 for requested input power up to (and including) 50 kW;
- EUR 200 for requested input power from 51 kW to 100 kW;
- EUR 500 for requested input power from 101 kW to 500 kW;
- EUR 1,500 for requested feed-in power from 501 kW and to 1,000 kW.
- EUR 2,500 for a requested power input of 1,001 kW and more.

The competent grid operator must respond to applications for grid connection and submit a cost estimate (*preventivo per la connessione*) to the applicant within specific timescales (see 'Deadlines' below). Subsequently, the project developer must communicate to the grid operator his approval for the cost estimate (Annex A ARG/elt 99/08). The grid operator and the project developer conclude a grid connection contract (*contratto per la connessione*) (§31.5 Annex A ARG/elt 99/08).

The project developer is obliged to start building the power plant for connection to the low-voltage within 6 months, to medium-voltage lines within 12 months and in the case of a connection to the high-voltage or extra-high-voltage lines within 18 months from the date of the notification of acceptance of the cost estimate (§31.1 Annex A ARG/elt 99/08).

Furthermore, the grid operator is obliged to provide all information required by the project developer for the preparation of the documents for the administrative authorisation procedure (see section 2.1.2.) within 45 working days after receipt of the acceptance of the cost estimate at no additional cost to the project developer. The project developer may also commission the grid operator to prepare these documents, in which case the grid operator charges the applicant for the preparation of the documents (§20.7 Annex A ARG/elt 99/08).

When the system is constructed, the distribution grid operator must connect the installation within 30 days, or for complex procedures within approx. 90 days (§10.1.a Annex A ARG/elt 99/08). The transmission grid operator must connect a plant within the timescales specified in his terms and conditions (§23.1 Annex A ARG/elt 99/08; §1A.5.8.4 Terna Network Code, 2005).

In the case the connection of a power plant requires expanding the electricity grid, the grid operator bears the costs for the expansion (§9, 21, 26.2 ARG/elt 99/08).

According to stakeholders, the connection procedure can be considered established and largely working well in Italy, even if there are reports of problems and delays for connections (Cipullo et.al., 2021). However, the complexity of the grid connection approval is based more on geographical factors than on the procedure itself. It is reported that the feasibility of the proposed grid connection (in connection with the siting) can pose problems if there is not enough capacity available. This is especially a problem in the south of Italy, the Mezzogiorno, as the grid inland is very weak and this hinders the connection of new plants (Zanchini, 2020). It is also reported that the national grid operator (TERNA) has no capacity to handle all the requests it receives. Therefore, a more efficient system is needed (Stakeholder 2, 2021).

## Deadlines

The following deadlines apply for the grid operator to answer the application and to submit a cost estimate to the applicant:

- 20 working days for capacities of up to and including 100 kW (§6.1 Annex A ARG/elt 99/08)
- 45 working days for capacities exceeding 100 kW and up to and including 1,000 kW (§6.1 Annex A ARG/elt 99/08)
- 60 working days for capacities exceeding 1,000 kW (§6.1 Annex A ARG/elt 99/08)
- 90 working days for capacities of 10,000 kW or more (§1A.5.2.1 Terna Network Code, 2005).

The applicant must communicate his approval of the cost estimate within:

- 45 days for capacities under 10,000 kW (§6.2 Annex A ARG/elt 99/08)
- 120 days for capacities equal to or more than 10,000 kW (§19.4 Annex A ARG/elt 99/08; §1A.5.3.1 Terna Network Code, 2005).

The distribution grid operator must connect the installation within the following timescales:

- 30 working days for simple grid connection work (§7.1 Annex A ARG/elt 99/08)
- 90 working days for complex grid connection work, plus 15 working days for every kilometre of connection line with the exception of the first kilometre (§7.1 Annex A ARG/elt 99/08).

The transmission grid operator must connect a plant within the timescales specified in his terms and conditions (§23.1 Annex A ARG/elt 99/08; §1A,5.8.4 Terna Network Code, 2005).

According to PV stakeholder, the statutory deadlines for the grid connection approval process are typically met (Kossak, 2021). However, if the deadlines are not met, the grid operator is required to pay the applicant a compensation in the amount of EUR 20/day for each delayed working day; except in cases of *force majeure* or for reasons attributable to the applicant or third parties (§14.3 Annex A ARG/elt 99/08).

If documents are submitted incompletely, the grid operator requests further information from the project developer and, as a rule, the deadlines are interrupted (Cipullo et.al., 2021). If a connection request had been sent incomplete in the initial phase, the grid operator will ask the project developer to send the missing documents and to re-attach the entire documentation even if already uploaded to the online portal (Kossak, 2021).

## Detected barriers

**Complex grid connection procedure for onshore wind farms.** The grid connection solutions provided for wind farms are often very complex. In some cases, new 380 kV substations are required and the connection point may be very distant from the wind farm (Schmid et.al., 2020).

**Problems and delays expected to increase.** Especially in the southern Italy, in the interior of the country, the grid is weak, which makes it difficult for some power plants to be connected there (Zanchini, 2020). Stakeholders believe that with the expected growth of new renewable energy systems, the problems and delays in the grid connection process identified today can be expected to increase significantly (Cipullo et.al., 2021).

## Identified good practice

No good practice related to this process step was identified.

### 2.1.4. Corporate legal fiscal

#### Process flow

The tax obligations that the operator of a renewable energy system with a capacity of more than 20 kW has to comply with differ depending on whether the electricity is generated for self-consumption (even to a small extent) or sold entirely to the grid (§52 (2) D.Lgs. 504/95).

In the case of electricity produced for self-consumption, the operator of the production plant must submit a prior registration form to the local office of the Customs and Monopolies Agency (*Agenzia delle Dogane e dei Monopoli*). After the examination of the prior registration form, the office will issue the operating licence (*licenza di esercizio*) which is subject to the payment of an annual fee (§63 (3) D.Lgs. 504/95).

The operating licence is valid for an unlimited period of time and the annual fee that must be paid accounts to (§63 (3) D.Lgs. 504/95):

- EUR 23.24 for installations for self-consumption and generation facilities that resell *en bloc* the energy generated or purchased to other producers;
- EUR 77.47 for generating facilities, substations etc used for commercial purposes. In the event that all electricity produced is fed into the grid (sold and not used for own needs), the operator of the generating facility must only notify the same local office at the time of starting production activity (§53-bis D.Lgs. 504/95).

#### Deadlines

There are no deadlines set for this process step.

#### Detected barriers

No barriers related to this process step were identified.

## Identified good practice

No good practice related to this process step was identified.

## 3. Use of IT systems

Depending on the region, there are online application submission systems in all procedures. However, according to stakeholders interviewed for this report, there is a general lack of digitalisation of administrative procedures in Italy, which is why a strong and rapid expansion of digital information provision and approval procedures is called for.

In the region *Lombardia*, there is the IT platform called MUTA (*Modello Unico Trasmissione Atti*), which can be accessed via website.<sup>1</sup> On the platform, citizens, companies and project developers can digitally initiate administrative procedures in

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<sup>1</sup> [www.muta.servizirl.it](http://www.muta.servizirl.it)

different areas and sectors. The platform receives the request, forwards it to the entities involved in the procedure (municipalities, provinces, etc.) and manages the entire procedure until its completion.

For procedures that include an EIA (Single regional authorisation procedure and Single Measure in Environmental Matters procedure) the Ministry of the Environment, Land and Sea operates an online portal, called 'Environmental Assessments and Authorisations: SEA - EIA – IPPC Permit' (*Valutazioni e Autorizzazioni Ambientali: VAS - VIA – AIA*)<sup>2</sup>. It contains information on ongoing procedures and how the procedures are conducted etc. Furthermore, the public can use this portal to give their opinion on plans, programmes, projects and installations in consultation (Ministry for Environment, Land and Sea Protection b., n.d.).

In the 'corporate legal fiscal' process step, the annual declaration must be submitted electronically (§ 53(8); § 53-bis (3) D.Lgs. 504/95). The submission of the annual electricity declaration for the respective financial year is possible both via the Agency's usual telematics customs system and via the web service.<sup>3</sup>

## 4. Complaint procedure

### **Administrative authorisation procedure**

In case of delays in the investigation, project developers can appeal the inaction of the administrations or send reminders to the competent bodies (§2 (1) Law 241/90). The stakeholders confirmed that sending reminder e-mails to authorities is a common practice (Cipullo et.al., 2021; Kossak, 2021).

With regard to rejection or approval of an application, an out-of-court complaint procedure - the 'Extraordinary Appeal to the President of the Republic' (*Ricorso straordinario al Presidente della Repubblica*) can be launched by any interested third party (§8). This is a general remedy that allows the appeal of a final administrative act and can only be used in matters that fall within the jurisdiction of the administrative courts by persons who wish to protect their rights (in matters that fall within the exclusive jurisdiction) or legitimate interests against acts of public authority. The Extraordinary Appeal to the Head of State is an alternative to the judicial procedure, i.e., if project developers use this instrument, they can no longer appeal to the Regional Administrative Tribunals or the Council of State, or visa versa, if they appeal to the Regional Administrative Tribunals or the Council of State, then the Extraordinary Administrative Appeal to the Head of State is no longer possible (§8 D.P.R. 1199/71).

The complaint needs to be submitted to the Head of State within 120 days of notification or full knowledge of the administrative act. This type of procedure ends with a decision issued by decree of the President of the Republic on the proposal of the competent ministry (in accordance with the opinion of the Council of State). If the decision ruling on the extraordinary appeal pronounces the annulment of general administrative acts with regulatory content, the decision itself must be published by the administration concerned within thirty days of its issuance in the same form as the publication of the annulled act (§14 D.P.R. 1199/71). The decrees of the President of the Republic deciding on

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<sup>2</sup> <https://va.minambiente.it/it-IT>

<sup>3</sup> <https://www.adm.gov.it/portale/dichiarazioni-annuali-energie>

extraordinary remedies can be challenged by revision (*revocazione*) (§15 D.P.R. 1199/71).

The denial of the authorisation (or authorisations) can be appealed to the Regional Administrative Courts within 60 days after receiving the decision (depending on the region where the project is located). Appeals against judgements of the Regional Administrative Courts can be lodged with the Central Administrative Court of Appeal (State Council) within 60 days after receiving the decision (Sicily has its own Administrative Court of Appeal) (Schmid et.al., 2020).

In summary, the means of challenging judgments are revision (*revocazione*), appeal to the Court of Cassation only for reasons relating to jurisdiction (*ricorso per cassazione*) and third-party objection (*opposizione di terzo*) (§323 Code of Civil Procedure).

Judgments before the Regional Administrative Courts may last up to 4 years, whereas appeal judgements may last 2 years, depending on the interests involved (Schmid et.al., 2020).

### **Grid connection**

When having a conflicting situation with the grid operator, an electricity producer may request dispute resolution from the Market Directorate (*Direzione Mercati*) of the Regulatory Authority for Energy, Grids and Environment (*ARERA*) (§3 Annex A ARG/elt 123/08).

Appeals against the decision of the Regulatory Authority fall under the exclusive jurisdiction of the administrative courts and have to be submitted to the Regional Administrative Courts in the region in which the authority has its seat (§6.10 Annex A ARG/elt 123/08).

## **5. Specific features to ease administrative procedure**

Table 2 below provides information on the existing specific features to ease administrative procedures in Italy.

*Table 2: Specific features to ease administrative procedures*

<b>Specific feature</b>	<b>Existing</b>	<b>Short description</b>
<b>Simultaneous procedures</b>	no	
<b>National contact points and one-stop-shops</b>	yes	PAUR can be considered one stop shop because it unifies environmental permits and AU in one process with one authority.
<b>Application of 2+1 and 1+1 rules</b>	no	
<b>Simple notification procedure</b>	yes	The Communication procedure, the Declaration of Commencement of Works and the Simplified Authorisation Procedure usually only require a simple notification to the competent authority, accompanied by certain additional documents about the installation.
<b>Pre-planning</b>	no	
<b>Pre-application consultation</b>	no	
<b>Project acceptance measures</b>	no	

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<b>Measures to streamline litigation by third parties</b>	no	
<b>Other</b>	no	

## 6. Indicators to measure the performance of the overall process

Table 3 below provides information on the indicators to measure the performance of the overall administrative and grid connection process in Italy.

*Table 3: Performance indicators to assess administrative and grid connection processes*

<b>Performance indicator</b>	<b>Description</b>
Average response time by the competent authorities and TSO/DSO for grid connection procedures	The grid connection agreement for onshore wind is generally obtained within 7 months (Hawkins, 2019).
Process duration	Permitting times for new renewable energy capacity are around 5 years for wind (with peaks of 7/9 years) and around 1 to 1.5 years for PV. This refers to the environmental impact assessment (if required) and for the individual permit and not to the overall process (Stakeholder 1, 2021).
Project approval rates	N.A.
Costs of administrative processes	N.A.
Share of permits that are legally challenged	N.A.
Share of legal challenges that are overruled	N.A.
Stakeholder interests	The public is involved in the Single Authorisation, Single regional authorisation procedure and Single Environmental Permit procedure. The information on the planned project is published on the websites of the competent authorities and all interested parties can submit observations (see section 2.1.2.). Experts interviewed reported that the opposition of local communities is generally one of the major obstacles to overcome in order to realise a wind project. However, public acceptance of wind energy is increasing, and this is facilitated by public consultation processes involving the local population before starting the administrative procedure. These public consultation processes are not mandatory yet. However, this is what the stakeholder surveyed would like to see introduced. They suggest using this measure in the initial phase of a project.

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