

# The new amendment to Article 47 of Decree Law no. 13/2023 excludes environmental procedures

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**The EU Regulation 2022/2577 allows Member States to exempt renewable energy projects, energy storage and electric grid located in areas that have already been positively evaluated from further environmental assessments. The government has presented an amendment to the Legislative Decree of February 24, 2023, no. 13, to implement this provision by introducing new paragraphs into article 47.**



Article 6 of EU Council Regulation no. 2022/2577 of December 22nd, 2022 provides the possibility for European States to exempt from environmental assessments renewable energy projects, energy storage projects, and electricity grid projects located in areas dedicated to renewable energy or the grid, which have already undergone a completed Strategic Environmental Assessment (hereinafter "SEA").

In order to implement the provisions of the aforementioned article 6, the Italian Government submitted an amendment to Decree-Law no. 13 of February 24th, 2023, which came into effect on February 25th, 2023 (hereinafter, "D.L. 13/2023"), which provides the introduction of paragraphs 1-bis, 1-ter and 1-quarter to article 47.

In particular, the main novelties:

- ▶ The new paragraph 1-bis provides an exemption from EIA screening and Environmental Impact Assessment (hereafter, "EIA") procedures for the following projects:
  - a) Photovoltaic plants and related works and infrastructure and storage systems of power up to 30 MW falling within the suitable areas referred to in article 20, paragraph 8, of Legislative Decree no. 199/2021 contemplated within plans or programs already positively submitted to SEA;
  - b) Plants for the storage of electricity from renewable sources and related works and infrastructures falling within the suitable



areas referred to in article 20, paragraph 8, of Legislative Decree no. 199/2021 contemplated within plans or programs already positively submitted to SEA;

- c) Projects for the refurbishment, upgrading or complete reconstruction of existing photovoltaic plants, possibly including storage systems, which do not provide for a change in the area occupied and with a capacity of up to 50 MW falling within the suitable areas referred to in the Article 20, paragraph 8, of Legislative Decree no. 199/2021 contemplated within plans or programs already positively submitted to SEA;
- d) Repowering projects of existing wind power plants, which do not involve a change in the area occupied and with a capacity of up to 50 MW (as a result of repowering) falling within the suitable areas referred to in Article 20, paragraph 8, of Legislative Decree no. 199/2021 contemplated within plans or programs already positively submitted to SEA;
- e) Off-shore RES plants of a power not exceeding 50 MW falling within the areas identified by the Piano di Gestione dello Spazio Marittimo referred to in article 23, paragraph 2, of Legislative Decree no. 199/2021, already positively submitted to SEA.

- ▶ Paragraph 1-ter stipulates that the exemption from environmental assessment procedures also applies to electricity infrastructure projects connecting RES plants or developing the national transmission electricity grid necessary to integrate renewable energy into the electricity system, falling within the areas covered by the Piano Terna referred to in the article 36 of Legislative Decree no. 93/2011 that have already been positively submitted to SEA.
- ▶ Finally, paragraph 1-quater provides the option for the proponent to choose whether or not to apply the exemption from environmental assessment procedures also to projects under paragraph 1-bis for which an EIA or EIA screening process is already underway.



*The government's proposal aims to support the spread of renewable energy sources by facilitating their implementation and development process.*

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