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Legal issues related to the promotion and regulation of renewable energy

The increased use of renewable energies is one of the essential building blocks of climate-protection-policy of the European Union and its Member States.¹ It also forms part of the strategy of energy security and competitive energy supply. These objectives are pursued by various legal instruments of European Union and national law promoting the use of renewable energies. The Union has with Article 194 TFEU a new and potentially far-reaching competence to develop its own energy policy. Directive 2009/28/EC sets ambitious targets for the development of renewable energies in the Member States. The choice of instruments is to a large extent left to the Member States.

This legally based promotion of renewables will however have problematic side-effects on other environmental assets than the climate. For instance, biodiversity will be endangered by biomass monocultures both within the EU and – by way of imports – in third countries. In some countries the development of wind farms and new hydro power plants is contested by the local communities and environmental groups. A new “internal” conflict between conflicting environmental goods appears to be emerging.

The goal of the Avosetta meeting shall be to first summarize EU and national legal strategies of fostering renewables and on that basis explore the said conflict discussing actual or potential legal instruments mitigating unwanted environmental side-effects. Such instruments include the general environmental law framework (as e.g. abatement of noise pollution, protection of species and Habitats, land-use planning, etc.) and environmental protection clauses imbedded in the very law that fosters renewables (as e.g. the sustainability criteria of Art. 17 Directive 2009/28/EC).

As the legal area to be studied is broad and complex the national reports may focus on just one or a few renewable energy sources and/or one strategy of promotion and/or one environmental protection issue that is of high importance for the given member state and at the same time instructive also from other Member States' perspectives.

¹ For the purpose of this questionnaire, ‘energy from renewable sources’ means energy from renewable non-fossil sources, namely wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases (definition of art. 2 lit. a) of 2009/28/EC). Feel free to limit your answers to major sources but in any case deal with biofuels.

Questions:

1. What is the share of renewable energies in overall final energy consumption in your country? From what sources is this renewable energy? How will / should the proportion and composition of renewable energy develop in your country? Can the requirements of the Directive 2009/28/EC be met or exceeded?
2. Describe the key national legislation to promote renewable energies.
 - a. Subsidies and other financial support?
 - b. Purchase guarantees? (example: feed-in tariffs?)
 - c. Quota system? (example: “green certificates”?)
 - d. A special legal framework for the installation of facilities for the production of renewable energy sources? (short description)
 - e. Sustainability requirements for biomass / biofuels production? (art. 17-19 of 2009/28/EC)
3. Describe mayor legal instruments, arguments, and court decisions concerning environmental protection issues of renewables.
4. Is there a national debate about the sense and nonsense of renewable energies, and if so, has this lead to changes or corrections of the regulatory framework?
5. How well do the public accept renewable energy proposals (eg new on- shore and off- shore windfarms, biomass plants etc.)?
6. How does Strategic Environmental Assessment and Environmental Assessment apply to renewables in your country? Have any particular legal/procedural issues emerged? How does Natura 2000 influence the promotion of renewables?
7. Do the existing or planned national legal instruments promoting renewables already comply with EU law or are important adaptations required?
What is the status of adoption of the new pieces of legislation necessary to transpose into domestic law the new provisions of Directive 2009/28/EC?
Were there already court decisions or infringement procedures taken by the Commission concerning this question?
8. Is there anything like a general framework act on climate change issues, and if so, what is its main content? If no, is such an act being considered?

1(a) What is the share of renewable energies in overall final energy consumption in your country?

Pursuant to Annex I of Directive 2009/28/EC, in 2005 the Italian share of energy from renewable sources in gross final consumption of energy was 5,2%.

According to the Italian Renewable Energy Action Plan of June 2010, the data concerning the share of renewable energy in electricity, heating and transport for the year 2008 are as follows:

2008	Renewable energy consumption Mtoe	Gross final consumption Mtoe	Renewable energy /consumption %
Electricity	5,040	30,399	16,58%
Heating	3,238	58,534	5,53%
Transport	0,723	42,619	1,70%
Total	9,001	131,553	6,84%

Source: Italian Renewable Energy Action Plan, 11 June 2010

1(b) From what sources is this renewable energy?

According to the data (referred to 2009), provided by the GSE, the Italian managing authority for energy services, these are the sources from which renewable energy is produced in Italy:

- Photovoltaic: 71.288 power plants; 1.144 MW installed power; 676 GWh production.
- Wind: 294 power plants; 4.898 MW installed power; 6.543 GWh production.
- Hydro: 2.249 power plants; 17.721 MW installed power; 49.137 GWh production.
- Biomass (solid biomass, biodegradable solid urban waste, biogas, bioliquids): 419 power plants; 2.019 MW installed power; 7.631 GWh production.
- Geothermal: 32 power plants; 737 MW installed power; 5.342 GWh production.

1(c) How will / should the proportion and composition of renewable energy develop in your country?

The Italian targets for 2020, based on the Renewable Energy Action Plan, are the following ones:

2020	Renewable energy consumption Mtoe	Gross final consumption Mtoe	Renewable energy /consumption %
Electricity	9,112	31,448	28,97%
Heating	9,520	60,135	15,83%
Transport	2,530	39,630	6,38%
Transfers from other countries	1,144	-	-
Total	22,306	131,214	17,00%

Source: Italian Renewable Energy Action Plan, 11 June 2010

Looking at those national targets, firstly, it should be highlighted that since the European overall target is a comprehensive one, including not only electricity, but also transport and cooling and heating, more attention should be paid to the development of renewables also in the sectors of public transport and in thermal energy, which have been so far neglected if compared to the electricity sector.

Considering the different sources of renewable energy and their contribution to each of the national targets, we can point out that Italy has greatly exploited its hydro potential. However, the majority of its hydro plants, which were developed in the past, have a not negligible environmental impact, which partly invalidates, in term of overall sustainability, the good renewable energy production results.

The number of photovoltaic plants has greatly increased and is deemed to go further due to the economic incentives still in place for the next few years. Wind plants are also booming, mainly in the south of Italy (mostly, in Apulia and Sicily).

In the last few years, however, we are assisting to the tendency to develop big plants, especially photovoltaic ones, with severe problems in term of soil destination. A good pattern to be followed would be to promote a mix of different sources of renewable energy, planned not only on the basis of economic advantages, but on the basis of serious analyses of the physical features of the different areas or, in other terms, of their overall sustainability.

10(d) Can the requirements of the Directive 2009/28/EC be met or exceeded?

Recent gross final energy consumption estimations reveal a -10/15 Mtoe by 2020 if compared to the 2008 estimations (source: Greenpeace, Legambiente, WWF, June 2010). However, such a trend is probably due more to the economic crisis and the subsequent drop in fuels demand, than to positive measures taken by the country.

According to the EWEA analysis of the 27 National Renewable Energy Action Plans, Italy and Luxembourg are the only two Member States to have informed the European Commission that they plan to use the cooperation mechanisms envisaged to meet their national renewable

energy targets. In particular, the Italian Government foresees an electricity import of 13,6 TWh/y by 2020.

On the other side, according to a recent analysis carried out by Greenpeace, Legambiente and WWF (June 2010) on the basis of renewable energy source potentials indicated by the Government and the industrial sector, renewable energies could produce, by 2020, 152 TWh only in the electricity sector (compared to 119 TWh pointed out by the Italian government), thus providing 28 Mtoe of primary energy against the 22,3 Mtoe estimated by the Renewable Energy Action Plan. This means that, with a 366 TWh final electricity consumption by 2020 (as indicated by the Government), renewable energy could satisfy 41,5% of the final electricity consumption. Such a percentage could then reach 45% and even 48% in the high energy efficiency scenario indicated by the industrial sector.

Moreover, should Italian final energy consumption stabilize at 131,2 Mtoe by 2020 (as indicated by the Government), according to the “Green Scenario” proposed by Greenpeace, WWF and Legambiente, renewable energy could cover about a 23% of the gross final energy consumption, thus even exceeding the 17% target imposed by the EU.

TAB.1 - POTENZIALE RINNOVABILI AL 2020 - CONFRONTO TRA ANALISI DEL GOVERNO E STUDI DI SETTORE ESISTENTI

	Position paper rinnovabili (2007)		Piano d'azione rinnovabili (2010)		Roadmap APER Scenario NAT		Roadmap APER Scenario ACT		Greenpeace Energy Revolution Scenario	
	MW	GWh	MW	GWh	MW	GWh	MW	GWh	MW	GWh
ELECTRICITY RENEWABLES										
Hydro - large (over 10 MW)	16000	30720	11250	28012	15790	39136	16199	40157	17931	44500
Hydro - small (below 10 MW)	4200	12430	4482	13988	2778	10631	2849	10889		
Wind power (on-shore)	10000	18400	15000	21600	14483	28595	14985	29358	11364	25000
Wind power (off-shore)	2000	4200	1000	2495	149	427	296	838		
Wind power (mini and micro)	--	--	--	--	--	--	--	--	--	--
PV power plant	1000	1200	8000	9650	20722	19828	26091	24908	12397	15000
PV power plant on buildings	7500	9000								
Solar Thermodynamic	1000	3000	500	1700	136	335	641	1588	1167	3500
Geothermal power plant	1300	9720	1000	7500	1517	10572	1965	12816	1541	11500
Biomass (also bigas and bio-part of RSU)	2415	14500	4650	21000	4057	22314	5144	27913	3824	20720
Wave and Tidal	800	1000	3	5	13	38	9	39	577	1200
Import from abroad		--		13300		--		--		22800
TOTAL ELECTRICITY (GWh)	46215	104170	45885	119250	59645	131876	68179	148506	48801	144220
(MTOE)		8,96		10,25		11,34		12,77		12,40
HEATING/COOLING RENEWABLES	TJ	MTOE	TJ	MTOE	MWth	MTOE	MWth	MTOE	TJ	MTOE*
Geothermal power plant	40193	0,96	--	0,55	13647	1,68	19177	2,49	80577	1,92
Solar Collectors	47000	1,12	--	1,40	29679	1,46	29679	1,46	166725	3,98
Biomass for civil sector	233333	5,57	--	5,52	44340	5,05	45231	5,19	114661	2,74
Cogeneration and district heating	156600	3,74	--	2,05	--	--	--	--	52924	1,26
TOTAL HEATING/COOLING (MTOE)	477126	11,39	--	9,52	87666	8,19	94087	9,14	414887	9,91
TRANSPORT RENEWABLES	TJ	MTOE	TJ	MTOE	TJ	MTOE	TJ	MTOE	TJ	MTOE*
Biofuels	25600	0,61	--	1,53	--	0,53	--	0,53	92000	2,20
Biofuels from import	150400	3,59	--	1,00	--	3,20	--	3,20	--	--
TOTAL TRANSPORT (MTOE)	176000	4,20		2,53		3,73		3,73		2,20
TOTAL PRIMARY ENERGY REPLACED		24,55		22,30		23,26		25,64		24,51

Source: Greenpeace, Legambiente, WWF - Obiettivo 30 per cento: si puo' fare -documento sugli scenari italiani nel settore energetico - 24 giugno 2010.

1. Describe the key national legislation to promote renewable energies.

2(a) Subsidies and other financial support?

The main Italian national support schemes for the promotion of renewable energies are the following ones:

- Exchange in loco (*scambio sul posto*): a facilitation for the auto-consumption of the electricity produced and not immediately consumed. The producer pays for the electricity used and the GSE calculates the yearly difference between the monetary value of the electricity fed in the grid and the monetary value of the electricity used by the producer;
- Dedicated withdrawn (*ritiro dedicato*): a simplified electricity selling modality. GSE withdraws the electricity fed in the grid by the renewable and non-renewable electricity producer and gives a compensation for each kW withdrawn;
- Energy account (*conto energia*): an incentive given for all the electricity produced by a solar plant (photovoltaic and thermodynamic). Such an incentive can be combined with the exchange *in loco* or with the dedicated withdrawn. The tariffs providing the incentive are differentiated on the basis of the size and type of plant and they are progressively reduced by 2% each year.
- Green certificates: an instrument which provides for a combination of duties and benefits: the non-renewable electricity producer/importer has to feed in the grid a percentage of renewable electricity, by producing it or by purchasing an equivalent amount of green certificates. To this effect, the renewable electricity producer receives 1 green certificate for each MWh produced. The green certificates, which can be traded, are released for the electricity produced in the plants powered by renewable energies, with the exclusion of the solar source (which enjoys other types of incentives) and are calculated on the basis of coefficients differentiated by source;
- White certificates: are released for energy saving measures and can be used by the electricity/gas distributors to reach energy efficiency increase targets;
- comprehensive tariff (*tariffa onnicomprensiva*): a “feed-in tariff” incentive for the electricity fed in the grid by small renewable energy plants whose operation started after 2007, with the exclusion of the solar ones. Such an incentive is also calculated on the basis of coefficients differentiated by source;
- Cip 6 contribution: “feed-in tariff” corresponded by the GSE for the purchase of renewable and assimilated electricity. This mechanism, as the majority of the renewable energies incentives, is economically supported mainly by the electricity end-users through a specific entry A3 in the electricity bill;
- 55% tax deductions for: energy requalification of existing buildings up to 100.000 euro; interventions on walls, roofs and windows up to 60.000 euro; solar panels

installation up to 60.000 euro; substitution of old heating systems with condensing boilers, high-efficiency heat pumps and low heat geothermic plants up to 30.000 euro.

Altogether the incentives for the year 2010 have reached 2,5 billion euro: 800 million euro for the Cip6, 750 million euro related to green certificates, 180 million euro connected to the comprehensive tariff and 800 million euro for the photovoltaic.

2(b) Purchase guarantees? (example: feed-in tariffs?)

Yes, see point a.

2(c) Quota system? (example: “green certificates”?)

Yes, see point a.

2(d) A special legal framework for the installation of facilities for the production of renewable energy sources? (short description)

The authorization regime for the construction and operation of renewable energy plants is regulated by article 12 of Legislative Decree 387/2003 (implementing EC Directive 2001/77), as supplemented by a set of specific national Guidelines (issued in September 2010).

Depending on the size and the impact on the landscape, the construction and operation of a renewable energy plant can be subject, alternatively, to a different authorisation regime:

- a simple “communication” to the Municipality for smaller plants;
- a “declaration on the start of works” (“DIA”), an administrative act to be notified to the Municipality, for medium size plants;
- a “comprehensive authorization” issued after a “simplified” regional or provincial administrative procedure for bigger plants.

2(e) Sustainability requirements for biomass / biofuels production? (art. 17-19 of 2009/28/EC)

An Italian independent organization for certification, the Institute for Industrial Mechanical Certification (ICIM), has recently prepared the first Italian scheme for the certification of sustainability requirements for biofuels, in light with the requirements of Directive 2009/28. Such a scheme, inspired by the works of the Renewable Fuels Association, evaluates the real GHG savings of a biofuel compared to a fossil fuel, issuing a certification of all the supply chain: from the analysis of the features of the soil to all the phases of transformation, transport, distribution.

This first scheme represents a good basis for the official guidelines to be developed by the Ministry for the Environment, Land and Sea, along with the Ministry for Agriculture and the Ministry for Economic Development.

3. Describe mayor legal instruments, arguments, and court decisions concerning environmental protection issues of renewables.

The main source of reference for the debate about the relationship between the interest related to the promotion of renewable energy sources on the one side and the possibly conflicting interests related to environmental, landscape or historical-artistic heritage protection on the other side, is essentially based on the interpretation of the provisions of Legislative Decree 387/2003 (implementing EC Directive 2001/77), as supplemented by a set of specific national Guidelines (issued in September 2010).

The relevant case-law of the Italian courts on the matter, on the one side recognises that Legislative Decree 387/2003 promotes the realisation of renewable energy plants, through simplified administrative procedures (Constitutional Court No. 282/2009; TAR Puglia, Bari, Sec. III, No. 983/2009). However, it also recognises that such an opportunity must be exercised by respecting the applicable national legislation on environmental, landscape or historical-artistic heritage protection (TAR Sicilia, Palermo, Sec. I, No. 683/2008; TAR Molise, Sec. I, No. 115/2009; TAR Toscana, Sec. II, No. 1536/2009).

To this effect, the Regions, which have the duty to issue the authorisation for the construction and operation of the renewable energy plants, must proceed to an effective balancing of the various interests at stake, on a case by case basis, by calling all competent administrative bodies to participate to a single administrative procedure, called “*conferenza dei servizi*” (Constitutional Court No. 282/2009; No. 166/2009; No. 344/2010). It is not possible to determine once for all, the priority of the interest related to renewable energy promotion over the environmental or landscape protection interests, but the solution needs to be found concretely on a case by a case basis, through a specific balancing activity operated by the competent authority, which may be reviewed by the administrative court (TAR Molise, Sec. I, No. 115/2009; TAR Toscana, Sec. II, No. 1536/2009; TAR Campania, Napoli, Sec. VIII, No. 16938/2010).

4. Is there a national debate about the sense and nonsense of renewable energies, and if so, has this lead to changes or corrections of the regulatory framework?

5. How well do the public accept renewable energy proposals (eg new on- shore and off- shore windfarms, biomass plants etc.)?

Generally speaking, in Italy, the public is favourable to the development of renewable energy plants. However, there has been some debate and some court cases about the correct localisation of such plants, in particular since it may have a negative interference on the protection of the environment, landscape, natural and cultural heritage.

However, such a debate has not led to any amendment of the legislative framework, but has rather influenced the administrative procedures conducted by the Regions for the issuance of the authorisation to build and operate renewable energy plants.

6.

6(a) How does Strategic Environmental Assessment and Environmental Assessment apply to renewables in your country?

General Legal Framework for SEA and EIA

In Italy, Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (hereinafter 'EIA') are regulated under Legislative Decree 152/2006 – Part II, (as amended by subsequent legislation, particularly L. Decree n. 4 of 16th January 2008 and by lgs. Decree 29 June 2010, n. 128) which transposes into Italian law Directive 2001/42/EC and Directive 85/337/EC respectively.

While Decree 152/2006 defines the general framework at the national level, both SEA and EIA are further regulated by specific legislation adopted by the single Regions.

Strategic Environmental Assessment

Article 5 (e) and article 6 define the scope of application of the provisions on SEA by indicating the types of plans and programmes which are subject to the assessment.

In particular, article 5 (e) clarifies the concept of 'plans and programmes' which includes all acts and proceedings aimed at planning and setting programmes, that (i) are elaborated at national, regional or local level by means of a legislative, administrative or negotiated procedure; (ii) that are envisaged by legislative or administrative provisions or by a regulation.

Article 6(1) limits the application of SEA procedure to those plans and programmes which are likely to have significant impact on the environment and cultural heritage. Article 6(2) further specifies the types of plans and programmes which are subject to the assessment.

With regards to the application of SEA provisions to renewable energy production, Strategic Environmental Assessment applies to plans and programmes defining the framework for the implementation of certain renewable energy projects to the extent that these projects are listed in Annexes II, III and IV to Part II of the Decree. In particular:

- Annex II defines the projects whose environmental assessment is under the competence of the central national authorities. These include, *inter alia*, installations related to hydroelectric plants whose power is above 30 MW, including dams and related reservoirs.
- Annex III lists the projects whose environmental assessment falls under the competence of the Regions and of the autonomous provinces of Trento and Bolzano. They include *inter alia*: (c-bis): wind farm for the production of electricity pursuant to a procedure

involving mandatory participation of the representatives of the Italian Ministry for Cultural Heritage.

- Finally, Annex IV lists projects subject to preliminary screening (*verifica di assoggettabilità*) in order to ascertain whether they need environmental assessment. They include *inter alia*: e) industrial installations for the production of energy by means of exploitation of wind, when their maximum power exceeds 1 MW; m) hydroelectric plants with power exceeding 100 kW.

Further plans and projects subject to SEA

In addition to what said above, the competent authority shall assess whether other plans and programmes – different from those indicated under article 6(2), and therefore not necessarily related to the implementation of projects listed in the Annexes II, III and IV, may nevertheless require SEA to the extent that they are likely to have significant environmental impact. This assessment is undertaken on the basis of the criteria indicated in article 12.

Relationship with the Habitats Directive:

Article 6(2) clarifies the relationship between SEA and the Habitats Directive. It requires strategic environmental assessment for those plans and programmes which “because of their potential impacts on special protection area for the safeguard of wild birds and on sites of community importance for the conservation of natural Habitats and of wild fauna and flora, require an assessment of their implications pursuant to article 5 of Presidential Decree n. 357 of 1997” (Article 6(2)(b)). The latter transposes into Italian law Directive 92/43/CE – Habitats Directive].

Environmental Impact Assessment:

According to the Directive, Italian legislation distinguishes between mandatory environmental impact assessment and discretionary environmental assessment.

Projects falling under Annex II and III of the Directive require mandatory EIA, to be undertaken respectively under the competence of the central government (for projects listed in Annex II) and of the Regions (Annex III).

Therefore, renewable energy projects requiring mandatory environmental impact assessment include:

- (i) hydroelectric plants whose power is above 30 MW (Annex II to the Decree, competence of the State).
- (ii) wind farm for the production of electricity, when the assessment procedure involves the necessary participation of the Ministry for Cultural Heritage (Annex III, competence of the Regions and of the autonomous provinces of Trento and Bolzano).

(iii) Projects for the production of energy from renewable sources listed in Annex IV – thus normally requiring only discretionary EIA – when they fall within protected areas, as defined by the Law 6 December 1991, n. 394. They include in particular: e) industrial installations for the production of energy by wind sources (wind farms) above the threshold of 1 MW; m) hydroelectric plants exceeding 100 kW.

Renewable energy projects subject to discretionary environmental impact assessment (subject to preliminary screening on the basis of specific criteria listed in Article 20 of the Decree) are listed in Annex IV, unless they are not located in environmentally protected areas. Moreover, with respect to projects listed in Annex IV (discretionary impact assessment), the Regions and the autonomous provinces can establish, for specific projects or in specific cases, on the basis of the criteria indicated in Annex V, the exclusion of the projects from the screening procedure.

Application of the EIA in Protected Areas and Natura 2000 Sites:

Renewable energy projects located in protected areas, as defined in the Law 394/1991 are subject to mandatory environmental assessment. Moreover, article 8 provides that when projects listed in Annex III and IV are located within protected areas, the relevant thresholds to trigger mandatory impact assessment are reduced of 50%. No specific provision exist with regard to Natura 2000 sites.

Relationship of the EIA with Natura 2000 sites:

Protected areas regulated under the law 1991/394 are not equivalent to Natura 2000 sites. The former are, in fact, regulated by Italian law 394/1991, which establishes national parks and natural reserves. These areas are subject to an autonomous protection and management plan, aiming at fulfilling a series of objectives, such as the protection of nature, landscape, cultural heritage as well as promoting education and research. Several activities are prohibited within parks and protected areas.

Natura 2000 sites are primarily regulated by Presidential Decree 1997/357, which implements Directive 92/43. In this case, differently from the case above, several activities are regulated and limited, rather than prohibited, within Natura 2000 sites.

However, neither with regard to legislation concerning protected areas, nor in the legislation on Natura 2000 sites, there are provisions specifically regulating the compatibility of renewable energy plants with the specific features of such areas.

6(b) Have any particular legal or procedural issues emerged?

The most relevant legal issues emerged in this field are the following ones:

- Relationship and determination of concurrent powers of the Regions and the central government:
 - In the determination of the thresholds for mandatory EIA
 - In the determination of the thresholds allowing plants to be approved by means of simplified procedures (see in particular the case of the Regional law of Puglia which allowed the construction of wind farm up to 1 MW to be subject merely to the “declaration on the start of works” (“DIA”)).
 - In the localisation of the plants (See TAR Calabria, Sec. Catanzaro (I), No. 32/2011, n. 32).

- Relationship between the Habitats Directive and the EIA: failure of Part II of legislative decree 152/2006 to properly take into account of the Habitats and special conservation areas when establishing the requirement for the EIA.

- Potential conflict between promotion of renewable energy and landscape: In Italy, the potential conflict between the promotion of renewable energy sources and landscape has formed the object of an important debate and has given rise to a quite substantial amount of case-law. The Italian legislator has taken an important step in this respect with the adoption, in September 2010, of the National Guidelines for the Authorisation of Renewable Energy Plants. These guidelines, primarily adopted pursuant to art. 12 of Decree 387/2003 with the aim of regulating the authorisation procedure for renewable energy, also provide important inputs on how to reconcile the potential conflict between the implementation and development of renewable energy and the safeguard of the landscape and natural heritage (See TAR Calabria, No. 32/2011).

6(c) How does Natura 2000 influence the promotion of renewables?

The presence of Natura 2000 sites does not influence neither in positive, nor in negative terms the promotion of renewables and the procedure for the authorisation to build and operate renewable energy plants.

7. Do the existing or planned national legal instruments promoting renewables already comply with EU law or are important adaptations required? What is the status of adoption of the new pieces of legislation necessary to transpose into domestic law the new provisions of Directive 2009/28/EC? Were there already court decisions or infringement procedures taken by the Commission concerning this question?

So far, Directive 2009/28 has not been implemented in Italy yet. However, a draft legislative decree is presently (February 2011) under examination. Italy has, however, respected the

deadline to submit to the European Commission the Renewable Energy Action Plan (June 2010).

8. Is there anything like a general framework act on climate change issues, and if so, what is its main content? If no, is such an act being considered?

Neither such framework act exists, nor it is planned.