

ENVIRONMENTAL REGULATION AS A STRATEGIC TOOL FOR NEXT GENERATION

E.U.

by Marco Mariani¹

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1. Environmental protection in European law

1.1. Historic landmarks

Analyzing the course of the evolution of European Law on environmental protection, it is possible to draw a brief historical panorama, with normative landmarks worthy of prominence, in order to verify how the approach to environmental issues has undergone transformations over time, largely due to the emerging need to change the focus of the discussion on environmental problems with which all States across the globe have faced each other over the past two centuries.

Initially, with the set up of the European Communities at the end of the 1950s, it appears that there was still no competence attributed to these Communities in environmental matters.

In the 1970s, however, some directives highlighted the objective of protecting the environment: namely, Directive 75/439 concerning waste oils and Directive 75/442 on waste. The creation of such standards was a demonstration of the possibility of extending the competences of the established Communities, which, *a priori*, could only deal with matters related to economic relations.

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It's possible to list four reasons worthy of mention which justify the approach to environmental matters in the context of the rules in force within the framework of the European Communities: a) the transnational nature of environmental commitments and pollution phenomena; b) the necessary standardization of the rules in force in the European area in view of the freedom of circulation of goods, in order not to nullify the environmental effects of laws emanating only from some States on environmental products characteristics; c) the demand for a harmonization of rules on environmental requirements for the establishment of companies, given the freedom of establishment in the European space and the need to assert freedom of competition by harmonizing environmental rules relevant to the functioning of certain production processes, in order to avoid, above all, ecological dumping practices.

Still in the 1970s, another noteworthy document was the Declaration of Paris, stated in October 1972. It consisted of the result a Heads of State and Government meeting, from the countries of the European Communities, held after the Stockholm UN Conference on the environment.

This summit led to the Community Policy on the Environment, although very limited, as it only allowed the adoption of standardization measures in matters that had a direct impact on the establishment or functioning of the common market (Article 100 of the Treaty, former version).

Already in the 1980s, a decision handed down by the European Court of Justice transpired a significant interpretation conferred by that Court regarding the protection of the environment set out in the preamble to the Treaty of Paris: it was a decision rendered in the preliminary ruling process n. 240/83, in which the European Court expressly declared that the protection of the environment against the danger of pollution was one of the essential objectives of the Community, as provided in the preamble to the Treaty of Paris, which stated the objective to promote the "improvement of living and working conditions of peoples". The case was a preliminary ruling made by a French Court, in relation to directive no. 75/439, which dealt with the duty of Member States to take the necessary measures to ensure the collection and treatment of waste oils by regeneration, with absolute preference over combustion.

The representative entity of waste oil incinerators questioned the validity of the aforementioned directive, on the grounds that it breached the Community Treaties for violating the principle of freedom of movement of goods and competition, in addition to dealing with matters outside the attributions of the European Economic Community. The judgment, however, rejected the arguments and consolidated the assertion of environmental protection as an essential objective of the Communities.

The 1987 the Single European Act was also a highly significant step in environmental matters. It was the Treaty that operated the first important revision of the three constitutive Treaties (European Coal and Steel Community, European Atomic Energy Community and European Economic Community). In this act, environmental competences were attributed for the first time to the European Economic Community, including three new articles to the Treaty of Rome concerning "Community action on the environment".

In the agreement, for the first time the protection of the environment was explicitly referred to as one of the main objectives and after that agreement, many environmental programs and regulations dealing with the matter came to have a true legal foundation.

Previously, environmental issues were treated as points related to the common market and from an economic base. The Single European Act changed this scenario, as it mentioned the promotion of a not excessive and sustainable growth (respecting the environment) as a Community objective.

Entering the 1990s, the 1992 Maastricht Treaty, which created the European Union, introduced some changes in the Treaties, including among the community missions of art. 2 of the Treaty of Rome ("the sustainable and non-inflationary development that respects the environment") and enunciating, also, as an objective of the European Union, "the promotion of a balanced and healthy economic and social progress".

The Treaty of Amsterdam, dated 1997, also promoted changes, from this time, in the text of the Single European Act, by introducing for the first time the precautionary principle as a guide of the European environmental policy.

In the 2000s, the Charter of Fundamental Rights of European Union, resulting from the "Nice Summit", integrated into the Treaty on European Union the environmental matter as a solidarity right: "A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development" (art. 37).

The Treaty of Lisbon dated 2009, moreover, had significant importance as it introduced amendments, such as the new energy policy (art. 194 of the Treaty on the Functioning of the European Union) and a new dimension of cohesion – I mean territorial cohesion, aimed at reducing inequalities in regional development and backwardness in less favored regions – which allowed greater attention to rural areas, areas affected by the industrial transition, regions of very low population den-

sity and insular regions, cross-border and mountain areas (art. 174 of the Treaty on the Functioning of the European Union). The Treaty of Lisbon also acknowledged the Charter of Fundamental Rights as binding.

1.2. Fundamental character of Environmental Law within the scope of the European Union

As seen, among the historical milestones in the evolution of the approach of environmental law in the European Union, the Charter of Fundamental Rights of the European Union, proclaimed in 2000 by the European Parliament, by the Commission and the European Council, established the protection of the environment, the improvement of its quality and the principle of sustainable development as fundamental rights based on solidarity.

It is important to note that, since the 1970s, European States began to suffer the consequences of industrialization and its impacts, which generated the need to take measures to mitigate the harmful effects on the environment.

The experience of so many environmental problems ended up developing, even gradually, an awareness among European states about the importance of prioritizing an environmental policy focused on preventing damage, and not simply in the a posteriori intervention, which turns out to be much more costly, both in financial terms and for the health and well-being of populations and for the quality of the environment.

Thus, the evolution of this awareness meant that, in the Treaty of the European Union (art. 3) environmental protection was highlighted as an internal objective of the Union, establishing guiding principles such as the sustainable development, the high level of protection, environmental integration, solidarity between generations, among others.

Furthermore, in accordance with the Treaty on the Functioning of the Union European, the matter affecting the environment is a competence shared between the Union and the Member States (art. 4, paragraph 2, letter "e"). Part III of this Treaty brings still important provisions on environmental law, especially in its Title XX, relating to the objectives, principles and assumptions of the European environment policy.

Thus, it appears that the protection of the environment is, today, one of the major concerns in the European regulatory framework, leaving undeniable the recognition of the fundamental character of rights aimed at protecting the environment, health and well-being of populations.

1.3. National and European planning on energy and climate for a happy growth

National energy planning requires a coordinated approach with the guidelines and acts of energy policy adopted within the European Union. Indeed, Article 194 of the Treaty on the Functioning of the European Union (TFEU) introduces a specific legal basis for the energy sector, based on shared competences between the EU and the member Countries. The EU energy policy, within the framework of the functioning of the internal market and taking into account the need to preserve and improve the environment, is essentially divided into four lines of action: a) to guarantee the functioning of the energy market; b) to ensure the security of energy supply in the Union; c) to promote energy saving, energy efficiency and the development of new and renewable energies; d) to promote the interconnection of energy networks. Specific provisions of the Treaty, then, concern: security of supply (article 122 TFEU); energy networks (Articles 170, 171, 172 TFEU); coal (Protocol 37 relates to the financial consequences deriving from the expiry of the Treaty establishing the European Coal and Steel Community (ECSC) in 2002); nuclear energy (the Treaty establishing the European Atomic Energy Community (Euratom Treaty) constitutes the legal basis for most of the actions undertaken by the EU in the field of nuclear energy). There are also provisions of a general nature, relating to the approximation of laws (Article 114 TFEU) and to international agreements that the Union can conclude (Articles 216, 217, 218 TFEU) which are relevant, respectively, when determining internal energy market discipline and external energy policy. Indeed, Article 194 recognizes the right of each Member State to "determine the conditions of use of its energy sources, the choice between various sources and the general structure of its energy supply" (Article 194).

Nevertheless, this latter provision must be reconciled with the further provisions of the TFEU relating to the Union's competences in the field of environmental policy, being in fact without prejudice to the adoption, under certain conditions, such as the requirement of unanimity within the Council, of measures having a significant impact on a Member State's choice between different energy sources and on the general structure of energy supply (Article 192, paragraph 2, lett. c) TFEU). In this regard, it is worth mentioning that the Union's policy on the environment and sustainable development is based on the principles of precaution, preventive action and the correction at source of

the damage caused by pollution, as well as the 'polluter pays' principle. The related legal basis can be found in Articles 11 and 191, 192, 193 of the TFEU. The European Union has the competence to intervene in all areas of environmental policy, such as air and water pollution, waste management and climate change. Its field of action is limited by the principle of subsidiarity and by the requirement of unanimity within the Council with regard to issues of a fiscal nature, spatial planning, land use, quantitative management of water resources as well as the choice of energy sources and the structure of the energy supply. The European and national energy planning is, in turn, interdependent with the commitments made in terms of climate and energy, at international level, by the EU itself and by the member Countries. In this regard, reference is made to the Paris Agreement, the first global and legally binding agreement on climate change, adopted at the Paris Climate Conference (COP21) in December 2015.

2. The European regulatory framework and its transposition into national laws

The European Union has defined its energy and climate objectives for the period 2021-2030 with the legislative package "Clean energy for all Europeans" - known as the Winter package Clean energy package. That package, adopted between the end of 2018 and the beginning of 2019, follows up the commitments made under the Paris Agreement and includes several legislative measures in the areas of energy efficiency, renewable energy and the internal market for energy. About the Paris Agreement, reference is made to the topic of parliamentary activity climate change. It is briefly mentioned here that the Agreement in question, adopted following the XXI Conference of the Parties (COP21) held in Paris in December 2015, with the decision 1 / CP21, defines the long-term objective of containing the temperature increase to well below 2° C. and the pursuit of efforts to limit the increase to 1.5° C. compared to pre-industrial levels worldwide and legally binding on climate change. The agreement provides that each Country, upon accession, communicates its own "nationally determined contribution" (INDC - Intended Nationally Determined Contribution) with the obligation to pursue domestic measures for its implementation. Each subsequent national contribution (to be communicated every five years) must constitute an advance with respect to the first contribution. The Paris Agreement entered into force on 4th November 2016 (30 days after the deposit of the instruments of ratification by at least 55 Parties to the Convention representing at least 55% of global greenhouse gas emissions) and applies from 2021. The EU and its Member States are a party to the Paris Agreement. The EU formally ratified it on 5th October 2016, thus allowing its en-

try into force on 4 November 2016. The Paris Agreement is part of the broader framework defined by the 2030 Agenda for Sustainable Development.

As a result of these commitments, the European Union defined its objectives for the period 2021-2030, which constitute the EU's INDC and whose implementation is expected to be supported by all the Member States. With the publication, at the end of 2019, of the Commission communication "The European Green Deal" - Communication on the European Green Deal, COM(2019)640, the European Union has reformulated its commitment to tackle climate-related and environmental problems on a new basis. Moreover, it envisaged an Action Plan aimed at transforming the EU into a competitive and simultaneously resource efficient economy, which in 2050 will not generate net greenhouse gas emissions, in line with the Paris Agreement.

It was also recognized that there is a need for a favorable framework that benefits all Member States and includes adequate tools, incentives, support and investment to ensure a cost-effective, just, socially balanced and equitable transition, taking into account the different national situations in terms of starting points. One of the key points of the Plan consisted in the presentation of a European law proposal on the climate, recently adopted definitively and become Regulation 2021/1119/EU. The Regulation formally sanctioned the climate neutrality goal by 2050 and the binding Union climate target for 2030 which consists of a net internal reduction of greenhouse gas emissions (emissions net of removals) of at least 55% compared to 1990 levels by 2030. This is a new and more ambitious target that goes beyond that already indicated for 2030 in Regulation 2018/1999/EU and in Regulation 2018/842/EU (reduction of at least 40% of emissions by 2030 compared to 1990 values). Climate neutrality by 2050 and the reduction of emissions within 55% by 2030 also constituted the reference target for the development of investments and reforms in the field of Green Transition contained in the National Recovery and Resilience Plans, including them among the basic fundamental principles set out by the EU Commission in the Annual Sustainable Growth Strategy - SNCS 2021 (COM(2020)575 final).

On the Italian level, the reference is made to the related parliamentary activity. Indeed, all National Recovery and Resilience Plans must strongly focus on both reforms and investments in support of the green transition, having to include at least 37% of climate spending, pursuant to the provisions of art. 18, par. 4, lett. e), of Reg. no. 2021/241/EU.

Europe is aiming for climate neutrality by 2050 and, according to the considerations of the strategy, will have to significantly increase its greenhouse gas emission reduction target by 2030. To achieve

the ambitious climate target to reduce emissions by 55% in 2030 compared to 1990 levels, Member States will have to present reforms and investments to support the green transition in the energy, transport, industrial decarbonization, circular economy, water resources and biodiversity, i.e. in sectors in line with the main investment sectors identified in the context of the European Semester. The 2030 objectives set by law in the Clean energy package are therefore currently evolving, with an upward revision of the targets originally envisaged for the reduction of emissions, renewable energy and energy efficiency. The EU is, in fact, working on the revision of these regulations in order to bring them into line with the new ambitions. Indeed, on 14 July 2021, the European Commission adopted a series of legislative proposals defining how it intends to achieve climate neutrality in the EU by 2050, including the interim goal of a net reduction of at least 55% of greenhouse gas emissions by 2030. The "Fit for 55%" package therefore proposes to revise several pieces of EU climate legislation, including the EU ETS, the Effort Sharing Regulation, the Transport and Land Use legislation, defining in real terms how the Commission intends to achieve the EU's climate goals under the European Green Deal.

3. The Italian Recovery and Resilience Plan (PNRR)

The Covid-19 pandemic has hit the Italian economy more than other European countries. In 2020, gross domestic product shrank by 8.9 percent, compared with a decline in the European Union of 6.2 percent.

On 25 April 2021, the Government sent the text of the National Recovery and Resilience Plan (PNRR) to Parliament, which was communicated by the Prime Minister to the House and Senate Assemblies on 26 and 27 April. On the communications, resolutions no. 6/00189 of the Chamber and no. 6/00188 of the Senate. On 30 April 2021, the Government therefore officially sent the definitive text of the PNRR to the European Commission [1]; on May 4, 2021, the text was also sent to the Italian Parliament. On July 13, 2021, Italy's PNRR was definitively approved with the Council's Implementing Decision, which implemented the European Commission's proposal. Attached to the Decision is a substantial annex which defines, in relation to each investment and reform, precise objectives and targets, timed in time, the achievement of which is linked to the allocation of resources on a six-monthly basis.

The Plan outlines a "complete and coherent package of reforms and investments", necessary to access the financial resources made available by the European Union with the Recovery and Resilience Facility (RRF), the pivot of the post-pandemic recovery funded through the Next Generation EU (NGEU) program [2].

The measures envisaged in the Plan are articulated around three strategic axes shared at European level: digitization and innovation, ecological transition, social inclusion.

Furthermore, following the guidelines drawn up by the European Commission, the Plan groups investment and reform projects into 16 Components, grouped in turn into 6 Missions: 1. Digitization, innovation, competitiveness, culture and tourism; 2. Green revolution and ecological transition; 3. Infrastructures for sustainable mobility; 4. Education and research; 5. Cohesion and inclusion; 6. Health.

The National Recovery and Resilience Plan is part of the Next Generation EU (NGEU) program, the 750 billion euro package agreed by the European Union in response to the pandemic crisis.

The Italian Plan provides for investments of € 191.5 billion, financed through the Recovery and Resilience Facility, the key instrument of the NGEU. A further 30.6 billion is part of a complementary fund, financed through the multi-year budget variance approved by the Council of Ministers on 15 April. The total planned investments are therefore 222.1 billion euros. The Plan also includes a substantial package of reforms, which affect, among others, the areas of public administration, justice, regulatory simplification and competition.

This is an epochal intervention, which intends to repair the economic and social damage of the pandemic crisis, help resolve the structural weaknesses of the Italian economy, and accompany the country on a path of ecological and environmental transition.

Overall, 27 percent of the Plan is dedicated to digitization, 40 percent to investments to combat climate change, and more than 10 percent to social cohesion.

The Plan is organized along six missions.

Among them, the second mission, "Green Revolution and Ecological Transition", allocates a total of 68.6 billion - of which 59.3 billion from the Recovery and Resilience Facility and 9.3 billion from the Fund. Its objectives are to improve the sustainability and resilience of the economic system and to ensure a fair and inclusive environmental transition.

The Plan provides for investments and reforms for the circular economy and waste management, to achieve ambitious targets such as 65 percent recycling of plastic waste and 100 percent recovery in the textile sector. The Plan allocates resources for the renewal of local public transport, with the purchase of low-emission buses, and for the renewal of part of the fleet of trains for regional transport with alternative propulsion vehicles. There are substantial tax incentives to increase the energy efficiency of private and public buildings. The measures allow for the renovation of about 50,000 buildings a year. The Government plans major investments in renewable energy sources and simplifies the authorization procedures in the sector. The hydrogen supply chain is supported, and in particular frontier research, its production and local use in industry and transport. The Plan invests in water infrastructure, with the aim of reducing losses in drinking water networks by 15 percent, and in reducing hydrogeological instability.

3.1. The PNRR implementation by Law no. 108 dated 29th July 2021

Law 108 of July 29, 2021, converting Law Decree 77/2021, was published in the Official Gazette on Friday 30th July 2021.

Law Decree 77/2021 provides the governance of the National Recovery and Resilience Plan, defining the coordination, management, implementation, monitoring and control system, and updates numerous environmental provisions such as the Environmental Impact assessment (EIA), Strategic Environmental Assessment (SEA), End of Waste, Energy and many others.

The original provisions of the Law Decree 31st May 2021, no. 77 were added to those introduced by the conversion law and, while maintaining the system, the articles double, passing from 67 to 121.

This is the structure of the text, effective from 31st July 2021:

- PART I - Governance for PNRR
 - o Title I - PNRR coordination, management, implementation, monitoring and control system (articles 1-11-bis)
 - o Title II - Substitutive powers, overcoming dissent and financial procedures (articles 12-16)

- PART II - Provisions for speeding up and streamlining procedures and strengthening administrative capacity
 - o Title I - Ecological transition and acceleration of the environmental and landscape procedure (articles 17 - 37-quater)
 - o Title II - Digital transition (articles 38-43)
 - o Title III - Special procedure for some PNRR projects (articles 44-46)
 - o Title IV - Public contracts (articles 47-56-quater)
 - o Title V - Simplification of the rules on investments and interventions in the South (articles 57-60-bis)
 - o Title VI - Amendments to the law of 7 August 1990 n. 241 (articles 61-63-bis)
 - o Title VII - Further measures to strengthen administrative capacity (Articles 64-67)

3.2. Focusing on environmental related news (EIA and SEA)

The provisions contained in articles 17-29 mainly have two objectives: 1) to integrate the regulations envisaged for the environmental assessment of the projects of the Integrated National Energy and Climate Plan (PNIEC) in order to include also the evaluation of projects for the implementation of the PNRR (National Recovery and Resilience Plan); 2) to carry out a intervention aimed at a simplification on the EIA (Environmental Impact Assessment) and SEA (Strategic Environmental Assessment) regulations envisaged by the second part of the Environmental Code (Legislative Decree no. 152/2006).

Entering into details, article 17 extends the scope of activity of the PNIEC Technical Commission also to the environmental assessment of the State competence of the projects of the National Recovery and Resilience Plan (PNRR), thus assuming the new name of "Technical Commission PNRR-PNIEC ". Article 18 provides that the interventions necessary for the implementation of the strategic projects for the energy transition of the country included in the PNRR and for the achievement of the objectives set in the PNIEC, as identified in Annex I-bis of Legislative Decree 152/2006, and the works connected to such interventions constitute interventions of public utility, cannot be postponed and urgent. Article 18-bis, introduced by the Chamber of Deputies, provides that, for the

works of the aforementioned Annex Ibis, in the procedures governed by the Presidential Decree 327/2001 (consolidated text on expropriation for public utility), the Regions are required to express a consent within 30 days of the positive conclusion of the Conference of Services, in order to allow the competent Authority to issue the final provision.

Article 19 amends and supplements the terms relating to the EIA eligibility verification procedure and prior consultation, also specifying that the prior consultation rules also apply to projects examined by the PNRR-PNIEC Technical Commission. The changes made by the Parliament are aimed at reducing the deadlines as well as intervening (with the new letters b-bis) and b-ter)), on Annexes III and IV to Part II of the Environmental Code (where the projects subject, respectively, to regional EIA and verification of subjection to EIA of regional competence) in order to save the discipline of mineral and thermal waters.

Article 20 intervenes on the discipline for the issuance of the EIA provision of State competence referred to by paragraphs 2 and 2-bis of art. 25 of the Environmental Code (Legislative Decree 152/2006).

Article 21, modified during the examination at the Chamber of Deputies, brings two groups of amendments to the Environmental Code. A first group concerns art. 23 and is aimed at modifying the terms for verifying the EIA application and for any request for additional documentation and to clarify that these terms are mandatory. A second group of changes concerns art. 24 and is mainly aimed at halving the terms of the public consultation phase limited only to the EIA procedures relating to PNRR-PNIEC projects. Article 22 brings a series of short stories to art. 27 of the Environmental Code, which governs (in the case of EIA procedures under state jurisdiction) the issue of the single environmental provision (PUA), with the main purpose of delimiting the content of the PUA to the authorizations listed in paragraph 2 of the same article and not to all the authorizations (or deeds of consent, however named) on environmental matters. The deadline for the publication of the public notice and the timing of the decision-making services conference aimed at issuing the PUA are also modified. Article 24 contains a series of changes to the rules of the procedure for the issuance of the single regional authorization provision (PAUR), contained in art. 27-bis of the Environmental Code. The changes are mainly aimed at providing clarifications regarding the procedures to be followed in relation to the issuance of qualifications necessary for the implementation and operation of the project, as well as in relation to any urban variations. Article 24-bis, introduced by the Chamber of Deputies, subjects to a single authorization, issued by the competent region or au-

tonomous province, the construction and modification of accommodation facilities, as well as the related works and infrastructures essential to the activity of the structures themselves (paragraph 1). Article 27, modified during the examination at the Chamber of Deputies, introduces, in the text of the Environmental Code, the new article 3-septies which governs the environmental interrogation, i.e. the submission to the Minister of Ecological Transition of general requests on the application of State environmental legislation.

Article 28 (paragraph 1) modifies in several points the rules of the strategic environmental assessment procedure (SEA) contained in articles 11-18 of the Environmental Code. In particular, changes concern the auditing phase, the drafting of the environmental report, as well as the consultation and monitoring phases. The same article (paragraph 2) contains the financial invariance clause in order to sterilize the financial impact of the provisions introduced. Article 29 establishes the Special Superintendency for PNRR with the aim of ensuring "the most effective and timely implementation of the interventions" contained in the same plan (paragraph 1); defines their duties and powers (paragraph 2); places the director of the Directorate General for archeology, fine arts and landscape of the Ministry at the head of the same structure (paragraph 3); name on the human and financial resources that can be used (paragraphs 4 and 5).

3.3. Renewable sources (incentives and simplifications)

The articles that make up Chapter VII (Provisions on energy efficiency) seem largely intended to accompany some interventions specifically listed in the PNRR, in particular the first two of Component 2 ("Energy transition and sustainable mobility"), which has the following general objectives: a) to increase the percentage of energy produced from renewable energy sources (RES) in the system, in line with the European and national decarbonisation objectives; b) the upgrading and digitalisation of the network infrastructures to accommodate the increase in production from RES and increase its resilience to extreme climatic phenomena; c) the promotion of production, distribution and end uses of hydrogen, in line with EU and national strategies; d) the development of a more sustainable local transport, not only for the purpose of decarbonisation but also as a lever for the overall improvement of the quality of life (reduction of air and noise pollution, reduction of congestion and integration of new services); e) the development of an international industrial research and development leadership in the main transition chains.

Article 30, paragraph 1, amended by the Chamber of Deputies, intervenes on the regulation of the single authorization for electricity production plants powered by renewable sources. Article 31 contains various provisions aimed at encouraging the development of alternative energy production to coal. Article 31-bis, introduced by the Chamber of Deputies, contains provisions aimed at recognizing the qualification of advanced biofuel to by-products used as raw materials for feeding biogas plants used in order to produce biomethane (through biogas purification).

Article 31-ter, introduced by the Chamber of Deputies, modifies paragraph 954 of Article 1 of Law no. 145 of 2018 (Budget Law for 2019), which provides a form of incentive for electricity production plants fueled by biogas, with electrical power not exceeding 300 kW and forming part of the production cycle of an agricultural company or farm. Article 31-quater, inserted by the Chamber of Deputies, integrates the definition of plants powered by programmable renewable sources, inserting the specification for which plants powered by biomass and hydraulic sources are such, also through hydroelectric storage systems through pure pumping, with the exception, for the latter source, of run-of-river plants, as well as hybrid plants (letter a)). Secondly, it specifies that for hydroelectric storage plants through pure pumping, the issuance of the authorization is up to the Ministry of Ecological Transition, after consulting the Ministry of Sustainable Infrastructure and in agreement with the Regions concerned. We expressly refer to the regulations in force relating to the procedure for issuing the single authorization. Article 31-quinquies, inserted by the Chamber of Deputies, integrates the discipline of the competences of the Italian Central Storage Body (OCSIT), provided for in Article 7 of Legislative Decree no. 249/2012, introducing a new paragraph 16-bis. Article 32 amends and integrates the rules governing the single authorization for plants for the production of electricity from renewable sources, in order to introduce certain simplifications for the modification works of such plants, which involve an increase in power (repowering). Article 32-bis, inserted by the Chamber of Deputies, modifies the Guidelines for the authorization of plants powered by renewable sources to subject hydroelectric and geothermal plants having a generation capacity not exceeding 500 kW of concession power. The current requirement of compatibility with the on-the-spot trading scheme is therefore replaced.

Conclusion

Next Generation Eu (NGEU) is a tool for relaunching the EU economy from the crash of Covid-19, incorporated in a seven-year budget 2021-2027. The chosen name evokes a plan projected, in fact,

on the new generation and the new generations of the EU, but over time it has ended up creating a certain terminological confusion between similar or almost identical expressions: Next Generation Eu, Recovery fund, Recovery plan , National Recovery and Resilience Plan.

A specific focus must be directed on the mission "green revolution and ecological transition" which provides for the allocation of resources towards energy efficiency and building renovation, for the reduction of emissions.

About 30 billion euros are planned for interventions on public buildings (rehabilitation of new buildings such as schools, hospitals and social housing) and energy efficiency and anti-seismic adaptation of private real estate assets, with the extension of the 110% super bonus.

Over 18 billion euros will instead be dedicated to the energy transition and sustainable local mobility, to increase renewable energy sources and stimulate the industrial supply chain and strengthen and digitalise the network infrastructures. The development of sustainable mobility is another goal to be achieved, through the strengthening and improvement of infrastructures and cycle paths, in addition to the renewal of the LPT fleet.

The objective of Next Generation EU is, explicitly, to restart the continental economy. The first impacts should be measured with the grounding of projects and the beneficial effect on the climate of confidence of individual countries, also useful for attracting investors and reviving investments frozen by the pandemic crisis. The tipping point of the balance still remains the quality of the plans that will be presented in Brussels and, obviously, the ability to implement them quickly.

