

# Italy

## Legislative Decree

setting out rules for the siting, construction and operation on the national territory of nuclear power plants, nuclear fuel fabrication facilities, storage systems for spent fuel and radioactive waste, as well as compensatory measures and public information campaigns

**in accordance with Article 25 of Law No. 99 of 23 July 2009**

## The President of the Republic

*HAVING REGARD TO* Articles 76 and 87 of the Constitution;

*HAVING REGARD TO* Law No. 99 of 23 July 2009 containing “Provisions for the development and internationalisation of businesses, with particular reference to energy” and in particular, Article 25 of the aforementioned Law No. 99 of 23 July 2009;

*HAVING REGARD TO* Law No. 400 of 23 August 1988 setting out the “Framework regulating the activities of Government and the Presidency of the Council of Ministers”, as amended;

*HAVING REGARD TO* Law No. 1860 of 31 December 1962 concerning the “Peaceful use of nuclear energy”, as amended and supplemented by Decree of the President of the Republic No. 1704 of 30 December 1965, Law No. 1008 of 19 December 1969 and Decree of the President of the Republic No. 519 of 10 May 1975;

*HAVING REGARD TO* Law No. 393 of 2 August 1975 setting out “Regulations concerning the siting of nuclear-electric power plants and the production and use of electricity”;

*HAVING REGARD TO* Legislative Decree No. 230 of 17 March 1995, as amended and supplemented by Legislative Decrees Nos. 241 of 26 May 2000, 257 of 9 May 2001 and 23 of 20 February 2009, concerning the “Implementation of the 89/618/Euratom, 90/641/Euratom, 96/29/Euratom and 2006/117/Euratom directives on ionising radiation”;

*HAVING REGARD TO* Law No. 481 of 14 November 1995 setting out “Rules for competition in and regulation of public utility services. Establishment of the regulatory authorities for public utility services”;

*HAVING REGARD TO* Legislative Decree No. 300 of 30 July 1999 concerning the “Reform of the structure of Government pursuant to Article 11 of Law No. 59 of 15 March 1997”, as amended;

*HAVING REGARD TO* Law No. 150 of 7 June 2000 concerning the “Regulation of communication and information provision from the public authorities”;

*HAVING REGARD TO* the Directive of the President of the Council of Ministers of 27 September 2000 containing the “Directive on the programme of institutional information and communication initiatives of the State Authorities”;

*HAVING REGARD TO* Law No. 368 of 24 December 2003 concerning the “Translation into law, with amendments, of Decree Law No. 314 of 14 November 2003 containing urgent measures for the collection, disposal and storage of radioactive waste under conditions of maximum safety”;

*HAVING REGARD TO* Law No. 239 of 23 August 2004 concerning the “Reorganisation of the energy sector and authorisation for the Government to recast existing energy-related measures”, containing, in paragraphs 99 to 106 of Article 1, additions to the provisions of Decree Law No. 314 of 14 November 2003, as converted, with amendments, by Law No. 368 of 24 December 2003;

*HAVING REGARD TO* Legislative Decree No. 195 of 19 August 2005 implementing directive 2003/4/EC on public access to environmental information;

*HAVING REGARD TO* Law No. 282 of 16 December 2005 concerning the “Ratification of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, adopted in Vienna on 5 September 1997”;

*HAVING REGARD TO* Legislative Decree No. 152 of 3 April 2006 concerning “Environmental standards”;

*HAVING REGARD TO* Legislative Decree No. 52 of 6 February 2007 concerning the “Implementation of the 2003/122/EC Euratom Directive on the control of high-activity sealed radioactive sources and orphan sources”;

*HAVING REGARD TO* Legislative Decree No. 4 of 16 January 2008 concerning “Amendments and supplementary provisions to Legislative Decree No. 152 of 3 April 2006 on environmental standards”;

*HAVING REGARD TO* Article 7 of Decree-Law No. 112 of 23 June 2008, as converted by Law No. 133 of 6 August 2008;

*HAVING REGARD TO* Directive 2009/71/Euratom of the Council of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations;

*HAVING REGARD TO* the preliminary resolution of the Council of Ministers, adopted at the session of 22 December 2009;

*HAVING REGARD TO* the resolution adopted at the meeting of the Council of Ministers on 22 January 2010 on the emergency procedure, pursuant to Article 3 paragraph 4 of Legislative Decree No. 281 of 28 August 1997;

*ACKNOWLEDGING* that the session of 27 January 2010 of the Unified Conference referred to in Article 8 of Legislative Decree No. 281 of 28 August 1997, as amended, on whose agenda the present Legislative Decree was to be debated, did not take place;

*IN THE LIGHT OF* the opinion of the Council of State at the sitting of the advisory section for legislative instruments on 8 February 2010;

*HAVING DECIDED* that the text be adapted in accordance with the observations of the Council of State, considering the indications concerning the implementation of Article 25 paragraph 5 of Law No. 99 of 23 July 2009, and also with the need not to modify the plans for the strategic environmental assessments at national level and to consider the particular technical issues relating to spent fuel and radioactive waste;

*IN THE LIGHT OF* the opinions of the competent commissions of the Chamber of Deputies and the Senate of the Italian Republic;

*HAVING REGARD TO* the resolution adopted at the meeting of the Council of Ministers on 10 February 2010;

*IN RELATION TO THE PROPOSAL* of the Minister for Economic Development, in conjunction with the Minister for the Environment, Land and Sea, the Minister for Infrastructure and Transport and the Minister for Legislative Simplification:

Hereby issues  
the following Legislative Decree:

## **TITLE I**

### **General Provisions**

#### *Article 1*

##### *(Subject)*

1. This decree implements the revised rules on the siting on the national territory of nuclear power plants, nuclear fuel fabrication facilities, systems for storing spent fuel and radioactive waste, and establishes:
  - a) the licensing procedures and subjective requirements applicable to the operators involved in the construction, operation and decommissioning on the national territory of the plants referred to in Article 2 paragraph 1(e) and in the operation of facilities for storing spent fuel and radioactive waste located on the same site as the aforementioned plants and directly connected to them;
  - b) a fund for decommissioning nuclear power plants;
  - c) measures regarding the compensation in relation to the construction and operation of the plants referred to in point a) to be paid to the residents and businesses operating in the vicinity of the site and the local authorities affected;
  - d) regulations concerning the siting of the national waste repository, allied to a technology park including a study and experimental research centre, for storing radioactive waste arising from previous and future operation of nuclear (and similar) plants on the national territory;
  - e) licensing procedures for the construction and operation of the national waste repository and the technology park;
  - f) measures regarding the compensation in relation to the operation of the national waste repository to be paid to residents and businesses operating in the vicinity of the site and the local authorities affected;
  - g) a programme for establishing and implementing a “national information campaign on energy production from nuclear sources”;
  - h) penalties applicable in the event of a breach of the provisions of this decree.

## *Article 2*

### *(Definitions)*

1. The following definitions shall apply for the purposes of this decree:
  - a) “Agency” is the Nuclear Safety Agency referred to in Article 29 of Law No. 99 of 23 July 2009;
  - b) “suitable site” is a portion of the national territory which meets environmental and technical requirements and which conforms with the relevant reference parameters defining its suitability as a site for a nuclear power plant;
  - c) “site” is the portion of the suitable site which has been certified as fit to accommodate one or more nuclear power plants;
  - d) “Unified Conference” is the Conference referred to in Article 8 of Legislative Decree No. 281 of 28 August 1997, as amended;
  - e) “nuclear power plants” are the plants which use nuclear power to generate electricity and the nuclear fuel fabrication facilities constructed on sites, including the associated installations and related activities, as well as the facilities located on the same site for storing spent fuel and the radioactive waste relating directly to the nuclear power plant, the infrastructure required to operate said plants and facilities, the facilities for developing and adapting the national electricity transmission network needed for the energy generated to be supplied to the network, and any access roads;
  - f) “operator” is the natural or juridical person or the consortium of natural or juridical persons expressing an interest in or holding a licence for the commissioning and operation of a nuclear power plant;
  - g) “IAEA” is the United Nations International Atomic Energy Agency, based in Vienna;
  - h) “OECD/NEA” is the OECD Nuclear Energy Agency, based in Paris.
  - i) “national waste repository” is the national waste repository for the permanent disposal of low- and medium-level radioactive waste arising from industrial, research and medical/health activities as well as from the previous nuclear power plant management regime and the provisional long-term storage of high-level waste and spent fuel from nuclear power plant operations, including waste arising from the previous nuclear power plant management regime.
  - l) “Nuclear Strategy” refers to the policy document outlining the Government’s strategic nuclear objectives.

## *Article 3*

### *(Government Nuclear Strategy)*

1. Within three months following the entry into force of this decree, the Council of Ministers, at the instigation of the Minister for Economic Development, with the support of the Agency, in

conjunction with the Minister for Infrastructure and Transport, the Minister for the Environment, Land and Sea and the Minister for Education, Universities and Research, shall adopt a policy document outlining the Government's strategic nuclear objectives, including, as a priority, protection from ionising radiation and nuclear safety. This document specifies the total rated power along with the anticipated timescales for the construction and commissioning of the nuclear power plants, and the research and training work involved. It evaluates the contribution of nuclear power in terms of safety and energy diversification, the reduction of pollutant and greenhouse gas emissions, together with the economic and social benefits, whilst setting out guidelines for the implementation process.

2. The Nuclear Strategy represents an integral part of the national energy strategy referred to in Article 7 of Decree-Law No. 112 of 25 June 2008, as converted, with amendments, by Article 1 paragraph 1 of Law No. 133 of 6 August 2008.
3. In particular, the Nuclear Strategy sets out:
  - a) the reliability of nuclear energy in terms of environmental nuclear safety and plant safety, any impact on the radiological protection of the population and in relation to proliferation risks;
  - b) the benefits in terms of security of supply resulting from the introduction of nuclear energy as a significant new source in the national energy market;
  - c) the electrical power capacity objectives to be established in relation to national energy needs and the associated timescales;
  - d) the planned contribution, as a result of the recourse to nuclear energy as a low-carbon technology, to the achievement of the environmental commitments undertaken at European level in the context of the climate and energy package as well as to the reduction of chemical and physical pollutants;
  - e) the system of international alliances and co-operation and the capacity of the industry at national and international levels to meet the planned objectives;
  - f) an outline of the approach to achieving time- and cost-efficient implementation and the provision of guarantees, including through the formulation or planned issuance of specific guidance;
  - g) guidance concerning the management of radioactive waste and the decommissioning of plants at the end of their life cycle, for new installations and decommissioned plants;
  - h) the anticipated benefits for the Italian industry and the parameter framework for compensation of the public and the business sector;
  - i) the national electricity network's transmission capacity, with a proposal to upgrade it, should that prove necessary, to meet the installed capacity target;
  - l) objectives concerning the supply, processing and enrichment of nuclear fuel.

## TITLE II

### **Single procedure for the siting, construction and operation of nuclear power plants; measures concerning the economic benefits for residents, local authorities and businesses; provisions governing the decommissioning of plants**

#### *Article 4*

##### *(Nuclear power plant licensing)*

The construction and operation of nuclear power plants are considered activities of compelling interest to the state and, as such, are subject to a single licence which is issued to the operator after an application process and is subject to agreement with the Unified Conference, by decree of the Minister for Economic Development in conjunction with the Minister for the Environment, Land and Sea and the Minister for Infrastructure and Transport, in accordance with the provisions of this legislative decree.

#### *Article 5*

##### *(Operator requirements)*

1. The operators, including when operating in partnership, must possess the technical and professional capabilities required by the current provisions, as regards safety in particular, and have suitable and proven human and financial resources in relation to the activities in which they are to be engaged, including the planning, construction and operation of nuclear power plants, the storage and management of radioactive waste, and observance of IAEA recommendations.
2. The criteria setting out the requirements referred to in paragraph 1, together with the procedures for demonstrating compliance with those requirements, are established by decree of the Minister for Economic Development, in conjunction with the Minister for the Environment, Land and Sea and the Minister for Infrastructure and Transport, to be issued within 30 days of the issue of the CIPE Resolution referred to in Article 26 paragraph 2 of the Law of 23 July 2009.
3. Licences for constructing, operating and decommissioning plants cannot, however, be awarded to parties:
  - a) which are bankrupt or subject to compulsory winding-up or composition agreements, or which are the subject of current proceedings for the declaration of one of the above situations;
  - b) in relation to which proceedings are pending for the application of one of the preventive measures set out in Article 3 of Law No. 1423 of 27 December 1956 or one of the impediments stipulated in Article 10 of Law No. 575 of 31 May 1965; the exclusion and debarment are operative if the outstanding proceedings concern the proprietor or technical manager (for a sole proprietorship), the partners or the technical manager (for a general partnership), the active partners or the technical manager (for a limited partnership), or the directors with powers of representation or the technical manager (for other types of company);

- c) which have been the subject of an adverse decision that has become *res judicata*, or a final criminal conviction, or a sentence applying a penalty requested, pursuant to Article 444 of the Italian Code of Criminal Procedure, for serious offences against the state concerning their professional conduct; in any case, a *res judicata* conviction for one or more offences of involvement in a criminal organisation, corruption, fraud or money laundering is grounds for debarment; the exclusion and debarment are effective if the sentence or judgement were issued in relation to: the proprietor or technical manager (for a sole proprietorship), the partners or the technical manager (for a general partnership), the active partners or the technical manager (for a limited partnership), the directors with powers of representation or the technical manager (for other types of company or consortium);
  - d) which have violated the prohibition on trust companies imposed by Article 17 of Law No. 55 of 19 March 1990;
  - g) which have been definitively adjudged in breach of their tax payment obligations, under the law of Italy or that of the state in which they have been established;
  - i) which have been definitively adjudged in serious breach of the national insurance and social security contribution legislation under the law of Italy or that of the state in which they have been established;
4. The operator shall declare that none of the impediments in paragraph 3 are applicable by means of a declaration equivalent to a certificate of compliance with the provisions of Decree No. 445 of the President of the Republic of 28 December 2000, in which any expunged convictions are also to be stated.
5. For the purposes of the declarations concerning the impediments as in paragraph 3, Article 43 of Decree No. 445 of the President of the Republic of 28 December 2000 shall apply.

#### ***Article 6***

##### ***(Operator work plans)***

On their own initiative or on request from the Ministry of Economic Development, the operators mentioned in Article 5 submit their plan of work for the development of nuclear power plants to the aforementioned Ministry, in line with the policy guidelines provided by the Government in accordance with Article 3 and the CIPE Resolutions referred to in Article 26 of Law No. 99 of 23 July 2009. Having assessed whether the operator conforms to requirements, the Ministry of Economic Development sends a copy of the plans to the Ministry of the Environment, Land and Sea and to the Ministry of Infrastructure and Transport. The work plan, which does not concern the siting of plants, is covered by the provisions concerning access to files, pursuant to Law No. 241 of 7 August 1990 and Legislative Decree No. 195 of 2005.

#### ***Article 7***

##### ***(Measures concerning technical verification of the requirements applicable to nuclear power plants)***

Operators seeking to build nuclear power plants apply to the Agency to have the necessary checks made for the preliminary safety report, informing the Ministry of Economic Development at the same



time. The Agency ensures that the plants meet the optimum international safety standards set by the IAEA and the guidelines and best practices recommended by the OECD/NEA. Approvals of requirements and technical specifications applicable to nuclear power plants which have already been granted within the previous ten years by the competent authorities of member countries of the Nuclear Energy Agency of the Organisation for Economic Co-operation and Development (OECD/NEA), or by the competent authorities of states with which bilateral agreements for technological and industrial co-operation in the nuclear sector have been signed, are accepted as valid in Italy subject to the approval of the Agency. The Agency carries out the checks requested and conveys its findings to the operator concerned and, for information, to the Ministry of Economic Development, within 90 days of the application being sent.

### *Article 8*

#### *(Specifications for suitable sites for nuclear power plants)*

1. Potential nuclear power plant sites are identified in accordance with technical criteria, international best practice and current relevant legislative provisions in order to ensure safety levels which are suitable to safeguard the health of the population and protect the environment. Within sixty days of adopting the policy document referred to in Article 3 paragraph 1 the Ministry of Economic Development, in conjunction with the Ministry of the Environment, Land and Sea, the Ministry of Infrastructure and Transport and the Ministry of Cultural Heritage and Activities, establishes a set of parameters embodying the technical criteria, based on a proposal by the Agency to be drawn up within thirty days following the adoption of the aforementioned policy document, in line with it and on the basis of the inputs and technical and scientific data provided by public research bodies, including ISPRA (the Institute for Environmental Protection and Research), ENEA (the National Agency for new Technologies, Energy and Sustainable Economic Development) and the universities, which will put forward their views within the same timeframe. The parameter set will give particular consideration to the following aspects:
  - a) population and socio-economic factors;
  - b) hydrology and water resources;
  - c) meteorological factors;
  - d) biodiversity;
  - e) geophysics and geology;
  - f) natural beauty;
  - g) architectural and historical merit;
  - h) accessibility;
  - i) seismic and tectonic characteristics;
  - m) distance from inhabited areas and from transport infrastructure;

- n) strategic value of the area for the energy system and characteristics of the electricity network;
  - o) potential risks induced by human activities in the surrounding area.
2. The parameter set referred to in paragraph 1 is to be published on the websites of the Ministry of Economic Development, the Ministry of the Environment, Land and Sea, the Ministry of Infrastructure and Transport and the Agency. At the same time, its publication will also be advertised in at least five national daily newspapers in order to enable the regions, local authorities and qualified stakeholders to formulate comments and technical proposals, which should be submitted to the Agency in writing (and not anonymously) via a duly specified e-mail address within sixty days following the publication of the parameter set. The notifications on the websites and in the daily newspapers indicate the offices where the documents can be consulted in full, together with the process, the timescales, format for formulating comments or proposals and associated guidance. This public consultation is carried out in compliance with the principles and measures in Law No. 241 of 7 August 1990.
  3. For the purposes set out in Article 9, the Ministry of Economic Development, in conjunction with the Ministry of the Environment, Land and Sea, the Ministry of Infrastructure and Transport and the Ministry of Cultural Heritage and Activities, adopts the final parameter set referred to in paragraph 1 by decree. This decree is adopted within thirty days of the end of the consultation period referred to in paragraph 2; the initial parameters are updated on the basis of recommendations made by the Agency in the light of comments received. There must be a sufficient reason for rejecting comments. The outcomes of the consultation are published on the websites referred to in paragraph 2.

### *Article 9*

#### *(Strategic environmental assessment and resulting updates to the Nuclear Strategy)*

1. The Nuclear Strategy described in Article 3, together with the parameters concerning the environmental and technical characteristics of the suitable sites referred to in Article 8 paragraph 3 is subject to the strategic environmental assessment procedures pursuant to and in accordance with Legislative Decree No. 152 of 3 April 2006 as amended, in addition to compliance with the principle of justification mentioned in Directive 96/29/EURATOM of the Council of 13 May 1996.
2. The Ministry of the Environment, Land and Sea is responsible for running the public consultation, in accordance with the principles and provisions set out in Legislative Decree No. 152 of 3 April 2006 and pursuing initiatives aimed at facilitating broad participation in the process.
3. Once the strategic environmental assessment procedure has been completed, the Minister for the Environment, Land and Sea informs the Ministry of Economic Development and the Ministry of Infrastructure and Transport of the reasoned opinion adopted in conjunction with the Minister for Cultural Heritage and Activities, for those aspects within its remit.
4. The Ministry of Economic Development, the Ministry of the Environment, Land and Sea, and the Ministry of Infrastructure and Transport update the parts of the Strategy and the provisions set out in paragraph 1 which fall within their respective remits, in line with the conclusions of the strategic environmental assessment, and submit the documents thus updated for the approval

of the Council of Ministers. The approved documents are published in the *Official Gazette of the Italian Republic*.

### **Article 10**

#### ***(Application for certification of sites)***

1. Within ninety days of publication, referred to in Article 9 paragraph 4 each interested operator initiates the single licence procedure by submitting their application for the certification of one or more sites for use as the location for a nuclear power plant to the Ministry of Economic Development and the Agency.
2. Additional applications may be submitted by 30 June of each year.
3. The application referred to in paragraph 1 must contain at least the data and information for each site as indicated below (otherwise it will be rejected). This content has been analytically established by decree of the Minister for Economic Development in conjunction with the Minister for the Environment, Land and Sea and the Minister for Infrastructure and Transport, having consulted the Agency, to be issued within 90 days of the entry into force of the present decree, concerning:
  - a) the identity of the applicant, complete with the information on the requirements specified under Article 5;
  - b) a precise description of the planned site for the plant and the ownership of the rights to this area;
  - c) an initial plan of the plant, indicating the type of installation, its main technical specifications, its operating principles and stating the maximum installed capacity;
  - d) mapping locating the perimeter of the plant within the specified site;
  - e) documentation concerning the technical surveys carried out on the site;
  - f) documentation concerning the preliminary safety report referred to in Article 7;
  - g) documentation concerning the environmental impact assessment;
  - h) documentation concerning the instruments of land use planning and environmental and countryside protection;
  - i) a list of the easements to be established for third party real assets for the construction and operation of the plants and associated activities;
  - l) all other technical documentation needed to demonstrate and verify the conformance of the selected site to environmental and technical requirements and to the related reference parameters referred to in Article 8 paragraph 1 and the conformance of the plan to the Nuclear Strategy.

## *Article 11*

### *(Site certification)*

1. Without prejudice to the responsibilities of the entities charged with protecting the environment under current legislation, the Agency carries out the technical assessment of the individual applications referred to in Article 10 paragraph 1 after establishing that these applications have followed the correct formal procedure and the relevant documentation has been provided, within 30 days of receipt.
2. The Agency may request additional information and clarification from the operators once only in relation to any technical issues and will indicate the means and timescales for complying with such requests. Any such request has suspensory effect on the timescales referred to in paragraph 3 until such time as the required information has been received.
3. Provided that the outcome of the assessment process is successful, the Agency will issue the certification for each site proposed within ninety days of the expiry of the term referred to in paragraph 1 or from receipt of the additional information and clarification referred to in paragraph 2. The issue of certification, which may be subject to specific conditions, is conditional on the site's compliance with:
  - a) the environmental and technical requirements and to related reference parameters referred to in Article 8 paragraph 1 which have been approved referred to in Article 9 paragraph 4,
  - b) the technical choices in relation to the interaction between site and plant,
  - c) the Nuclear Strategy referred to in Article 3, with regard to the production capacity of the plant, the planned implementation timescale and commissioning date, and the proposed technologies.
4. The Agency sends the certificates for the sites to the Ministry of Economic Development, the Ministry of the Environment, Land and Sea, and the Ministry of Infrastructure and Transport.
5. Within thirty days, the Minister for Economic Development submits each of the certified sites for the agreement of the Region involved, which makes its comments after obtaining the view of the municipality involved.
6. Should the agreement referred to in paragraph 5 not be reached within sixty days of the request of it being received, an Inter-institutional Committee is established within the following thirty days. Its members are appointed so as to ensure equal representation, respectively, of the Ministry of Economic Development, the Ministry of the Environment, Land and Sea and the Ministry of the Infrastructure and Transport, on the one hand, and the Region, on the other, which will ensure the presence of a representative of the municipality concerned. The operation of the Inter-institutional Committee is established by decree of the Minister for Economic Development, with the prior opinion of the Unified conference, which is to be provided within thirty days of request; the members of the Committee are not paid for their services. Should it not be possible to establish the Inter-institutional Committee, or should agreement still not be reached within sixty days after the establishment of the Committee, the agreement is made by decree of the President of the Republic, after discussion at the Council of Ministers with the additional presence of the president of the Region affected.

7. The agreement or the decree of the President of the Republic referred to in paragraph 6 also operate by way of derogation from the Environmental energy plans of the Regions affected by each possible siting.
8. At the end of the procedure described in paragraphs 4, 5 and 6, the Minister for Economic Development conveys the list of certified sites, in relation to which the regional agreement has been reached or the decree *in lieu* issued, to the Unified Conference pursuant to Article 8 of Legislative Decree No. 281 of 28 August 1997, which expresses its opinion within the timeframe set out in Article 3 of the aforementioned legislative decree and, in any case, not more than sixty days after receipt of the associated request. If no agreement is reached within this timescale, the Council of Ministers makes a reasoned decision, in accordance with the provisions of the aforesaid Article 3, on the basis of the agreements already reached with the individual regions affected by each site or on the basis of the decrees *in lieu* of agreement.
9. Having obtained the agreement of the Unified Conference or the reasoned resolution referred to in paragraph 8, the Minister for Economic Development, in conjunction with the Minister for the Environment, Land and Sea and the Minister for Infrastructure and Transport, adopts the decree of approval of the list of certified sites within thirty days. By means of the same decree, each certified and approved site is declared to be of national strategic interest and subject to special forms of oversight and protection; the right to carry out the activities referred to in Article 12 is awarded exclusively to the applicant operator. The decree is published in the *Official Gazette of the Italian Republic* as well as on the websites of the Ministry of Economic Development, the other Ministries involved and the Agency.
10. Without prejudice to the provisions of paragraph 7, within twelve months of publication referred to in paragraph 9, the region affected by the nuclear site proceeds to adapt its own Environmental Energy Plan in the light of the agreement or the decree of the President of the Republic referred to in paragraph 6.
11. For each certified site, the operator involved must submit an application referred to in Article 13 paragraph 1 within twenty-four months of the issue of the decree referred to in paragraph 9. In the absence of a motivated request for extension on the part of this operator, to be submitted before the expiry of the term, if this term elapses without an application being received, the certification for the individual site will lapse and the right to carry out the activities referred to in Article 12 will expire. In this event, the operator will be responsible for the costs incurred in certifying the site.
12. The term mentioned in paragraph 11 may be extended, via the procedure set out in the present article, on one occasion only and for a period not greater than 12 months.

## ***Article 12***

### ***(Preliminary activities)***

1. The certification of the approved site, pursuant to Article 11 and in relation to which the agreement of the region affected has been obtained or the decree *in lieu* of agreement has been issued, entitles the operator to carry out the following activities, in advance of the issue of the single licence:

- a) land surveying;
  - b) geological and geophysical surveying;
  - c) specific environmental investigations;
  - d) construction of service connections to the site;
  - e) enclosure of the perimeter.
2. The following activities must be notified or reported to the local authority concerned in accordance with the applicable legislation.
  3. Should the area in which the operator is authorised to carry out the work referred to in paragraph 1 not be available to said operator, the applicable provisions of Article 49 of the Decree of the President of the Republic No. 327 of 8 June 2001, the “Consolidated Act containing the legislative and regulatory provisions concerning compulsory purchase for public purposes” will have effect. The owner of the area is entitled to receive compulsory purchase compensation pursuant to Article 50 of the aforementioned decree of the President of the Republic. The associated costs are to be borne by the operator which benefits from the use of the site. Should the operator not construct the nuclear power plant for any reason, it must restore the site to a usable state and, if this is not possible, compensate the owner for the damage caused to their asset.

### ***Article 13***

#### ***(Single licence for the construction and operation of nuclear power plants and certification of the operator)***

1. Within the timeframe established in Article 11 paragraph 11 which may be extended in accordance with paragraph 12 of the same article, the operator holding the rights to the certified site submits the relevant single licence application to the Ministry of Economic Development for construction and operation of the plant as well as storage of spent fuel and radioactive waste in facilities directly associated with the nuclear power plant and located on the same site, and in particular for the certification of the applicant; any resulting costs are provided for in the context of the economic and financial aspects of the work.
2. The application must contain the following data and information (otherwise it will be rejected). This content is analytically established by decree of the Minister for Economic Development, in conjunction with the Minister for the Environment, Land and Sea and the Minister for Infrastructure and Transport, having consulted the Agency, to be issued within 90 days of the present decree coming into force concerning:
  - a) the full trading name of the applicant or consortium, with its organisational structure;
  - b) documentation demonstrating the availability of the technical capabilities referred to in Article 5;
  - c) documentation demonstrating the financial soundness of the operator and the existence of sufficient financial resources to cover the investments;

- d) documentation concerning land use planning and environmental and countryside protection;
- e) the final plan of the plant, to be compliant, in particular, with the environmental safety requirements pursuant to Legislative Decree No. 152 of 3 April 2006 as amended, to include, whilst not being limited to, the nature, characteristics and lifetime of the plant and associated installations, the operational procedures for storing spent fuel and radioactive waste and the related facilities on the site and connected to the nuclear power plant;
- f) the environmental impact study for the purposes of the EIA procedure;
- g) the final safety report;
- h) documentation of the plant operating model, and the following in particular:
  - I. quality assurance manual;
  - II. operating rules;
  - III. draft operating manual;
  - IV. cold functional testing programme;
  - V. test programme with the nuclear fuel loaded;
  - VI. a provisional organisational chart showing the technical personnel operating the plant and their supervisors and those in important positions in relation to nuclear safety or health protection and the associated certificates of compliance.
- i) a preliminary study of plant decommissioning, including an evaluation, based on the provisions of European directives, of the volume and the packaging, transport and delivery of the radioactive waste and spent nuclear fuel, with an indication of the anticipated costs involved;
- l) a list of the necessary public utility easements in relation to surrounding assets;
- m) suitable financial guarantees for the purposes envisaged by the applicable national and international legislation concerning third party liability arising from the peaceful uses of nuclear energy. The procedures for extending the guarantee to the activities referred to in Article 19 paragraph 2 of the present legislative decree are established by decree of the Minister for Economic Development in conjunction with the Minister for the Economy;
- m) suitable documentation of the existence of sufficient financial resources and insurance cover against the risk of failure to meet construction deadlines for reasons beyond the control of the licence holder, in accordance with the procedures established in the decree referred to in Article 15;
- n) documentation confirming compliance with the provisions of the Euratom Treaty;

- o) an up-to-date estimate of the amount of contributions due, pursuant to Article 23, in the form of compensation for the residents and businesses operating in the vicinity of the site and for the local authorities affected, including an indication of the dates by which these payments are planned to be made.
3. The application must be submitted at the same time to the Ministry of the Environment, Land and Sea, in particular for the purposes of initiating the environmental impact assessment (EIA) process, and also to the Ministry of Infrastructure and Transport.
4. The Ministry of Economic Development forwards the application to the Agency which carries out the technical assessment work, making use where necessary of the technical offices at the Ministry of the Environment, Land and Sea. The Agency reports its binding opinion within twelve months of the application and the associated documentation being received by the Ministry of Economic Development, for the purposes of ensuring the high levels of safety necessary to meet the requirements of protecting the health of the population and the environment.
5. As part of the assessment process, the Agency approaches the relevant authorities identified on the basis of the particular plan under assessment, for the opinions and permits falling within their competence, which must be provided within sixty days of request.
6. For the purposes of completing the assessment process, the Agency obtains the Environmental Impact Assessment (EIA) and the Integrated Environmental Authorisation (IEA), pursuant to Legislative Decree No. 152 of 3 April 2006 as amended, together with the reasoned opinion of the respective committees and acts in accordance with the findings.
7. For the purposes of the IEA, the EIA committee carries out the assessments pursuant to Legislative Decree No. 152 of 3 April 2006 as amended, in accordance with the procedures and strictly within the timescales established therein, whilst not duplicating the assessments which it has already made during the SEA. This is without prejudice to the Agency's assessment of the site location.
8. The Agency establishes the technical requirements to which the plant will be subject. These technical requirements constitute an integral and substantive part of the single licence. The Agency also stipulates any requirements concerning the certification of the applicant.
9. The Ministry of Economic Development, pursuant to the Euratom Treaty, notifies the European Union for the purposes of obtaining the views of the European Commission as required.
10. On completion of the assessment process, the Agency, taking into account the outcome of the EIA process, issues a binding opinion to the Ministry of Economic Development which, on that basis and within thirty days of notification of this opinion, convenes a services conference pursuant to Articles 14 *et seq.* of Law No. 241 of 7 August 1990, involving the Agency, the ministries concerned, the region and local authorities affected and all other involved parties and administrations, to be identified on the basis of the individual plan, which have not yet expressed their view or given their authorisation in the context of the assessment carried out by the Agency.
11. Should the necessary agreement not be reached with one of the local authorities involved during the services conference referred to in the previous paragraph, the President of the Council of Ministers, at the instigation of the Minister for Economic Development, allocates the authority



in question a suitable period of time in order to reach agreement. If agreement has not been reached by the end of this term, then following a resolution by the Council of Ministers attended by the President of the region affected, at the instigation of the Minister for Economic Development and in conjunction with the Minister for the Environment, Land and Sea and the Minister for Infrastructure and Transport, a decree of the President of the Council of Ministers is adopted *in lieu* of agreement.

12. Within thirty days of the successful conclusion of the assessment process, the Minister for Economic Development, in conjunction with the Minister for the Environment, Land and Sea, the Minister for Infrastructure and Transport, issues the single licence by decree; the licence is published in the *Official Gazette of the Italian Republic* and on the websites of the Agency and the Ministries concerned. The aforementioned decree also has the effect of certifying that the licence holder meets the requirements.
13. The single licence indicates:
  - a) the identity of the licence holder;
  - b) the nature, characteristics and life time of the plant and associated installations;
  - c) the boundary of the installation;
  - d) its date of coming into force and duration, together with the renewal frequency;
  - e) the acceptance criteria ensuring the conformity of the plant and its infrastructure to the specified requirements;
  - f) the inspections, tests and analyses which the licence holder is required to carry out, together with the specification of the technical procedures for doing so;
  - g) the provisions of Legislative Decree No. 230 of 17 March 1995 as amended, in terms of nuclear safety and health protection;
  - h) the requirements and disclosure obligations, including the process and time frames, for ensuring the co-ordination and protection of the national electricity system and the safeguarding of the environment;
  - i) the provision of the financial guarantee for third party civil liability;
  - l) any other provision deemed necessary in order to protect the environment and public utility.
14. The single licence also constitutes a licence for operating nuclear power plants and nuclear fuel fabrication facilities, pursuant also to Article 6 of Law No. 1860 of 31 December 1962, subject to the acquisition by the operator of the necessary approval certificates relating to acceptance testing, non-nuclear and nuclear tests issued by the Agency.
15. The single licence constitutes a declaration of public utility, a statement that the works are urgent and cannot be postponed and, where appropriate, a declaration of non-transferability and the posting of the compulsory purchase order for the assets contained therein. The single licence represents a variation of the land-use planning process and replaces any administrative

measures, authorisations, concessions, licences, permits, deeds of consent and administrative deeds, regardless of their denomination, which may be required under the legislation in force, thereby conferring entitlement to construct and operate the plant in accordance with the approved plan.

#### ***Article 14***

##### ***(Suspension and revocation of the single licence)***

In the event of serious or repeated breaches of the obligations and the stated requirements, with particular regard to the commission of any of the offences specified by Article 33, the Minister for Economic Development may suspend or, in extreme cases, revoke the single licence.

#### ***Article 15***

##### ***(Responsibilities of the licence holder in relation to safety and radiation protection controls)***

1. Without prejudice to the provisions concerning safety and radiation protection controls, the licence holder is also responsible for:
  - a) plant safety;
  - b) training the workers at the plant, with particular regard to the prevention of risks associated with the process of constructing and operating the plant;
  - c) compliance with the Agency's requirements in relation to safety and, in particular, to the construction and operation of the plants;
  - d) providing wide-ranging and detailed information to the general public involved, in appropriate formats, with the aim of creating suitable conditions for the implementation and management of the nuclear power plant to which the licence pertains.
2. The costs relating to the safety and radiation protection inspections carried out by the Agency, which must in any case ensure maximum transparency in dealings with citizens and local administrative bodies, and must be carried out within specific time frames that are compatible with the complex planning of the activities, are to be borne by the licence holder.
3. The licence holder, under the supervision of the Agency, is responsible for regularly assessing and verifying and continuously improving the nuclear safety of the plant in a systematic and verifiable manner, ensuring the establishment and implementation of management systems which afford due priority to nuclear safety, and measures for preventing accidents and mitigating their consequences, including suitable physical barriers and administrative protection procedures whose failure would significantly expose workers and the general public to ionising radiation, whilst providing and maintaining financial and human resources for fulfilling the above commitments.

## ***Article 16***

### ***(Licence holder's annual report)***

1. The licence holder is required to notify the Agency promptly of any significant incidents and events regarding nuclear safety and radiation protection occurring on the site, together with the measures put in place to restore correct operation and limit the impact on human health and the environment.
2. The licence holder will send the Agency a report by the end of each calendar year concerning the construction/operation of the nuclear power plant, containing the following information:
  - a) the progress status of the construction works, the causes of any delays and the updated planned completion timescales;
  - b) procedures adopted for the correct fulfilment of all the requirements imposed by the single licence, including those relating to the construction phases and, where applicable, the test period prior to the plant entering service;
  - c) measures adopted in order to ensure nuclear safety and protection from ionising radiation;
  - d) nature and results of the monitoring of radioactive and other emissions from the nuclear power plant into the environment;
  - e) nature and quantity of radioactive waste present on the nuclear power plant site, together with the measures adopted for limiting its production and its impact on health and the environment.
3. The report is also sent to the Public Assessment and Transparency Committee described in Article 22 and is published on the websites of the licence holder and the Agency.

## ***Article 17***

### ***(Financial resources and insurance cover)***

Within 60 days of the entry into force of the present decree, by decree of the Minister for Economic Development in conjunction with the Minister for the Economy and Finance, financial resources and insurance cover are established to guard against the risk of delays in constructing and commissioning the plants for reasons beyond the licence holder's control, with the exclusion of risks arising from the contractual relationships with the suppliers, which are to be borne by the licence holder.

## ***Article 18***

### ***(Surveillance and administrative suspension of the plants)***

1. The Agency is responsible for verifying that the licence holder properly complies with all the requirements stipulated in the licence.
2. Without prejudice to the provisions concerning breaches of the legal and licence requirements, if, during the exercise of its monitoring role in relation to the construction and operation of the plant and the safety measures, the Agency should bring to light situations of undue risk, it will

issue technical instructions and corrective measures designed to eliminate the problem, which are to be implemented within a timeframe of its choosing.

3. The licence holder will adopt without delay safety measures which have been indicated by the Agency as being of immediate urgency. The licence holder will also have thirty days from the issue of the instructions referred to in paragraph 2 to submit technical solutions and suitable practical measures for the Agency's approval with the aim of ensuring further improvements.
4. Within the subsequent fifteen-day period, the Agency will confirm the instructions as issued or will produce a new and final version of them, establishing the fixed term within which the licence holder must comply with the instructions and the measures specified. In the event of failure to comply with the above within the specified timeframe, the Agency may suspend the activities for which the single licence had been issued.
5. The measures adopted by the Agency are made public on its official website and on that of the Ministry of Economic Development.

#### *Article 19*

##### *(Provisions concerning the disposal of radioactive waste)*

1. The licence holder is responsible for the management of operational radioactive waste and nuclear fuel throughout the life cycle of the plant. For this purpose, operational radioactive waste is taken to mean those produced during the operation of the nuclear power plant which is managed by the operator in line with the current regulations together with the technical and operational instructions issued by the Agency, which may be stored temporarily on the plant site prior to transfer to the national waste repository.
2. The licence holder is responsible, in accordance with the applicable legislation and in particular the provisions of Chapter VII of Legislative Decree No. 230 of 17 March 1995 and the operational instructions issued by the Agency, for the treatment and conditioning of the operational waste, its disposal to the national waste repository and the storage of the spent fuel at said national waste repository.
3. The costs of the operations described in paragraph 2 are to be borne by the licence holder.

#### *Article 20*

##### *(Plant decommissioning provisions)*

1. The plant decommissioning work will be the responsibility of Sogin S.p.A. in accordance with its company's objects, the strategic guidelines of the Minister for Economic Development and the Minister for the Economy and Finance pursuant to Article 27 paragraph 8 of Law No. 99 of 23 July 2009, together with the relevant applicable provisions.
2. At the end of a plant's life cycle, Sogin S.p.A. takes charge of the safety management of the plant and carries out all the work concerning the decommissioning of the plant up to the release of the site for other uses.
3. At the end of the plant's life cycle, Sogin S.p.A. estimates the decommissioning costs jointly with the operator, seeking confirmation from a competent third party if necessary.

4. The decommissioning work is to be financed through the fund described in Article 21, containing the payments made by the licence holder.
5. If, at the end of the useful life of each plant, the associated decommissioning costs as assessed by Sogin S.p.A. exceed the amount deposited by the licence holder, the latter will be required to credit the fund with the difference.
6. Sogin S.p.a. is subject to the provisions of Articles 15, 18 and 22, insofar as they are applicable.

#### *Article 21*

##### *(Decommissioning fund)*

1. The decommissioning fund pursuant to Article 25 paragraph 2(n) of Law No. 99 of 23 July 2009, is held at the State Equalisation Fund for the Electricity Industry and is maintained by the licence holders which make a payment for each year of plant operation. The fund is divided into sections – one for each nuclear power plant – to which the payments made by the individual licence holders from the end of the first year of operation of the associated plants are allocated. The State Equalisation Fund manages the fund and may make interest-bearing investments with a risk profile no more adverse than that of Government bonds, provided that the necessary liquidity of the fund is not jeopardised.
2. The extent of the regular payment described in paragraph 11 is determined by the AEEG (the Italian Electricity And Gas Authority) on the basis of a recommendation from Sogin S.p.a. and with advice from the Agency, taking similar experience with the same technology elsewhere in the world as a yardstick and in any case using efficiency criteria and taking into account the estimate for the decommissioning of plants as submitted by the operators during the authorisation phase. The amount is reviewed each year in accordance with the indices established by the AEEG and a fresh assessment is made every five years.
3. The financial resources assigned to the fund are checked and verified annually by AEEG which, through the State Equalisation Fund referred to in paragraph 1, arranges for the funds to be paid on the basis of the progress of the relevant works, subject to checks and inspections of the plans and costs of decommissioning the nuclear power plants, together with the conditioning, transport and delivery of the radioactive waste, as submitted by the operators, in accordance with current legislation.

#### *Article 22*

##### *(Public assessment and transparency committees)*

1. A “Public Assessment and Transparency Committee” is established, without the need for new or additional public funding, for each region whose territory contains a certified site (as defined in Article 8 paragraph 4), and also in the region containing the site selected as the location for the national waste repository. Its remit is to ensure public information, monitoring and public assessment of the activities concerning the authorisation process, the construction, operation and decommissioning of the nuclear power plant involved and the measures adopted to protect the health of the workers and the local population and to safeguard the environment.
2. For these purposes, the holder of the rights to the site is required to respond to the requests of the Public Assessment and Transparency Committee, to provide it with all the information and

data sought, except for information of a sensitive commercial nature and that which concerns the physical safety measures in place at the nuclear power plant.

3. Any person interested in obtaining information about the plans and activities of the nuclear power plant and the measures adopted in terms of nuclear safety, radiation protection and the prevention or reduction of risks and exposures may contact the Public Assessment and Transparency Committee which is required to provide the information in its possession or which has been acquired from the licence holder for the purpose.
4. The Public Assessment and Transparency Committee which is established by decree of the Minister for Economic Development in conjunction with the Ministry of the Environment, Land and Sea, the Minister for Infrastructure and Transport and whose costs are to be borne by the operator has the following members:
  - a) the President of the Region affected, or designed deputy, who chairs the Committee;
  - b) the President of the Province affected, or designed deputy;
  - c) the Mayor of the municipality(ies) in whose territory the plant is located, together with the mayors of the adjacent municipalities, as established in Article 23 paragraph 4;
  - d) the Prefect or a designated deputy;
  - e) a representative of the Ministry of Economic Development;
  - f) a representative of the Ministry of the Environment, Land and Sea;
  - g) a representative of the Ministry of Education, Research and the Universities;
  - h) a representative of ISPRA;
  - i) a representative of the Ministry of Infrastructure and Transport;
  - l) a representative of the ARPA (Regional Environmental Protection Agency) of the region affected;
  - m) a representative of the Agency;
  - n) a representative of the holder of the rights to the site and, following issue of the single licence, the licence holder;
  - o) a delegate of the most representative environmental association at regional level;
  - p) a delegate of the local business community from the most representative trade association at regional level;
  - q) a delegate of the most representative trade union at regional level;
  - r) a qualified radiation protection expert appointed by the Agency.
5. The members of the Committee serve for five-year terms, except those who are serving in an elected capacity, who remain in post for the entire duration of their elected term. The Public

Assessment and Transparency Committee meets ordinarily at least once a year at the behest of the Chairman or whenever the latter deems it necessary or opportune. Its members serve the Committee without emoluments or remuneration.

6. The Public Assessment and Transparency Committee may request reports in relation to certain technical, radiation protection and environmental issues from qualified public bodies, such as the universities, public research authorities, ISPRA or the ARPAs, the costs of which are deducted by the operator from the annual fees referred to in Articles 23 and 30.

### *Article 23*

#### *(Direct economic benefits for residents, local authorities and businesses operating in the locality)*

1. The issue of the single licence must be accompanied by a commitment on the part of the operator to ensure that residents and businesses operating in the vicinity of the nuclear power plant site, as well as the local authorities affected, are afforded economic benefits; these benefits are to be provided exclusively by the businesses involved in the construction or operation of the plants and infrastructure which is the subject of the single licence.
2. The holder of the single licence for plants generating nuclear power, jointly and severally with the other parties bound referred to in paragraph 1, grants the beneficiaries referred to in paragraph 4:
  - a) an all-inclusive financial benefit as from the start of the plant construction works, to be paid for each calendar year, or part thereof, of the construction plan for the nuclear power plant as approved by the single licence. The unit rate on which the aforementioned benefit is based depends on the nominal electrical power rating of the plant under construction, namely EUR 3 000/MW up to 1 600 MW, with a 20% premium for any installed power in excess of this level;
  - b) an all-inclusive financial benefit due as from the plant's entry into service, to be paid on a quarterly basis in arrears for each quarter, or part thereof, in which the nuclear power plant is in operation, in proportion with the electricity which is generated and supplied to the network, to the value of EUR 0.4/MWh.
3. The holder of the single licence in relation to nuclear fuel fabrication facilities grants, jointly and severally with the other parties bound referred to in paragraph 1, a financial benefit to the beneficiaries referred to in paragraph 4, to be paid on an annual basis in arrears for each year, or part thereof, in which the plant is in operation, calculated on the basis of criteria established by subsequent decree of the Minister for Economic Development in conjunction with the Minister for the Economy and Finance.
4. The financial benefits mentioned in paragraphs 2(a) and 3 are apportioned on a geographical basis, namely 10% to the province(s) in whose territory the plant is located, 55% to the municipality(ies) where the plant is located and 35% to adjoining municipalities, i.e. those whose territory falls wholly or partly within 20 km of the boundary of a power plant or 10 km of that of a nuclear fuel production facility. The payment due in the latter case is calculated in proportion to the area and the population resident within the specified distances, taking account, in particular, of territorial equalisation factors.

5. The template for the agreements to be stipulated between the licence holder and the local authorities identified in paragraph 4 is specified by decree of the Minister for Economic Development in conjunction with the Minister for the Economy and Finance and in light of the view of the Unified Conference, along with the criteria and process for paying the benefit as mentioned in paragraph 2(a), apportioned as follows:
  - a) 40% in favour of the local authorities;
  - b) 60% in favour of the residents and local businesses operating in the vicinity of the nuclear site, through a reduction in energy costs, the TARSU (refuse collection charge) and the additional IRPEF (individual income tax), IRES (corporation tax) and ICI (local property tax) levies.
6. In the context of the financial benefits referred to in paragraph 5(a), the agreements referred to in the same paragraph may entail one or more structural interventions in terms of the health of the population, the environment and cultural heritage, and may also establish the procedures for awarding these works to the local authorities.
7. The benefits referred to in paragraphs 2(b) and 3 are provided to reduce the costs of electricity provision in favour of end customers in the territories of the local authorities referred to in paragraph 4, in accordance with the criteria and procedures established by decree of the Minister for Economic Development, in conjunction with the Minister for the Economy and Finance, at the behest of the Electricity and Gas Authority and in the light of the views expressed by the local authorities affected.
8. The benefits mentioned in paragraph 2 are revised on an annual basis by decree of the Minister for Economic Development on the basis of the national domestic and business consumer price trends.
9. The parties responsible for bearing the costs are prohibited from passing on the costs of the benefits described in the present article to the end users. The Electricity and Gas Authority monitors to ensure compliance with this prohibition.

#### *Article 24*

#### *(Expiry of benefits)*

In the event that the construction or operation of the plant ceases permanently, for whatever reason, the benefits granted to the residents, local authorities and businesses will automatically cease to apply with effect as from the cessation date; any benefits paid in advance will not be claimed back.



### **TITLE III**

#### **Procedures for the siting, construction and operation of the national waste repository for the permanent disposal of radioactive waste, the technology park and the associated compensatory measures**

##### *Article 25*

##### *(National waste repository and technology park)*

1. The provisions of this Title govern the siting, construction and operation of the national waste repository referred to in Article 2(i), in the context of the technology park discussed in the present article, without prejudice to the other current relevant legislative and technical provisions.
2. The technology park is equipped with shared facilities for the services and functions necessary in order to manage an integrated system of operational work, scientific research and technology development. It has the technological infrastructure for carrying out the work associated with the management of radioactive waste and spent fuel, including its characterisation, treatment, packaging and storage, together with the pursuit of all research, educational and technology development activities associated with the management of radioactive waste and radiation protection, in accordance with the procedures established by decree of the Minister for Economic Development in conjunction with the Minister for the Environment, Land and Sea and the Minister for Education, the universities and research.
3. Sogin S.p.A. develops the technology park and, in particular, the national waste repository and its supporting technological infrastructure, using funds provided by the financing of the activities for which it is responsible. On the basis of agreements between the Government, the region, the local authorities affected, together with other bodies and private parties, other/additional sources of finance may be established for the development of the study and experimental research centre.

##### *Article 26*

##### *(Sogin S.p.A.)*

1. Sogin S.p.A., in accordance with the measure in Article 27 paragraph 8 of Law No. 99 of 23 July 2009, is the organisation responsible for decommissioning plants at the end of their useful life, maintaining them in a safe condition, and constructing and operating the national waste repository and the technology park referred to in Article 24, including the treatment and disposal of radioactive waste.

To that end it:

- a) manages the work involved in finding a site for the technology park, in line with Article 25;
- b) is responsible for the work related to the authorisation process for constructing and operating the technology park and the treatment and disposal of radioactive waste;
- c) is responsible for the implementation and operation of the technology park;

- d) collects the payment for the activities described in Article 27 from the operators involved in the treatment and disposal of radioactive waste, in line with processes and tariffs established by decree of the Ministry of Economic Development in conjunction with the Ministry of the Economy and Finance, and pays the local authorities the monies to which they are entitled, calculated pursuant to Article 29 of the present legislative decree;
  - e) provides wide-ranging and detailed public information and communication campaigns in relation to the activities which it carries out, with the aim of creating suitable conditions for the implementation and management of the plants.
2. The work mentioned in paragraphs 1(c) and 1(e) is subject to monitoring and control by the Agency and, in relation to that in paragraph 1(d) only, also to the monitoring and control of the Electricity and Gas Authority pursuant to Law No. 481 of 14 November 1995.

### *Article 27*

#### *(Single licence for the construction and operation of the technology park)*

- 1. Within six months of the entry into force of the present legislative decree, Sogin S.p.A., taking into account the criteria identified by the IAEA and the Agency and on the basis of the outcomes of the strategic environmental assessment procedure referred to in Article 9, proposes a national map of potentially suitable areas for siting the technology park, ranking the aforementioned areas in a suggested order of suitability on the basis of technical and socio-environmental characteristics of the areas initially identified, together with a draft outline plan for development of the technology park.
- 2. The contents of the draft outline plan and the documentation accompanying it are as indicated below:
  - a) documentation concerning the type of radioactive materials to be stored in the national waste repository (acceptability criteria for storage; acceptable methods of packaging; radiological inventory etc.);
  - b) a preliminary indication of the total capacity of the national waste repository which may be based on a modular construction;
  - c) identification of the safety criteria underlying the repository design;
  - d) an indication of the relevant infrastructure facilities of the national waste repository;
  - e) criteria for devising the survey plan, and the content thereof, for establishing the suitability of the site;
  - f) an indication of the required staffing for the national waste repository at the various stages in its life, including plans for the recruitment of personnel from the local resident population in line with the professional skills required, together with plans for specific training courses;
  - g) an indication of the means of transporting the radioactive material to the national waste repository and the criteria for evaluating the suitability of access roads to the site;
  - h) an outline indication of the facilities to be provided at the technology park and the potential

benefits for the local area, including in employment terms;

- i) a quantitative estimate of the benefits for local residents, businesses operating in the locality around the site and the local authorities affected, with the plans and timeframes for making them available.
3. The proposed national map of potentially suitable areas, together with the order of suitability of the areas identified on the basis of their technical and socio-environmental characteristics, the draft outline plan and the documentation specified in the previous paragraphs are published in a timely fashion on the website of Sogin S.p.A., which at the same time will advertise the fact in at least five national daily newspapers. The Regions, local authorities and qualified stakeholders then have sixty days from the date of publication to formulate comments and technical proposals, which should be submitted to Sogin S.p.A. in writing (and not anonymously) via a duly specified e-mail address. The notifications on the websites and in the daily newspapers will indicate the offices where the documents can be consulted in full, together with the process, the timescales, the form and the guidance for formulating comments or proposals. This public consultation is carried out in compliance with the principles and measures contained in Law No. 241 of 7 August 1990.
  4. Within 60 days of publication referred to in paragraph 3, Sogin S.p.A. organises a National symposium, whose invited attendance is to include the Ministries involved and the Agency, the Regions, the Provinces and Municipalities whose territories contain the areas affected by the proposed National map of the potentially suitable areas, referred to in paragraph 1, together with UPI (the Union of Italian Provinces), ANCI (the National Association of Italian Municipalities), the Industrial associations of the Provinces affected, the most representative Trade unions in the area, the Universities and the Research bodies in the areas involved. The Symposium involves detailed discussion of all the technical issues concerning the technology park, with particular regard to the full and accurate compliance of the areas identified with the requirements of the IAEA and the Agency and the issues relating to the safety of the workers, the local population and the environment, together with illustrations of the potential economic and territorial development benefits associated with the development of these facilities and the compensation measures referred to in Article 30 paragraph 2.
  5. On the basis of the comments which have been made following the publication of the documentation and the symposium, referred to in the previous paragraphs, and formally submitted to Sogin S.p.A. within 30 days of this Symposium, Sogin S.p.A. will produce an updated version of the proposed National map of the potentially suitable areas, ranked in line with the criteria established above, within a further sixty days, and send it to the Ministry of Economic Development.
  6. The Minister for Economic Development issues a decree, in conjunction with the Minister for the Environment, Land and Sea and the Minister for Infrastructure and Transport, and in light of the technical opinion of the Agency, which is to be provided within sixty days, to approve the national map of potentially suitable sites for the technology park. The map is published on the websites of Sogin S.p.A., the aforementioned ministries and the Agency.
  7. Within thirty days of approval of the Map, Sogin S.p.A. invites the regions and local authorities from the areas which are potentially suitable for siting the technology park to make known their interest in having it in their area, and instigates bilateral negotiations for the purpose of agreeing a site, to be formalised with a specific protocol of agreement. The expression of interest on its own does not constitute a commitment of any kind on the part of the regions or local authorities.

In the absence of expressions of interest, Sogin S.p.A. pursues bilateral negotiations with all the regions involved. Should there be several protocols, each of these establishes the level of priority of the area on the basis of its technical, economic, environmental and social characteristics, as specified by Sogin S.p.A. in terms of the criteria set by the International Atomic Energy Agency (IAEA) and by the Agency. At the conclusion of the process, the Ministry of Economic Development obtains the agreement of the regions involved.

8. Should the agreement referred to in paragraph 7 not be reached within sixty days of the request for it being received, an Inter-institutional Committee to pursue this agreement is established within the following thirty days, whose members are appointed so as to ensure equal representation, respectively, of the Ministry of Economic Development, the Ministry of the Environment, Land and Sea and the Ministry of the Infrastructure and Transport, on the one hand, and the region on the other. The Inter-institutional Committee's method of operation is established within the above timeframe by decree of the Minister for Economic Development, in conjunction with the Minister for the Environment, Land and Sea and the Minister for Infrastructure and Transport, with the prior opinion of the Unified Conference which is to be provided within thirty days of request; the members of the Committee are not paid for their services. Should it not be possible to establish the aforementioned Inter-institutional Committee, or should agreement still not be reached within the subsequent sixty days, the agreement is made by decree of the President of the Republic, after discussion with the Council of Ministers with the participation of the President of the Region affected.
9. On completion of the procedure described in paragraphs 7 and 8, the Minister for Economic Development notifies the Unified Conference of the proposed potentially suitable areas, in relation to which the regional agreement has been reached, pursuant to Article 8 of Legislative Decree No. 281 of 28 August 1997, which sets out the agreement reached within the timeframes established in Article 3 of said legislative decree and, in any case, not later than ninety days from receipt of the associated request. If no agreement is reached, the Council of Ministers makes a reasoned resolution, in accordance with the provisions of the aforementioned Article 3, on the basis of the agreements already reached with the individual regions affected by each site.
10. Within 270 days of the protocol referred to in paragraph 7, Sogin S.p.A. will carry out the technical surveys, following the procedures established by the Agency, for each area which is subject to the agreement in the order of suitability referred to in the aforementioned paragraph in order to establish which one will be used as the site for the technology park. The provisions of Article 12 will apply. The Agency monitors the progress of the technical surveys, examines the final results and expresses a binding opinion to the Ministry of Economic Development as to the suitability of the proposed site. Once the technical surveys have been completed, Sogin S.p.A. will formulate a site proposal and submit it to the Ministry of Economic Development.
11. Within thirty days of receiving the proposal, the Minister for Economic Development, in conjunction with the Minister for Infrastructure and Transport, and the Minister for the Environment, Land and Sea, having consulted the Minister for Education, the universities and research in terms of matters concerning research, on the basis of the proposal devised by Sogin S.p.A. and the binding opinion of the Agency, determines the site for the technology park by decree and confers the right to carry out the activities mentioned in the present Article exclusively to Sogin S.p.A. By the same decree, the area involved is declared to be of national strategic interest and becomes subject to special forms of monitoring and protection, and the relevant compensation measures are established. The decree is published in the *Official Gazette of the Italian Republic*, as well as on the websites of the aforementioned Ministries, Sogin S.p.A. and the Agency.

12. Within thirty days, Sogin S.p.A. will initiate a wide-ranging and detailed information and communication campaign in the Region containing the pre-selected site for the technology park, for the purposes of providing the necessary information about the national waste repository to the local population and authorities. This campaign will give particular consideration to safety, environmental protection and the socio-economic, cultural and territorial development impact of the development of the technology park, together with the planned compensation measures, including the extent of the compensation and the procedures and timescales for making it available to the population affected.
13. Within four months of publication of the decree referred to in paragraph 11, Sogin S.p.A. will apply, following the procedures set out in Article 28, to the Ministry of Economic Development for the single licence to construct and operate the national waste repository and to implement all the other related facilities which comprise the technology park. The assessment of this application is then carried out by the Agency within at most one year from the submission of the application.
14. On completion of the assessment work, the Agency, taking into account the outcome of the EIA process, issues a binding opinion to the Ministry of Economic Development which, on that basis, within thirty days of notification of this opinion, calls a meeting of the services conference pursuant to Articles 14 *et seq.* of Law No. 241 of 7 August 1990, involving the relevant ministries, the region and local authorities affected and all other involved parties and administrations, to be identified on the basis of the individual plan, which have not yet expressed their view or given their authorisation in the context of the assessment analysis carried out by the Agency.
15. Should the necessary agreement not be reached with one of the local authorities involved during the services conference referred to in paragraph 14, the President of the Council of Ministers, at the instigation of the Minister for Economic Development, allocates the authority in question a suitable period of time in order to reach agreement. If no agreement has been reached by the end of this term, then following a resolution by the Council of Ministers attended by the President of the region affected, a decree of the President of the Council of Ministers (at the instigation of the Minister for Economic Development and in conjunction with the Minister for the Environment, Land and Sea and the Minister for Infrastructure and Transport) is adopted *in lieu* of agreement.
16. Within thirty days of successful conclusion of the assessment process, the Minister for Economic Development, in conjunction with the Minister for the Environment, Land and Sea and the Minister for Infrastructure and Transport, issues the single licence by decree; the licence is published in the *Official Gazette of the Italian Republic* and on the websites of the Agency and the Ministries concerned.
17. The single licence establishes:
  - a) the characteristics of the national waste repository and the other related facilities comprising the technology park;
  - b) the boundary of the installation;
  - c) the inspections, tests and analyses which Sogin S.p.A. is required to carry out following issue of the single licence;

- d) the acceptance criteria to ensure that the technology park, the associated facilities and related installations are constructed and operated in conformance with the documentation accompanying the licence application referred to in Article 28, additionally including specifications of the technical procedures for carrying out the inspections, tests and analyses;
- e) the information requirements and commitments with which Sogin S.p.A. is required to comply in order to ensure the necessary protection and safeguards for the public and the environment, together with the time frame within which the works must be completed.

### *Article 28*

#### *(Application for the single licence and the associated assessment)*

1. The application for the single licence to construct and operate the technology park and the associated facilities must contain the following documentation:
  - a) a final plan of the technology park;
  - b) the environmental impact study for the purposes of the EIA procedure;
  - c) the final safety report;
  - d) documentation comprising the national waste repository operating model, and in particular:
    - the operating rules;
    - the operating manual;
    - the general testing programme for the handling and storage of radioactive waste;
    - the organisational chart showing the personnel operating the facility and their supervisors, and those in important positions in relation to nuclear safety or health protection and the associated certificates of compliance;
  - e) a list of the easements to be established for third party real assets for the construction and operation of the plants and associated activities;
  - f) an appropriate financial guarantee pursuant to Article 22 of Law No. 1860 of 31 December 1962; documentation confirming compliance with the provisions of the Euratom Treaty.
2. During the course of the assessment process, the Agency:
  - a) evaluates the documentation accompanying the application, with a particular view to establishing the technical requirements to which the national waste repository will be subject;
  - b) requests the opinions from the competent authorities, which must be provided within 60 days of the request to do so;
  - c) notes the outcome of the Environmental Impact Assessment (EIA) carried out in line with the applicable regulations;

- d) notifies the European Union, as required by the Euratom Treaty, in order to elicit the view of the European Commission.
3. Once the assessment process is complete, the Agency reports its binding opinion to the Minister for Economic Development for the purposes of the issue of the single licence pursuant to Article 26.

#### *Article 29*

##### *(Payment for depositing radioactive waste and spent nuclear fuel)*

The tariffs for payment for delivering radioactive waste and spent nuclear fuel from nuclear power plants to the national waste repository are set on an annual basis by the Electricity and Gas Authority pursuant to Law No. 481 of 14 November 1995, in accordance with criteria which are reviewed every four years, on the basis of the estimate provided by Sogin S.p.A. of the costs of storing the waste safely, taking in account any additional services required such as characterisation, conditioning and repackaging, together with the compensatory measures discussed under Article 30.

#### *Article 30*

##### *(Compensatory measures)*

1. In order to optimise the socio-economic, employment and cultural impact of the development of the technology park, the locality surrounding the site is entitled to a financial benefit in relation to the radioactive waste deriving from the activities governed by Title II of this legislative decree and another in relation to the radioactive waste deriving from the activities governed by previous legislation.
2. As regards the radioactive waste deriving from the activities governed by Title II of this legislative decree, the payment referred to in paragraph 1 is to be made by Sogin S.p.A. in accordance with criteria established by decree of the Minister for Economic Development in conjunction with the Minister for the Environment, Land and Sea and the Minister for the Economy and Finance, taking account of the overall volume and radioactive content. This benefit is apportioned in accordance with the provisions of Article 23 paragraph 4.
3. The provision in paragraph 2 is not applicable to radioactive waste resulting from activities which had already ceased at the date of entry into force of the present decree, for which the provisions of Article 4 of Decree Law No. 314 of 14 November 2003, as converted with amendments, by Law No. 368 of 24 December 2003, as amended by Article 7-ter of Decree Law No. 208 of 30 December 2008, as converted with amendments, by Law No. 13 of 27 February 2009, will continue to apply.
4. The procedure for transferring the monies to the local authorities involved is governed by a specific agreement to be stipulated with Sogin S.p.A.
5. The local authorities receiving the benefits referred to in the previous paragraph are required to pay a percentage of them, in accordance with transparent criteria and procedures established in advance, to the residents and businesses operating in the locality within 20 km of the site, by means of a corresponding reduction in the municipal refuse charge or similar measures.

## TITLE IV

### Information Campaign

#### *Article 31*

##### *(Information campaign)*

1. The Ministry of Economic Development, in consultation with the Ministry of the Environment, Land and Sea and the Ministry of Infrastructure and Transport, puts forward a programme for establishing and implementing a “national information campaign on energy production from nuclear sources”. This process involves, subject to the budgetary resources allocated for the purpose and by means of a suitable agreement, the national Agency for inward investment promotion and enterprise development (Agenzia per l’attrazione degli investimenti e lo sviluppo d’impresa S.p.A.) and envisages the involvement, under the auspices of this agreement, of a representative of the Electricity and Gas Authority (AEEG), the Department for information and public relations of the Office of the President of the Council of Ministers, the National Nuclear Safety Agency, ISPRA, the National Agency for New Technologies, Energy and Sustainable Economic Development (ENEA), the institutions, territory and environment office of the National Association of Italian Municipalities (ANCI) and the designated specialist referred to in paragraph 2.
2. The programme referred to in paragraph 1 requires the approval by decree of the Minister for Economic Development, in conjunction with the Ministry of the Environment, Land and Sea, the Ministry of Infrastructure and Transport and the Ministry of the Economy and Finance within three months of this legislative decree coming into force, subject to receipt of the opinion of the Department for information and public relations of the Office of the President of the Council of Ministers. The programme sets out the objective, the budgetary requirements, the usable resources, the information content, the target audience and the parties involved in implementing the information campaign. The associated dissemination strategy together with the processes, means and tools deemed most suitable for maximising the effectiveness of the exercise, are established by a designated domain specialist appointed under the auspices of the agreement referred to in paragraph 1, who also has the responsibility for devising, planning and implementing the campaign itself.
3. The information campaign referred to in paragraph 1 is conducted through the use of the best and most modern means of mass communication available and with the support of the national technical, scientific and industrial infrastructure. This includes the development of a suitable internet portal as a reference source and for detailed information, with features for interacting with the users.
4. The information campaign referred to in paragraph 1 is launched within 90 days of the approval referred to in paragraph 2.

#### *Article 32*

##### *(Implementation)*

Given the particular requirements and the level of urgency, the information campaign is implemented via a procedure negotiated pursuant to Article 57 of Legislative Decree No. 163 of 12 April 2006.



## **TITLE V**

### **Final Provisions**

#### ***Article 33***

##### ***(Criminal sanctions)***

1. The construction or operation of a nuclear power plant or a nuclear fuel fabrication facility without having obtained the single licence referred to in Article 13, or after said licence has been suspended or revoked, is punishable by two to three years' imprisonment and a fine of five hundred thousand to EUR 5 million. This measure is not applicable to licences issued pursuant to Article 13 paragraph 14 for plants for the treatment and use of minerals, raw materials, special fissile materials, enriched uranium and radioactive materials, which continue to be governed by Article 30 of Law No. 1860 of 31 December 1962.
2. Failure to comply with the instructions issued by the Agency in relation to the single licence referred to in Article 13, except from those specified under paragraph 13(f), is punishable with the penalties specified in paragraph 1, reduced by a half.
3. Licence holders failing to comply with the instructions concerning the treatment, packaging and disposal of the operational waste referred to in Article 18 paragraph 2 are punishable by six months' to two years' imprisonment and a fine of EUR 50 000 to 500 000; this same penalty is applicable to producers or holders of radioactive waste generated by industrial and medical activities which fail to comply with the instructions referred to in Article 18 paragraph 4.

#### ***Article 34***

##### ***(Administrative sanctions)***

1. Licence holders which fail to submit the report referred to in Article 15 paragraph 1 or submit it in an incomplete state, are subject to the imposition of an administrative fine of EUR 100 000 to 1 000 000.
2. Licence holders which fail to carry out the inspections, tests and analyses referred to in Article 13(f), or which do not carry them out in accordance with the established procedures, are subject to the imposition of an administrative fine of EUR 500 000 to 50 000 000.
3. Parties which are required to pay the compensation benefits referred to in Article 23 but which fail to comply with the obligations to pay these benefits within the time frames prescribed under the agreements referred to in paragraph 5 of the aforementioned article and by decree of the Minister for Economic Development referred to in paragraph 7 of the same article, are subject to the imposition of an administrative fine of EUR 300 000 to 10 million.
4. Within the upper and lower limits established by paragraphs 1 and 2, the determination of the magnitude of the administrative fines takes into account not only the criteria pursuant to Article 11 of Law No. 689 of 24 November 1981 but also the varying potential for harm to the protected interest which each infringement theoretically represents, the specific personal qualities of the infringer, including those which entail particular duties of prevention, control or monitoring, in addition to the gain which the infringement may bring to the infringer or to the person or body in whose interests they act.

5. The reduced payment regime pursuant to Article 16 of Law No. 689 of 24 November 1981 is not applicable to the administrative fines provided for under the present article.
6. In relation to the establishment of administrative offences, the imposition of the administrative fines is the responsibility of the Agency, by means of enforcement orders pursuant to Articles 18 *et seq.* of Law No. 689 of 24 November 1981.
7. In more serious cases, the administrative fines referred to in the previous paragraphs may be supplemented by the application of the additional sanction of the suspension of the activity for a period from one to six months, or indeed the revocation of the licence.
8. Appeals against the administrative sanctions imposed under the present article are subject to the sole jurisdiction of the administrative court and are made before the administrative court in the region in which the Agency is based.

### *Article 35*

#### *(Repeals)*

1. The following legal provisions are hereby repealed:
  - a) Article 10 of Law No. 1860 of 31 December 1962;
  - b) Articles 1, 2, 3, 4, 5, 6, 7, 20, 22 and 23 of Law No. 393 of 2 August 1975.
2. The provisions of Law No. 1860 of 31 December 1962 are applicable insofar as they are compatible with the present decree.

The present decree, bearing the state stamp, will be added to the Official Gazette of the Republic of Italy. Those to whom this decree is addressed shall comply therewith and ensure that it is complied with.

Rome,