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## New measures introduced in the biomethane production sector

### 1. Introduction

In February, two long-awaited law decrees were introduced in the biomethane production sector.

On 20 February, Law Decree No. 19 of 19 February 2026 (“**PNRR Decree**”)<sup>1</sup> came into force. The decree introduces measures to implement the National Recovery and Resilience Plan (“**PNRR**”) and establishes new subsidy programmes providing capital contributions for biomethane production.

On 21 February, Law Decree No. 21 of 20 February 2026 (“**Electricity Bills Decree**”)<sup>2</sup> also came into force. The decree introduces **measures to reduce tariff charges for end users, strengthen business competitiveness, and support industrial decarbonisation** across several strategic sectors. It also amends the rules on guarantees of origin (“**GOs**”) for biomethane consumed in hard-to-abate (“**HtA**”) sectors.<sup>3</sup>

### 2. The new capital contribution for biomethane production

Art. 27 of the PNRR Decree (“**Art. 27**”) establishes specific subsidy programmes granting capital contributions to support, among other things, the construction of biomethane production plants under Investment 1.4, Mission 2, Component 2 of the PNRR.<sup>4</sup>

The subsidy programmes under Art. 27 are open to **projects for biomethane production plants that meet the requirements of the Ministerial Decree of 15 September 2022 (the “2022 Incentives Decree”)**.

**The above is without prejudice to projects/plants whose ranking lists have already been approved**, or for which grant-award decisions have already been adopted.

*Art. 27 thus preserves and confirms the contributions already awarded to projects ranked positively under the 2022 Incentives Decree, or that have already received grants under that decree.*

The Gestore dei Servizi Energetici S.p.A. (“**GSE**”) is designated as the implementing body. To this end, the Ministry for the Environment and Energy Security (“**MASE**”) and the GSE must enter into implementing

<sup>1</sup> Official Gazette No. 41 of 19 February 2026, available [here](#).

<sup>2</sup> Official Gazette No. 42 of 20 February 2026, available [here](#).

<sup>3</sup> These are high-emission production sectors where emissions are difficult to reduce.

<sup>4</sup> These subsidy programmes also apply to agrivoltaic plants (Investment 1.1 of Mission 2, Component 2, of the PNRR), renewable energy communities, and collective self-consumption systems (Investment 1.2 of Mission 2, Component 2, of the PNRR).

agreements setting out the rules governing the capital contributions programmes and the transfer of financial resources. The GSE will also take over from MASE responsibility for paying the contributions and for managing ongoing relations with parties that have already been identified as eligible or selected as beneficiaries under previously adopted measures.

**Within 45 days from signing these implementing agreements**, the GSE must adopt **operational rules** setting out the technical requirements for implementing the subsidy programmes under Art. 27. These may also include measures to ensure that projects are completed and to prevent inefficient allocation of resources, such as requiring construction works to begin within a specific deadline.<sup>5</sup>

*It will thus be essential to **monitor the adoption of the operational rules** to verify whether the GSE introduces additional requirements for accessing the programmes.*

Once a capital contribution has been awarded to a beneficiary – following a majority decision by an independent investment committee established for this purpose – the GSE will enter into a grant agreement with the beneficiary until the available programme funds are exhausted. **All grant agreements must be signed by 30 June 2026.**

In addition to the requirements set out in the 2022 Incentives Decree, and any further obligations that might be introduced in the operational rules, **plants benefitting from the subsidy programmes and to the relevant operational incentives (namely, the tariff under 2022 Incentives Decree) must enter into operation within 24 months** from the communication of the related grant agreement.

*The measure introduced by Art. 27 is clearly positive, as it allows operators to retain previously allocated EU funds, which are essential to ensure the economic and financial viability of investments in biomethane production plants.*

*However, the actual access to the new subsidies can only be assessed once the full implementation framework has been defined. Key elements include the agreements between MASE and the GSE on the transfer of resources and the GSE's operational rules.*

*In this regard, the absence of a mandatory deadline for signing the agreements between MASE and GSE is a concern. Such a deadline would provide greater certainty, especially because the signing of those agreements triggers the 45-day period for adopting the operational rules.*

*Furthermore, the timeline – setting 30 June 2026 as the final deadline for entering into grant agreements – appears particularly challenging and not fully aligned with experience in the sector, where delays are frequent, as seen with the adoption of the 2022 Incentives Decree and its implementing rules.*

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<sup>5</sup> The operational rules will also govern:

- any ranking list scroll-down mechanisms for selecting eligible projects,
- methods for reporting eligible costs covered by the available funds, and
- the procedures and timing for the disbursement of the capital contribution.

*For these reasons, it would be advisable to introduce a deadline for signing the agreements between MASE and the GSE during the conversion of the PNRR Decree into law, and to ensure that the timelines set out in Art. 27 are strictly respected in order to provide operators with a clear and reliable framework.*

### **3. The rules on guarantees of origin for biomethane consumed by HtA industries**

Art. 11 of the Electricity Bills Decree (“**Art. 11**”) amends Art. 5-*bis* of Law Decree 63/2024 (“**Art. 5-*bis***”), which includes provisions relating, among other things, to decarbonisation measures for **HtA** sectors.

Para. 2 of Art. 5-*bis* clarifies the scope of the biomethane self-consumption regime, which aims to support biomethane production from agricultural biomass and its use in HtA industries.

Art. 5-*bis*, para. 2 defines **self-consumption** as not only the direct consumption of biomethane within the same production site (including through a third-party producer), but also – for final consumers in HtA sectors – **the consumption of biomethane at a different site, provided that the producer operates in accordance with the consumer’s instructions under a biomethane purchase agreement (“BPA”)**.

This agreement must stipulate a zero average monthly GO price and ensure a benefit equivalent to that of on-site self-consumption, in line with MASE Decree 224/2023.

Art. 11 introduces the following changes to Art. 5-*bis*:

- (i) **HtA final consumers** may classify biomethane as self-consumed even when operating in aggregated form (amendment to para. 2);
- (ii) **producers** may not transfer, **even indirectly, the value of GOs to other price components under the agreement**. Only operational management fees may be charged (amendment to para. 2);
- (iii) **operators** must provide evidence of cost components in the BPA (new para. 2-*bis*);
- (iv) for this purpose, the Italian Regulatory Authority for Energy, Networks and Environment (“**ARERA**”) will adopt standard contractual clauses available to operators (new para. 2-*bis*);
- (v) **the GSE**, which is the competent body for proposing these clauses, will monitor contractual compliance and potentially report issues to ARERA (new para. 2-*bis*);
- (vi) **the self-consumption rules** for HtA final consumers apply to biomethane incentivised under the 2022 Incentives Decree within a limit of 35% of the consumption of the mentioned final consumers (new para. 2-*ter*); and
- (vii) **the GSE**, including through group companies, must promote and offer voluntary aggregation services (new para. 2-*ter*).

**These changes apply only to contracts signed after the Electricity Bills Decree came into force.**

*Art. 11 amends Art. 5-bis to promote decarbonisation in HtA sectors; however, the prohibition on transferring the GO value to HtA end consumers may discourage producers from offering biomethane to these sectors, given that **GO valorisation is still permitted in all other cases under the scheme** established by the 2022 Incentives Decree.*

*Moreover, the absence of a deadline for ARERA to adopt standard contractual clauses creates an operational risk: **delayed adoption could result in inefficiencies** in implementing a system with which operators are already required to comply.*

*For these reasons, it would be advisable to **introduce a specific deadline to adopt the standard clauses** during the legislative conversion process.*

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#### **4. Conclusion**

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The amendments introduced by Art. 27 of the PNRR Decree and Art. 11 of the Electricity Bills Decree establish a framework that aims to accelerate investment in strategic technologies for the energy transition and enhancing national industrial competitiveness particularly in the context of industrial decarbonisation.

However, **the framework still requires some corrective measures** to ensure an effective, predictable, and operationally efficient environment for market participants in order to avoid distortions and inefficiencies.

Given the complexity of these measures and the need to balance multiple essential public interests, it is hoped that the legislative conversion process will address the remaining grey areas that might otherwise hinder the ecological transition objectives to which biomethane production contributes.



**Infrastructure, Energy & Ecological Transition Focus Team**

The Focus Team is a constellation of skills in different practice areas, with a focus on infrastructure, energy and ecological transition.

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