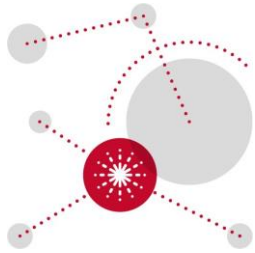


Infrastructure, Energy & Ecological Transition Focus Team

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The conversion into law of the decrees that have introduced new measures 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**”)¹ 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.

The PNRR Decree has been converted, with amendments, into **law 20 April 2026, no. 50**, published in Official Gazette no. 91 of 20 April 2026 and entered into force on 21 April 2026.²

On 21 February, Law Decree No. 21 of 20 February 2026 (“**Electricity Bills Decree**”)³ 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.⁴

The Electricity Bills Decree has been converted, with amendments, into **law 10 April 2026, no. 49**, published in Official Gazette no. 90 of 18 April 2026 and entered into force on 19 April 2026.⁵

During the conversion into law process, both decrees were subject to amendments and additions; nonetheless, the measures analysed in this newsletter have been broadly confirmed, albeit with certain corrective adjustments.

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

² The converting law of the PNRR Decree is available [here](#).

³ Official Gazette No. 42 of 20 February 2026, available [here](#).

⁴ These are high-emission production sectors where emissions are difficult to reduce.

⁵ The converting law of the Electricity Bills Decree is available [here](#).

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.⁶

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 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 agreements⁷, 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.⁸

In this context, the promptness with which the GSE adopted the above-mentioned operational rules (see below) is certainly to be welcomed, allowing all interested parties to review them within a timeframe compatible with the particularly tight schedule set out in Art. 27, which provides for the signing of grant agreements by the final deadline of 30 June 2026 (see below).

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**, without prejudice to the possibility, introduced during the conversion into law, of **extending this**

⁶ 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).

⁷ It is not publicly known whether such agreements have already been adopted.

⁸ 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.

deadline for additional 60 days (i.e., until **29 August 2026**) in the event of proven procedural or administrative difficulties.

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.

In implementation of Art. 27, on **30 March 2026**, the GSE published its operational rules (the “**Operational Rules**”)⁹.

The Operational Rules - in setting out the milestones to be achieved in order to receive the mentioned contribution - provide that, **on pain of forfeiture** of the incentives under the 2022 Incentives Decree (including the incentive tariff), beneficiaries must:

- a) sign and upload on the GSE’s web portal the acceptance note (nota di accettazione) of the deed of obligation (atto d’obbligo) governing access to the capital contribution within 30 days of the publication of the grant-award decision (atto di concessione del contributo);
- b) if not already commenced following the publication of the ranking lists in which the relevant plants were admitted, commence works within three months from the date of uploading the acceptance note on the GSE’s portal.

In order to avoid forfeiture, beneficiaries may provide the GSE (within the above-mentioned three-month period) with a security guarantee for the completion of the investment (in the form of a bank/insurance surety or a cash deposit)¹⁰, which will be returned by the GSE to the operator following verification that the project has been completed within the maximum commissioning deadlines (see below).

*In addition to the above requirements, as already provided under Art. 27, the **24-month deadline for commissioning the plant** – running from the date of publication of the grant-award decision¹¹ – **applies on pain of forfeiture of the incentives under the 2022 Incentives Decree (including the incentive tariff) and enforcement of the surety/forfeiture of the deposit (if provided).***

⁹ The Operational Rules are available at this [link](#).

¹⁰ The guarantee must have the requirements provided into the Operational Rules.

¹¹ For the sake of clarity, please note that the GSE must first:

- publish the **grant-award decision** (*atto di concessione*), which sets out, amongst other things, the list of eligible projects and the obligations incumbent upon beneficiaries. Beneficiaries will be notified once the grant-award decision will be published; and
- make the **deed of obligation** (*atto d’obbligo*) available on the online portal, setting out the terms, obligations and conditions for the implementation of the initiative.

Subsequently, beneficiaries must sign and upload the **acceptance note** (*nota di accettazione*) of the deed of obligation (*atto d’obbligo*) to the online portal.

In accordance with the Operational Rules, the concession agreement (*accordo di concessione*) consists of (i) the grant-award decision (*atto di concessione*); (ii) the deed of obligation (*atto d’obbligo*); and (iii) the acceptance note (*nota di accettazione*).

The capital contribution is disbursed following the positive outcome of the assessment of the communication of entry into operation and, in any event, following the positive outcome of the first surveillance visit. The construction costs falling within the eligible expenses for the capital contribution must be evidenced by traceable payments received by the date of submission of the communication of entry into operation.

In addition to the requirements described above, for monitoring, reporting and control of projects' progress by beneficiaries and validation of such activities by the GSE, the Operational Rules provide that beneficiaries must notify the GSE of:

- (i) the commencement of works within 30 days from the date of their start;
- (ii) the entry into operation date; and
- (iii) any changes to the beneficial owner.

The measure introduced by Art. 27, as implemented by the Operational Rules, 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.

Moreover, the possibility of extending the 30 June 2026 deadline is to be welcomed, given that the schedule set out in the PNRR Decree, particularly in its pre-conversion version which did not provide for any extension, appears particularly challenging and not fully aligned with experience in the sector, where delays and uncertainties have not been uncommon, as demonstrated by the adoption process of the 2022 Incentives Decree and its implementing rules.

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*).

In its pre-conversion version, Art. 11 limited the application of the changes to Art. 5-*bis* to **contracts signed** from the date of entry into force of the **Electricity Bills Decree**. During the conversion, by way of an amendment approved during the examination of the text by the Chamber of Deputies, **the application of Art. 11 was deferred and restricted to contracts signed from the thirtieth day following the date of entry into force of the conversion law (i.e., from 19 May 2026)**.

*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.

In any event, the amendment introduced during conversion, which postpones the dies a quo of the effectiveness of Art. 11, is to be welcomed, thereby allowing ARERA a wider margin of time for the adoption of standard contractual clauses (in the continuing absence of a specific deadline) and enabling market operators to organise their commercial strategy also in light of such clauses, should they be adopted by ARERA in the meantime.

4. Conclusion

The amendments introduced by Art. 27 of the PNRR Decree and Art. 11 of the Electricity Bills Decree establish a regulatory framework that aims to accelerate investments in strategic technologies for the energy transition and strengthen the competitiveness of the national production system, also with a view to the progressive decarbonisation of industrial processes.

In this context, the amendments (*rectius*, the corrective measures) introduced during the conversion into law of the two decrees under analysis represent a certainly positive step, as they contribute to improving the regulatory framework compared to the original text of the decrees.

Nonetheless, certain grey areas still remain – first and foremost, the failure of Art. 11 to provide a deadline for ARERA to adopt standard contractual clauses – which could affect the full effectiveness of the measures. It will therefore be essential to monitor the practical impact of the new provisions on the market and to verify whether the regulatory framework, as currently designed, will be capable of delivering concrete results, ensuring operators a genuinely effective and predictable operating environment in support of the ecological transition objectives to which biomethane production is instrumental.



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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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