

## Research RES LEGAL – Grid issues

### Country: Italy

#### 1. Overview

<b>Overview of grid issues</b>	In Italy, grid operators are obliged to give priority access to renewable energy systems in the operation of their grids. They are also obliged to give priority dispatch to electricity from renewable sources. System operators may request their grid operator to expand the grid if the connection of a system requires this expansion.
<b>Connection to the grid</b>	System operators are contractually entitled against the grid operator to priority connection of a renewable energy system. The grid operator is obliged to enter into this contract.
<b>Use of the grid</b>	System operators are contractually entitled to usage of the grid. Electricity from renewable sources shall be granted priority use of the grids, provided that the electricity achieves the same price on the market and the security of the national energy grid can be guaranteed.
<b>Grid expansion</b>	A system operator applying for connection is contractually entitled against the grid operator to a grid expansion, if the expansion is necessary to satisfy the claim for connection to the grid. As renewable energy systems must be given priority connection, a grid expansion necessary to connect such a system must also be given priority.
<b>Statutory provisions</b>	<ul style="list-style-type: none"> <li>▪ DL 28/11 (Decreto Legislativo 3 marzo 2011, n. 28. Attuazione della direttiva 2009/28/CE sulla promozione dell'uso dell'energia da fonti rinnovabili recante modifica e successiva abrogazione delle direttive 2001/77/CE e 2003/30/CE - Legislative Decree 3 March 2011, n. 28. Implementation of directive 2009/28/CE on Promotion of Use of Energy from Renewable Energy Sources modifying and repealing Directives 2001/77/CE and 2003/30/CE)</li> <li>▪ DL 79/99 (Decreto Legislativo 16 marzo 1999, n. 79. „Decreto Bersani“ – Legislative Decree containing Provisions on Access to the Grid)</li> <li>▪ DL 387/03 (Decreto Legislativo 29 dicembre 2003, n. 387. Attuazione della direttiva 2001/77/CE relativa alla promozione dell'energia elettrica prodotta da fonti energetiche rinnovabili nel mercato interno dell'elettricità – Decree for the Promotion of Renewable Energy)</li> <li>▪ AEEG 111/06 (Delibera n. 111/06 Condizioni per l'erogazione del pubblico servizio di dispacciamento dell'energia elettrica sul territorio nazionale – Resolution on the Dispatch of Electricity on the National Level)</li> <li>▪ AEEG 330/07 (Deliberazione 18 dicembre 2007 Condizioni per la gestione della priorit� di dispacciamento relativa ad impianti di produzione da fonti rinnovabili – Resolution on Priority Dispatch for Renewable Energy)</li> <li>▪ ARG/elt 99/08 (Deliberazione 23 luglio 2008 - ARG/elt 99/08. Testo integrato delle condizioni tecniche ed economiche per la connessione alle reti elettriche – Resolution on the Terms and Conditions for Access to the Grid)</li> <li>▪ ARG/elt 123/08 (Delibera ARG/elt 123/08. Procedura per la risoluzione delle controversie tra produttori e gestori di rete – Resolution on the Settlement of Disputes Between Producers and Grid Operators)</li> </ul>

### Basic information on legal sources

<b>Name of legal source (original language)</b>			
<b>Name of legal source (full name)</b>	Decreto Legislativo 16 marzo 1999, n. 79. Attuazione della direttiva 96/92/CE recante norme comuni per il mercato interno dell'energia elettrica. „Decreto Bersani“	Delibera n. 111/06. Condizioni per l'erogazione del pubblico servizio di dispacciamento dell'energia elettrica sul territorio nazionale e per l'approvvigionamento delle relative risorse su base di merito economico, ai sensi degli articoli 3 e 5 del decreto legislativo 16 marzo 1999, n. 79	Deliberazione 18 dicembre 2007. Condizioni per la gestione della priorit� di dispacciamento relativa ad impianti di produzione da fonti rinnovabili in situazioni di criticita' del sistema elettrico nazionale (Deliberazione n. 330/2007)
<b>Name (English)</b>	Legislative Decree No. 79 of 16 March 1999 implementing European Directive 96/92/EC with common rules for the single market of electricity. "Decreto Bersani"	Resolution No. 111/06. Provisions for the supply by the public service regarding the distribution of electric energy on national territory and the supply of energy on an economic basis in pursuance of Articles 3 and 5 of DL 79/99	Resolution No. 330/07. Provisions for handling the priority dispatch of electricity from renewable sources in critical situations of the national electric system.
<b>Abbreviated form</b>	DL 79/99	AEEG 111/06	AEEG 330/07
<b>Entry into force</b>	01.04.1999	01.01.2007	21.12.2007
<b>Last amended on</b>	20.07.2011	02.12.2011	
<b>Future amendments</b>			
<b>Purpose</b>	Liberalising the energy market.	Regulation of the distribution (dispacciamento) of energy in the national grid.	Ensuring the priority of renewable energy whilst maintaining the security of the national energy supply system.
<b>Relation to renewable energy</b>	The decree is the legal basis for the promotion of renewable energy through the quota system. It stipulates that producers and importers shall feed a certain quota of electricity from renewable sources	Giving renewable energy priority access to the grid.	Giving renewable energy priority access to the grid.

	to the grid from 2001 onwards. They can either produce this electricity themselves or purchase it. Furthermore, the decree includes provisions on access to the grid.		
<b>Link to full text of legal source (original language)</b>	<a href="http://www.camera.it/parlam/leggi/del eghe/testi/99079dl.htm">http://www.camera.it/parlam/leggi/del eghe/testi/99079dl.htm</a>	<a href="http://www.autorita.energia.it/docs/06 /111-06.htm">http://www.autorita.energia.it/docs/06 /111-06.htm</a>	<a href="http://www.autorita.energia.it/docs/07/330-07.pdf">http://www.autorita.energia.it/docs/07/330-07.pdf</a>
<b>Link to full text of legal source (English)</b>			

<b>Name of legal source (original language)</b>			
<b>Name of legal source (full name)</b>	Deliberazione 23 luglio 2008 - ARG/elt 99/08. Testo integrato delle condizioni tecniche ed economiche per la connessione alle reti elettriche con obbligo di connessione di terzi degli impianti di produzione di energia elettrica (Testo integrato delle connessioni attive – TICA)	Delibera ARG/elt 123/08. Procedura per la risoluzione delle controversie tra produttori e gestori di rete, ai sensi dell'articolo 14, comma 2, lettera f-ter), del decreto legislativo 29 dicembre 2003, n. 387/03.	Decreto Legislativo 29 dicembre 2003, n. 387. Attuazione della direttiva 2001/77/CE relativa alla promozione dell'energia elettrica prodotta da fonti energetiche rinnovabili nel mercato interno dell'elettricità
<b>Name (English)</b>	Resolution ARG/elt 99/08 of 23 July 2009. Integrated text on the technical and economic conditions for connection to the grid with the obligation of third parties to connect electricity generation systems (Integrated text of active connections – TICA)	Resolution ARG/elt 123/08. Procedure for the settlement of disputes between producers and grid operators in accordance with art. 14 par. 2 item f-ter) of Legislative Decree No. 367/03 of 29 December 2003.	Legislative Decree of 29th December 2003 implementing European Directive 2001/77/EC on the promotion of electricity produced from renewable energy sources in the internal electricity market
<b>Abbreviated form</b>	ARG/elt 99/08	ARG/elt 123/08	DL 387/03
<b>Entry into force</b>	01.01.2009	17.09.2008	15.02.2004
<b>Last amended on</b>	28.10.2011		28.03.2011

<b>Future amendments</b>			
<b>Purpose</b>	Annex A contains rules on access to the grid.	Annex A contains rules for the settlement of disputes between renewable electricity producers and grid operator about grid access.	Implementing the EU directive and promoting renewable energy.
<b>Relation to renewable energy</b>	This resolution also applies to the access of renewable energy systems to the grid.	The provisions apply to the producers of electricity from renewable sources.	The decree creates a basic framework for the promotion of renewable energy and regulates the grid connection procedures.
<b>Link to full text of legal source (original language)</b>	<a href="http://www.autorita.energia.it/it/docs/08/099-08arg.htm">http://www.autorita.energia.it/it/docs/08/099-08arg.htm</a>	<a href="http://www.autorita.energia.it/it/docs/08/123-08arg.htm">http://www.autorita.energia.it/it/docs/08/123-08arg.htm</a>	<a href="http://www.ambientediritto.it/Legislazione/Energia/2003/dlgs%202003%20n.387.htm">http://www.ambientediritto.it/Legislazione/Energia/2003/dlgs%202003%20n.387.htm</a>
<b>Link to full text of legal source (English)</b>			

<b>Name of legal source (original language)</b>			
<b>Name of legal source (full name)</b>	Decreto Legislativo 3 marzo 2011, n. 28. Attuazione della direttiva 2009/28/CE sulla promozione dell'uso dell'energia da fonti rinnovabili recante modifica e successiva abrogazione delle direttive 2001/77/CE e 2003/30/CE		
<b>Name (English)</b>	Legislative Decree 3 March 2011, n. 28. Implementation of directive 2009/28/CE on promotion of use of energy from renewable energy sources modifying and repealing directives 2001/77/CE and 2003/30/CE		
<b>Abbreviated form</b>	DL 28/11		
<b>Entry into force</b>	29.03.2011		

<b>Last amended on</b>			
<b>Future amendments</b>			
<b>Purpose</b>	<p>To define instruments, mechanisms, incentives and the institutional, financial and legal frameworks necessary for achieving the 2020 goals as regards the total quota of renewable energy in final consumption and in transports.</p> <p>This legislative decree is the framework basis for radical changes in the Italian support system schemes.</p>		
<b>Relation to renewable energy</b>	<p>This decree contains provisions for new incentive systems as well as changes in the authorization procedures for connections.</p>		
<b>Link to full text of legal source (original language)</b>			
<b>Link to full text of legal source (English)</b>			

**Further information**

<b>Institution (name)</b>	<b>Website</b>	<b>Name of contact person (optional)</b>	<b>Telephone number (head office)</b>	<b>E-mail (optional)</b>
<b>Autorità per l'energia elettrica e il gas (AEEG) – Regulatory Authority for Electricity and Gas</b>	<a href="http://www.autorita.energia.it/it/inglese/index.htm">http://www.autorita.energia.it/it/inglese/index.htm</a>		+39 026 556 51	info(at)autorita.energia.it
<b>Terna S.p.A. Rete Elettrica Nazionale – transmission grid operator</b>	<a href="http://www.terna.it/default/home_en.aspx">http://www.terna.it/default/home_en.aspx</a>		+39 068 313 81 11	info(at)terna.it

## 2. Connection to the grid

<p><b>Abbreviated form of legal sources</b></p>	<ul style="list-style-type: none"> <li>• DL 79/99</li> <li>• DL 387/03</li> <li>• ARG/elt 99/08</li> <li>• ARG/elt 123/08</li> </ul>	
<p><b>Overview</b></p>	<p>Operators of renewable energy systems are entitled to be connected to the national electricity grid upon request (art. 3.1 and art. 9.1 DL 79/99). To this aim, the grid operator and a given system operator conclude a contract (contratto per la connessione). The grid operator is obliged to enter into this contract (artt. 10.14 et 23.10 Annex 1 ARG/elt 99/08). All persons applying for connection are entitled to connection to the grid (art. 3.1 and art. 9.1 DL 79/99). This definition includes producers of electricity from renewable sources. The persons obligated are the transmission and distribution grid operators (art. 3.1 and 9.1 DL 79/99).</p>	
<p><b>Procedure</b></p>	<p><b>Procedure</b></p>	<p>Operators of renewable energy systems are entitled to be connected to the national electricity grid upon request (art. 3.1 and art. 9.1 DL 79/99). To this aim, the grid operator and a given system operator conclude a contract (contratto per la connessione). The grid operator is obliged to enter into this contract (artt. 10.14 et 23.10 Annex 1 ARG/elt 99/08). The claim for connection to the grid arises at the date of the conclusion of the contract. When a given electricity producer comes into a conflict with the grid operator, he may request dispute resolution from the Market Directorate (Direzione Mercati) of regulatory authority AEEG (art. 3 Annex A ARG/elt 123/08). The dispute settlement procedure is extensively described in Annex A ARG7elt 123/08.</p> <p>The procedure for connection consists of the following steps:</p> <ol style="list-style-type: none"> <li>1. Application</li> <li>2. Estimation of costs</li> <li>3. Acceptance of cost estimate</li> <li>4. Request of authorisations</li> <li>5. Authorisation procedure</li> <li>6. Initiation of works</li> <li>7. Connection</li> </ol>
	<p><b>Deadlines</b></p>	<p><b>Response to applications with provision of estimate</b></p> <p>The grid operator must respond to applications for connection and submit an estimate of costs (preventivo per la connessione) within the following timescales:</p> <ul style="list-style-type: none"> <li>• 20 working days for capacities of up to 100 kW (art. 7.1 Annex A ARG/elt 99/08),</li> <li>• 45 working days for capacities from 100 kW to 1,000 kW (art. 7.1 Annex A ARG/elt 99/08),</li> <li>• 60 working days for capacities of more than 1,000 kW (art. 7.1 Annex A</li> </ul>

		<p>ARG/elt 99/08).</p> <ul style="list-style-type: none"> <li>• 90 working days for capacities of more than 10.000 kW (art. 19.3 Annex A ARG/elt 99/08 and Terna Network Code, art. 1A .5.2.1)</li> </ul> <p><b>Acceptance of the cost estimate</b></p> <p>The applicant must communicate the acceptance of the cost estimate within:</p> <ul style="list-style-type: none"> <li>• 45 days for capacities under 10,000 kW (art. 7.2 Annex A ARG/elt 99/08),</li> <li>• 120 days for capacities of more than 10.000 kW (art. 19.4 Annex A ARG/elt 99/08 and Terna Network Code, art. 1A .5.3.1)</li> </ul> <p><b>Requests of authorisations</b></p> <ul style="list-style-type: none"> <li>• Applicant <ul style="list-style-type: none"> <li>○ Request of authorisation for construction and operation of the plant and/or request of initiation of the authorisation procedures <ul style="list-style-type: none"> <li>▪ Low voltage: within 60 working days (artt. 9.3, 9.5 Annex A ARG/elt 99/08);</li> <li>▪ Medium voltage: within 90 working days (artt. 9.3, 9.5 Annex A ARG/elt 99/08);</li> <li>▪ High voltage: within 120 working days (artt. 21.3, 21.5 Annex A ARG/elt 99/08);</li> <li>▪ Extra high voltage: within 180 working days (artt. 21.3, 21.5 Annex A ARG/elt 99/08).</li> </ul> </li> </ul> </li> <li>• Operator <ul style="list-style-type: none"> <li>○ Request of authorisation for construction of the connection system and grid expansion, where necessary <ul style="list-style-type: none"> <li>▪ Low voltage: within 30 working days (art. 9.6 Annex A ARG/elt 99/08);</li> <li>▪ Medium voltage: within 60 working days (art. 9.6 Annex A ARG/elt 99/08);</li> <li>▪ High voltage: within 90 working days (art. 21.6 Annex A ARG/elt 99/08);</li> <li>▪ Extra high voltage: within 120 working days (art. 21.6 Annex A ARG/elt 99/08).</li> </ul> </li> </ul> </li> </ul> <p><b>Authorisation procedure</b></p> <p>The authorisation procedure is ruled under a comprehensive procedure (“procedimento unico”) to which all involved administrations participate. This procedure starts within 30 days from the date in which the request of authorisation is received (Art. 12, c. 3 DL 387/03) and can last up to a maximum</p>
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		<p>of 90 days, excluding additional time needed for carrying out specific verifications, where necessary (Art. 12, c. 4 DL 387/03),</p> <p><b>Initiation of works</b> The Applicant is obliged to start the construction of the production plant within</p> <ul style="list-style-type: none"> <li>• 6 months for connections in low voltage;</li> <li>• 12 months for connections in medium voltage;</li> <li>• 18 months for connections in high or extra high voltage (art. 31.1 Annex A ARG/elt 99/08).</li> </ul> <p><b>Connection</b></p> <ul style="list-style-type: none"> <li>• The distribution grid operator must connect a system within the following timescales: <ul style="list-style-type: none"> <li>○ 30 working days for basic works (art. 10.1.a Annex A ARG/elt 99/08),</li> <li>○ 90 working days for complex procedures, plus 15 working days for every kilometre of connection line except the first kilometre (art. 10.1.a Annex A ARG/elt 99/08).</li> </ul> </li> <li>• The transmission grid operator must connect a system within the timescales specified in his terms and conditions (art. 23.1 Annex A ARG/elt 99/08 and Terna Network Code, art. 1A .5.8.4).</li> </ul>
	<b>Obligation to provide information</b>	
<b>Priority to renewable energy (qualitative criteria)</b>	( x ) Priority to renewable energy ( ) Non-discrimination	Applications for the connection of renewable energy systems to the transmission or distribution grid must be given priority treatment and renewable energy systems must be given priority connection (artt. 15.1 and 29.1 Annex A ARG/elt 99/08).
<b>Capacity limits (quantitative criteria)</b>		
<b>Funding</b>	<b>State</b>	
	<b>Consumers</b>	
	<b>Grid operator</b>	
	<b>System operator</b>	The costs of connection are borne by the applicant for connection. Renewable energy systems are subject to lower connection fees than systems fuelled by

		<p>conventional sources.</p> <ul style="list-style-type: none"> <li>• The fee to be paid for connection to the <b>distribution grid</b> is calculated by the formulas set out in art. 12 Annex A ARG/elt 99/08.</li> <li>• The following fees must be paid for connection to the <b>transmission grid</b>: <ul style="list-style-type: none"> <li>○ a fee for the development of the technical solution (art. 25.1 Annex A ARG/elt 99/08)</li> <li>○ a fee for connection to the grid (art. 25.2 Annex A ARG/elt 99/08).</li> </ul> </li> </ul>
	<b>Distribution mechanism</b>	

### 3. Use of the grid

<b>Abbreviated form of legal sources</b>	<ul style="list-style-type: none"> <li>• AEEG 111/06</li> <li>• AEEG 330/07</li> <li>• DL 79/99</li> </ul>		
<b>Overview</b>	<p>System operators are contractually entitled against the grid operator – TERNA (contratto per il servizio di dispacciamento) for the transmission of electricity (art. 4 AEEG 111/06).</p> <p><b>Entitled party.</b> All energy producers whose application for connection to the grid was accepted are eligible.</p> <p><b>Obligated party.</b> Transmission and distribution grid operators are obligated to transmit electricity (art. 4 AEEG 111/06).</p>		
<b>Procedure</b>	<b>Procedure</b>	<p>System operators are contractually entitled against grid operator TERNA (contratto per il servizio di dispacciamento) to the transmission of electricity (art. 4 AEEG 111/06).</p> <p>The claim for connection to the grid arises at the date of the conclusion of the contract.</p>	
	<b>Deadlines</b>		
	<b>Obligation to provide information</b>		
<b>Priority to renewable energy (qualitative criteria)</b>	<p>( x ) Priority to renewable energy</p> <p>( ) Non-discrimination</p>	<p>The grid operator is obliged to grant priority transmission (utilizzazione prioritaria) to electricity from renewable sources (art. 3.3 DL 79/99). In detail, priority shall be granted as follows: If several system operators offer their electricity at the same price, the transmission of electricity shall be given priority as long as grid security can be maintained (diritti di utilizzo della capacità di trasporto nel mercato). Electricity generated from sources that are not fully controllable (wind, solar and geothermal energy, running waters, biogas) has the highest priority, fully controllable sources as used by CHP and CIP6 stations have the second highest priority (art. 30.7 and 31.7 Annex A AEEG 111/06).</p>	
<b>Grid stability</b>	<p>For reasons of security of the national energy grid, capacity limits may be imposed (art. 3.a AEEG 330/07).</p>		
<b>Funding</b>			
	<b>State</b>		
	<b>Consumers</b>	<p>The costs of grid use are borne by final consumers in accordance with the provisions of Artt. 40-48 Annex A AEEG 111/06.</p>	
	<b>Grid operator</b>		
	<b>System operator</b>		
	<b>Distribution mechanism</b>		

#### 4. Grid expansion

<b>Abbreviated form of legal source</b>	<ul style="list-style-type: none"> <li>• DL 79/99</li> <li>• ARG/elt 99/08</li> <li>• ARG/elt 123/08</li> </ul>	
<b>Overview</b>	<p>A given applicant is entitled against the grid operator to the expansion of the grid, if this expansion is required to satisfy the claim for connection to the grid (art 7.3 and art. 19.1 Annex A ARG/elt 99/08 in conjunction with art. 3.1 and art. 9.1 DL 79/99).</p> <p><b>Entitled party.</b> All persons applying for connection are entitled to connection to and by that also to the expansion of the grid, which might be necessary for connection (art. 3.1 and art. 9.1 DL 79/99). This definition includes producers of electricity from renewable sources.</p> <p><b>Obligated party.</b> The obligated party is the grid operator (art 3.1 and 9.1 DL 79/99).</p>	
<b>Procedure</b>	<b>Procedure</b>	<p>A given applicant is entitled against the grid operator to the expansion of the grid, if this expansion is required to satisfy the claim for connection to the grid (art 7.3 and art. 19.1 Annex A ARG/elt 99/08 in conjunction with art. 3.1 and art. 9.1 DL 79/99).</p>
	<b>Enforcement of claims</b>	<p>The claims for connection to the grid and for the expansion of the grid, which might be necessary for connection, arise on the date of conclusion of the contract with the grid operator. When a given electricity producer comes into a conflict with the grid operator, he may request dispute resolution from the Market Directorate (Direzione mercati) of regulatory authority AEEG (art. 3 Annex A ARG/elt 123/08). The dispute settlement procedure is extensively described in Annex A ARG7elt 123/08.</p>
	<b>Deadlines</b>	<p><b>The following deadlines for connection are comprehensive of works of grid expansion:</b></p> <ul style="list-style-type: none"> <li>• The distribution grid operator must connect a system within the following timescales: <ul style="list-style-type: none"> <li>○ 30 working days for basic works (art. 10.1.a Annex A ARG/elt 99/08),</li> <li>○ 90 working days for complex procedures, plus 15 working days for every kilometre of connection line except the first kilometre (art. 10.1.a Annex A ARG/elt 99/08).</li> </ul> </li> <li>• The transmission grid operator must connect a system within the timescales specified in his terms and conditions (art. 23.1 Annex A ARG/elt 99/08 and Terna Network Code, art. 1A .5.8.4).</li> </ul>
	<b>Obligation to provide information</b>	

<b>Incentives for grid expansion</b>		
<b>Funding</b>		
	<b>State</b>	
	<b>Consumers</b>	
	<b>Grid operator</b>	
	<b>System operator</b>	In the case of renewable energy sources, the system operator bears the costs for expanding the grid. (Artt. 9, 21 and 26.2 ARG/elt 99/08).
	<b>Distribution mechanism</b>	
<b>Grid studies</b>		