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Sustainable nuclear energy: enabling act approved for Italy's new regulatory framework

On 23 September 2026, the Senate — with 81 votes in favour, 51 against and 7 abstentions — gave final approval to Senate Bill No. 1924, which had already been approved by the Chamber of Deputies on 4 June 2026 and delegates legislative authority to the Government in the field of sustainable nuclear energy.

The legislation marks a pivotal step in the reshaping of Italy's national energy policy and lays the foundations for the development of a new regulatory framework for civil nuclear energy in Italy. The enactment of the law opens a new regulatory phase that is expected to unfold over the coming years: within twelve months of the law entering into force, the Government is required to adopt one or more legislative decrees establishing a comprehensive regulatory framework for the entire sector.

A new regulatory framework for nuclear energy

The enabling act is particularly broad in scope and covers the entire lifecycle of nuclear activities: from planning and plant siting, through construction and operation, to the management of spent fuel and radioactive waste, decommissioning and dismantling.

The matters to be addressed by the delegated legislation include, in particular:

- the development of a national programme for sustainable nuclear energy and fusion, setting the objectives for the integration of nuclear energy into the national energy mix;
- the regulation of next-generation nuclear technologies, with particular reference to Small Modular Reactors (SMRs), Advanced Modular Reactors (AMRs) and other advanced technologies;
- the siting, construction, operation, decommissioning and dismantling of plants;
- the manufacture and reprocessing of nuclear fuel;
- the storage and disposal of radioactive waste and spent fuel;
- research and development in the fields of fission and fusion;
- the reorganisation of responsibilities for safety, supervision and control;
- any support measures for the development of a domestic nuclear industrial supply chain.

The reform therefore adopts a different approach from previous Italian nuclear programmes: it is concerned not merely with electricity generation, but with the integrated regulation of the entire nuclear lifecycle, addressing safety, sustainability and financial coverage from the outset.

SMRs and new technologies at the heart of the strategy

One of the defining features of the new framework is the decision to base any return to nuclear energy on next-generation technologies.

The measure confirms the definitive decommissioning of plants belonging to previous generations and focuses primarily on **SMRs and AMRs**, as well as other advanced technologies and, in the longer term, fusion.

This technological discontinuity also has significant legal implications: the legislature intends the new programme to rest on technological, environmental and regulatory premises that differ from those underlying Italy's nuclear programme before the 1987 and 2011 referendums.

The enabling act also extends beyond conventional electricity generation to other applications, including **heat and hydrogen production** and, according to the text approved during the parliamentary process, potential applications in the **naval and maritime sectors**.

An integrated authorisation procedure

One of the areas of greatest interest to market participants is the future authorisation regime.

The enabling act provides for an **integrated authorisation procedure under the responsibility of the Ministry of the Environment and Energy Security (MASE)**. The resulting authorisation will be intended to replace the permits, concessions, licences, clearances and other consents required for the project and may also operate as a variation to applicable planning instruments, entail a declaration that the project is of public utility, cannot be deferred and is urgent, and impose a pre-expropriation constraint.

Environmental assessment measures required under the Environmental Code will, however, remain separate.

The relationship between the **integrated authorisation and environmental impact assessment (EIA)** will therefore be one of the areas in which the legislative decrees will need to provide greater precision, in order to avoid procedural duplication and ensure sufficiently predictable timelines.

The enabling act does not itself set a maximum time limit for completing the procedure. The degree of certainty surrounding authorisation timelines will therefore depend to a significant extent on the solutions adopted by the Government in the implementing legislation.

Plant siting and engagement with local communities

Siting is likely to be one of the principal critical factors in the practical implementation of the programme.

The legislative decrees will need to reconcile technical and safety requirements with environmental, landscape, town-planning, seismic and hydrogeological constraints, while also regulating the involvement of Regions and local authorities.

The enabling act also provides for consultation with the municipalities concerned and measures aimed at delivering benefits to host territories.

The effectiveness of the new model will therefore also depend on the ability of the implementing framework to anticipate territorial conflicts by establishing sufficiently clear siting criteria and transparent procedures for the participation of affected communities.

Nuclear safety and a possible new independent authority

A further key issue concerns the future **governance of nuclear safety**.

The Government will be required to reorganise responsibilities for safety, supervision and control and may consider establishing an **independent administrative authority**, as an alternative to, or replacement for, the current framework centred on ISIN.

This is particularly significant because the new system will need to ensure a clear separation between the public functions of planning and promoting nuclear policy and the functions of safety regulation and supervision.

The choices concerning the authority's independence, powers, governance and funding arrangements will therefore be material to the credibility of the overall regulatory framework.

Investment, sustainability and risk allocation

The new framework creates opportunities extending well beyond the development of next-generation nuclear plants.

The establishment of a domestic nuclear supply chain may involve **utilities, infrastructure operators, engineering and construction companies, component manufacturers, institutional investors, logistics providers, businesses specialising in environmental and waste-management services, universities and research centres.**

For investors, however, the central issue will be **project bankability.**

Future investment structures will need to address, among other matters:

- the duration and predictability of authorisation procedures;
- regulatory and political risk;
- the allocation of construction and technology risks;
- the costs associated with managing the entire lifecycle of the plant;
- decommissioning and waste management;
- the financial guarantees required from operators;
- any public support mechanisms;
- EU State aid rules;
- compliance with the EU Taxonomy and sustainable finance criteria.

In particular, the enabling act provides that financial guarantees covering the entire lifecycle of the plants are to be borne by the authorised operator, while leaving open the possibility of introducing public support mechanisms for investment and technological development.

EU Taxonomy and ESG considerations

The new programme sits within the framework established by the **EU Taxonomy**, under which certain nuclear activities may, subject to specified conditions, qualify as potentially aligned with environmental sustainability objectives.

This does not, however, eliminate ESG-related risks.

On the contrary, investments in the sector are likely to require **enhanced due diligence**, particularly in relation to Taxonomy alignment, the DNSH principle, nuclear safety and radiation protection, the supply chain, project governance, stakeholder engagement, insurance coverage and end-of-life management of plants.

What happens next

Approval of the enabling act marks the beginning, rather than the end, of the regulatory process.

Within twelve months, the Government must adopt the legislative decrees required to translate the principles laid down by Parliament into rules directly applicable to market participants. Supplementary and corrective legislative decrees may also be adopted during the following two years.

The implementation phase will therefore be critical in defining:

- the content of the national programme;
- the technologies that will be eligible in practice;
- the criteria for plant siting;
- the timing and structure of authorisation procedures;
- the relationship between the integrated authorisation and environmental assessments;
- the respective roles of the State, Regions and local authorities;
- the structure of the future nuclear safety authority;
- the financial guarantees required from operators;

- any forms of public support;
- the framework for managing radioactive waste and spent fuel.

The new regulatory framework should therefore be viewed as a **pre-structuring phase for the future Italian nuclear market**.

Over the coming months, potentially interested businesses and investors may usefully assess their positioning within the future supply chain, identify potential industrial partnerships, review the compatibility of their projects and assets with the new regulatory framework and, where possible, engage in the process leading to the adoption of the implementing legislation.

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