LEGISLATIVE DECREE No. 31 of 15 February 2010

Setting out rules for storage systems for spent fuel and radioactive waste, as well as economic benefits, in accordance with Article 25 of Law No. 99 of 23 July 2009.

In force as at: 29/11/2016

**TITLE I**

*(General provisions)*

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;

HAVING REGARD TO Law No. 1860 of 31 December 1962 concerning the “Peaceful use of nuclear energy”, as amended;

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;

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 of public utility services”;

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, published in Official Journal No. 256 of 2000”;

HAVING REGARD TO Decree-Law No. 314 of 14 November 2003, as converted, with amendments, by Law No. 368 of 24 December 2003 containing urgent measures for the collection, disposal and storage of radioactive waste under conditions of maximum safety”, as amended;

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”;

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 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 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:

Article 1

(Subject)

1. This decree sets out rules on:
a) the siting of the national waste repository, within a technology park including a study and experimental research centre, for storing radioactive waste arising from previous operation of nuclear (and similar) plants on the national territory;

b) licensing procedures for the construction and operation of the national waste repository and the technology park;

c) economic benefits 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;

Article 2

(Definitions)

1. Without prejudice to the definitions set out in Law No. 1860 of 31 December 1962 and Legislative Decree No. 230 of 17 March 1995, the following definitions apply for the purposes of this decree:

a) “Agency”: the Nuclear Safety Agency referred to in Article 29 of Law No. 99 of 23 July 2009;

b) “Unified Conference”: the Conference referred to in Article 8 of Legislative Decree No. 281 of 28 August 1997, as amended;


d) “OECD/NEA”: the OECD Nuclear Energy Agency, based in Paris;

e) “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 the previous nuclear power plant management regime;

f) Decommissioning: the combination of planned, technical and managerial activities to be performed on a nuclear power plant subsequent to its definitive closure or cessation of operation, in accordance with the requirements on the protection of workers, the population and the environment, until final dismantlement or in any case until release of the site without any radiological restrictions.

f-bis) closure: the completion of all operations at a given moment after the removal of spent fuel or radioactive waste to a disposal facility, including final technical actions or any other work necessary to make the plant safe in the long term;

f-ter) period of institutional control: period of time in which, after the closure of a disposal facility, the competent authorities continue to carry out controls. This period depends on the radiological load, expressed both in terms of concentration of activities and the half-lives of the radionuclides in the deposit. For surface disposal facilities of low- and medium-activity radioactive waste, this period is generally between 50 years and several hundred years.

Article 3

((ARTICLE REPEALED BY LEGISLATIVE DECREES NO. 45 OF 4 MARCH 2014))
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

((ARTICLE REPEALED BY DECREE-LAW NO. 34 OF 31 MARCH 2011, CONVERTED WITH AMENDMENTS BY LAW NO. 75 OF 26 MAY 2011))

Article 5

((ARTICLE REPEALED BY DECREE-LAW NO. 34 OF 31 MARCH 2011, CONVERTED WITH AMENDMENTS BY LAW NO. 75 OF 26 MAY 2011))

Article 6

((ARTICLE REPEALED BY DECREE-LAW NO. 34 OF 31 MARCH 2011, CONVERTED WITH AMENDMENTS BY LAW NO. 75 OF 26 MAY 2011))

Article 7

((ARTICLE REPEALED BY DECREE-LAW NO. 34 OF 31 MARCH 2011, CONVERTED WITH AMENDMENTS BY LAW NO. 75 OF 26 MAY 2011))

Article 8

((ARTICLE REPEALED BY DECREE-LAW NO. 34 OF 31 MARCH 2011, CONVERTED WITH AMENDMENTS BY LAW NO. 75 OF 26 MAY 2011))

Article 9

((ARTICLE REPEALED BY DECREE-LAW NO. 34 OF 31 MARCH 2011, CONVERTED WITH AMENDMENTS BY LAW NO. 75 OF 26 MAY 2011))

Article 10

((ARTICLE REPEALED BY DECREE-LAW NO. 34 OF 31 MARCH 2011, CONVERTED WITH AMENDMENTS BY LAW NO. 75 OF 26 MAY 2011))

Article 11

((ARTICLE REPEALED BY DECREE-LAW NO. 34 OF 31 MARCH 2011, CONVERTED WITH AMENDMENTS BY LAW NO. 75 OF 26 MAY 2011))

Article 12

((ARTICLE REPEALED BY DECREE-LAW NO. 34 OF 31 MARCH 2011, CONVERTED WITH AMENDMENTS BY LAW NO. 75 OF 26 MAY 2011))
Article 24

(Article repealed by Decree-Law No. 34 of 31 March 2011, converted with amendments by Law No. 75 of 26 May 2011)

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 economic benefits)

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 tariff component that finances 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 a study and experimental research centre.

3-bis. Within the technology park, the research programmes and development initiatives undertaken by Sogin S.p.A. that are conducive to decommissioning and nuclear waste management activities are financed by the tariff component referred to in Article 1 paragraph 1 letter a) of Decree-Law No. 25 of 18 February 2003, converted with amendments by Law No. 83 of 17 April 2003.

3-ter. The operator of the technology park, which may consult the National Agency for New Technologies, Energy and Sustainable Economic Development (ENEA) and other research bodies, submits a programme of research and development activities in the field of the management of spent fuel, in line with the requirements of the national programme referred to in Article 11 of Directive 2011/70/Euratom, to the Ministry of Economic Development and the Ministry of the Environment, Land and Sea for their approval. The Ministry of Economic Development and the Ministry of the Environment, Land and Sea check the results achieved and whether they meet the predefined objectives of the national programme.
Article 26

(Sogin S.p.A.)

1. Sogin S.p.A. 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 25, 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) pays local authorities the amounts they are due;

e) provides wide-ranging and detailed public information and communication campaigns in relation to the activities which it carries out;

(e-ter) Based on the objectives and safety criteria established by the competent regulatory authority, Sogin S.p.A. defines the technical characteristics of radioactive waste products for the purposes of acceptance to the national waste repository.

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. Sogin S.p.A., taking into account the criteria identified by the IAEA and the Agency proposes a national map of potentially suitable areas for siting the technology park within seven months of the definition of said criteria, 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.

1-bis. Before publication in accordance with paragraph 3 of this article, Sogin S.p.A. sends the competent regulatory authority the proposed national map referred to in paragraph 1, accompanied by the technical documentation used and the description of the procedures followed to prepare the map; said authority then validates the map’s results and checks that they are consistent with the criteria described in paragraph 1. The competent regulatory authority sends a report, within 60 days, to the Ministry of the Environment, Land and Sea and the Ministry of Economic Development, which give their consent to Sogin S.p.A. within 30 days so that, in light of any observations in the deed of consent, Sogin S.p.A. can carry out the actions set out in paragraph 3.

2. The contents of the draft 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, and calculation of the fill factor;

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 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 one hundred and twenty days of the 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 economic benefits referred to in Article 30.
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. and the Ministry of Economic Development within 30 days of this Symposium, Sogin S.p.A. will produce an updated version of the proposed National map of the 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 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, within sixty days, 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 in which the suitable areas are located. 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 in whose territory the suitable areas are located.

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 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 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 15 months of the protocol referred to in paragraph 7 or the finalisation of the agreement referred to in paragraph 8, 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 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 related activities referred to in this legislative decree exclusively to Sogin S.p.A., with due regard for EU law. 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, the health of workers and the population, environmental protection and the socio-economic, cultural and territorial development impact of the creation of the technology park, together with the planned economic benefits, including the extent of the compensation and the procedures and timescales for making it available to the population affected.

13. Within six 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 six months from the submission of the application.

13a. The application must be submitted at the same time to the Ministry of the Environment, Land and Sea and the Ministry of Cultural Heritage and Activities, also for the purposes of initiating the environmental impact assessment (EIA) process, and the documentation must be submitted to the bodies concerned in accordance with Article 23 of Legislative Decree No. 152 of 2006, also for the purposes of public information and engagement, and also to the Ministry of Infrastructure and Transport.

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 the 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.

17-bis. 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 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 assessment for the purposes of the EIA procedure;
c) preliminary safety analysis report;

 d) documentation comprising the national waste repository operating model, and in particular:
   1) draft operating rules;
   2) draft operating manual;
   3) the general testing programme for the handling and storage of radioactive waste;
   4) 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;
   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;
   g) 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 27.

**Article 28-bis**

*(Authorisation for the closure of the radioactive waste disposal facility)*

1. Performance of operations for the closure of the radioactive waste disposal facility at the national
   waste repository is subject to the prior authorisation of the Ministry of Economic Development in
   conjunction with the Ministry of the Environment, Land and Sea, having consulted the ministries of
   the interior, labour, social policies and health, the affected region or autonomous province, and the
   competent regulatory authority, upon request of the licence holder. Said authorisation is issued, where
   necessary, in individual intermediate stages reflecting the closure and post-closure status.

2. The procedure for issuing the closure authorisation referred to in paragraph 1 is established by
   decree of the Ministry of Economic Development, in conjunction with the Ministry of the
   Environment, Land and Sea, having consulted the ministries of the interior, labour, social policies and
   health, the affected region or autonomous province and the competent regulatory authority.
3. At the end of the closure operations referred to in paragraph 1, the holder of the authorisation sends the competent regulatory authority one or more reports documenting the operations performed and the status of the facility and the site.

4. The Ministry of Economic Development, together with the Ministry of the Environment, Land and Sea, having consulted the affected administrations and the competent regulatory authority, issues a decree setting out the requirements connected to the period of institutional control.

**Article 29**

(ARTICLE REPEALED BY DECREE-LAW NO. 34 OF 31 MARCH 2011, CONVERTED WITH AMENDMENTS BY LAW NO. 75 OF 26 MAY 2011)

**Article 30**

(Economic benefits)

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. The financial benefit mentioned in this paragraph is apportioned 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 25 km of the centre of the repository building.

2. (PARAGRAPH REPEALED BY DECREE-LAW NO. 34 OF 31 MARCH 2011, CONVERTED WITH AMENDMENTS BY LAW NO. 75 OF 26 MAY 2011)

3. (PARAGRAPH REPEALED BY DECREE-LAW NO. 34 OF 31 MARCH 2011, CONVERTED WITH AMENDMENTS BY LAW NO. 75 OF 26 MAY 2011)

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 paragraphs are required to pay a percentage of them, in accordance with transparent and predetermined criteria and procedures, to the residents and businesses operating in the locality within 20 km of the centre of the repository building, by means of a corresponding reduction in the municipal refuse charge or similar measures.

**TITLE IV**

(Information campaign)

**Article 31**

(ARTICLE REPEALED BY DECREE-LAW NO. 34 OF 31 MARCH 2011, CONVERTED WITH AMENDMENTS BY LAW NO. 75 OF 26 MAY 2011)

**Article 32**

(ARTICLE REPEALED BY DECREE-LAW NO. 34 OF 31 MARCH 2011, CONVERTED WITH AMENDMENTS BY LAW NO. 75 OF 26 MAY 2011)
TITLE V
(Final provisions)

Article 33

((ARTICLE REPEALED BY DECREE-LAW NO. 34 OF 31 MARCH 2011, CONVERTED WITH AMENDMENTS BY LAW NO. 75 OF 26 MAY 2011))

Article 34

((ARTICLE REPEALED BY DECREE-LAW NO. 34 OF 31 MARCH 2011, CONVERTED WITH AMENDMENTS BY LAW NO. 75 OF 26 MAY 2011))

Article 34-bis

(Final provisions)

1. Pursuant to and for the effects of this legislative decree, all references to CNEN, ENEA/DISP, ANPA, APAT or the Nuclear, Technological Risk and Industrial Department of ISPRA is understood to mean the Agency.

2. ((PARAGRAPH REPEALED BY LEGISLATIVE DECREE NO. 45 OF 4 MARCH 2014))

3. The provisions of Law No. 1860 of 31 December 1962 are applicable insofar as they are compatible with the present decree.

4. For anything not expressly covered by this legislative decree, the provisions of Legislative Decree No. 230 of 17 March 1995 apply.

5. For the purposes of the protection of information, the data and information covered by this decree with a confidentiality rating are managed in accordance with regulations on the subject.

Article 35

(Repeals)

1. The following legal provisions are hereby repealed:

   a) articles 8 and 9 of Legislative Decree No 230 of 17 November 1995;
   b) article 1(100) of Law No. 239 of 23 August 2004.

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

Rome, 15 February 2010

NAPOLITANO

Berlusconi, President of the Council of Ministers

Scajola, Minister of Economic Development
Prestigiacomo, Minister of the Environment, Land and Sea

Matteoli, Minister of Infrastructure and Transport

Calderoli, Minister for Legislative Simplification

Approved, the Justice Minister: Alfano