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Agrivoltaics in Italy: Agricultural Continuity, Authorisation, and Suitable Areas under Law No. 4/2026

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Abstract: Recent legislative reforms in Italy have reshaped the legal framework governing agrivoltaic installations, particularly following Law No. 4 of 15 January 2026, which converted Decree-Law No. 175 of 21 November 2025 and amended the Renewable Energy Sources Consolidated Act (Legislative Decree No. 190/2024). This article examines how the reform affects the legal classification of agrivoltaic projects and the conditions for their authorisation on agricultural land. The analysis adopts a doctrinal legal method based on statutory interpretation, review of relevant administrative materials, and comparison between the new provisions and the previous regime. It argues that the reform consolidates agrivoltaics as an autonomous legal category of integrated land use, distinct from ground-mounted photovoltaic installations, and introduces a more selective regulatory model. Key innovations include the strengthening of agricultural continuity as a substantive legal requirement, the introduction of a certified professional declaration linked to a minimum threshold of 80% of Gross Saleable Production (GSP), enhanced documentary obligations during the authorisation phase, post-installation municipal monitoring, and quantitative limits linked to the calculation of suitable agricultural areas. These measures increase the evidentiary burden on project developers and agricultural undertakings while reinforcing the protection of productive agricultural land. The article concludes that the reform establishes a more rigorous balance between renewable energy deployment and land preservation, although its practical effectiveness will depend on the development of consistent administrative practices capable of limiting territorial divergence and litigation.

Keywords: Agrivoltaics; Agricultural Continuity; Gross Saleable Production (GSP); Suitable Areas; Agricultural Land Use; Authorisation Procedures

1. Introduction

Law No. 4 of 15 January 2026, which converts Decree-Law No. 175 of 21 November 2025, marks a significant development in the Italian legal framework governing the designation of "*suitable areas*" (*aree idonee*)—a statutory category in Italian renewable-energy permitting law—for renewable energy installations. During the parliamentary process, the reform was shaped against a background of concrete implementation and coordination issues, particularly concerning the allocation of renewable energy targets across regions, the obligation imposed on regional authorities to designate suitable areas within strict timeframes, and the criteria governing the inclusion of agricultural land within such areas, as reflected in the parliamentary materials [1]. Comparable regulatory tensions have been identified in the international literature, particularly with regard to the definition of agrivoltaic systems, the coordination between energy and agricultural regulation, and the absence of uniform administrative criteria across jurisdictions [2]. The measure substantially amends Legislative Decree No. 190/2024, refining the criteria for designating suitable areas, a matter of direct relevance to municipalities and territorial authorisation proce-

dures. It also performs a stabilising and systematising function within a sector characterised by rapid regulatory change and a high degree of procedural complexity [3].

The reform forms part of the broader rationalisation process initiated by Legislative Decree No. 190 of 25 November 2024 (the Consolidated Renewable Energy Sources Act; hereinafter, the "RES Consolidated Act") [4]. Its principal aim is to render the siting of renewable energy installations more governable by relocating into primary legislation issues that had previously been governed by secondary rules or soft-law instruments, while also reinforcing the alignment between the national legislative framework and regional spatial planning choices.

In particular, the reform introduces new Article 11-*bis* into the RES Consolidated Act, replacing the previous regulatory architecture established under Article 20 of Legislative Decree No. 199 of 8 November 2021 [5], which is simultaneously repealed. In this way, the governance of suitable areas on mainland territory is consolidated at the level of primary legislation. Within this renewed framework, particular significance attaches to the statutory codification of the legal definition of an agrivoltaic installation, intended to supersede [6] the previously central role of the Ministerial Guidelines of 27 June 2022 [7,8] and to provide operators and public authorities with a definitional benchmark embedded directly in the authorisation framework of the RES Consolidated Act.

Against this background, agrivoltaic installations are treated by the amended framework as a legally differentiated category, no longer reducible to a mere locational variant of ground-mounted photovoltaic plants, since Article 4(1)(f-*bis*) of Legislative Decree No. 190/2024 now provides a specific statutory definition based on the preservation of agricultural and pastoral continuity at the installation site [9]. Law No. 4/2026 thus strengthens the progressive recognition of agrivoltaic systems as a distinct legal type designed to integrate energy production with the continued agricultural use of land. This approach precludes any automatic assimilation to traditional photovoltaic installations in rural areas and reflects a dual land-use model in which energy generation and agricultural production coexist functionally, rather than one displacing the other.

Read as a whole, the amendments introduced at the conversion stage reinforce the structuring function of the suitable areas framework and place agrivoltaics on a distinctly legal and planning-oriented plane, affecting both siting criteria and the structure of authorisation procedures. The present article focuses exclusively on the innovations introduced by Law No. 4/2026 in relation to agrivoltaic installations. It examines the strengthening of the agricultural continuity requirement, the introduction of new quantitative standards based on agricultural productivity indicators, and the broader implications of these developments for authorisation procedures and territorial governance. The analysis is directed, more specifically, at assessing whether these innovations consolidate the legal distinctiveness of agrivoltaic installations within the new statutory framework and how this affects the interpretation and application of authorisation rules.

2. Materials and Methods

2.1. Legal Sources and Methodology

This study adopts a doctrinal legal approach grounded in the analysis of primary and secondary legal sources. The primary sources examined include Law No. 4 of 15 January 2026, the Renewable Energy Sources Consolidated Act (Legislative Decree No. 190 of 25 November 2024), and the relevant provisions of Legislative Decree No. 199 of 8 November 2021, with particular attention to the amendments introduced at the conversion stage and their interaction with the pre-existing regulatory framework. Secondary sources include ministerial guidelines, administrative circulars, and official notes issued by representative bodies of local authorities. The analysis further draws on relevant case law of the Italian Administrative Regional Courts and the Council of State, examined for the purpose of identifying the interpretive trends that informed and accompanied the legislative reform.

The methodological approach combines textual interpretation of the statutory provisions with a systematic reconstruction of the overall regulatory framework, comparing the new legislative regime with the previous one in order to identify continuities, discontinuities, and unresolved interpretive issues. Where relevant, reference is also made to the broader European regulatory context, in particular Directive (EU) 2018/2001 (RED II), as amended by Directive (EU) 2023/2413 (RED III), which provides the supranational framework within which the Italian reform operates [10]. The practical implications of the new rules for administrative procedures, territorial planning, and the operational strategies of agricultural enterprises and renewable energy developers are examined throughout the analysis.

2.2. Agricultural Continuity as a Substantive Requirement of Agrivoltaics

Among the most significant innovations introduced by Law No. 4 of 15 January 2026, converting Decree Law No. 175 of 21 November 2025, particular importance attaches to the strengthening of the requirement of agricultural continuity as a substantive condition for the lawfulness of agrivoltaic installations [11]. The reform does not merely reaffirm the abstract compatibility between energy production and the rural use of land; rather, it consolidates an approach under which an installation may be classified as agrivoltaic only where the continuation of agricultural and pastoral activities at the installation site is effectively and verifiably ensured.

In this sense, agro-pastoral continuity no longer constitutes a mere technical criterion or a programmatic objective. In this respect, agro-pastoral continuity no longer operates only as a technical benchmark or a programmatic objective. Within the RES Consolidated Act, it functions as a substantive legal requirement for the agrivoltaic qualification of the project. The effect is to distinguish truly integrated projects from installations that are formally labelled as agrivoltaic but, in practice, either subtract land from productive agricultural use or leave agricultural activity in a merely residual form.

From this perspective, particular significance attaches to the amendment to Article 11(8) of Legislative Decree No. 190 of 25 November 2024, whereby the legislature expressly provides that the sanctions applicable to projects carried out in breach of the relevant authorising title also apply to agrivoltaic installations that fail to comply with the requirement of preserving agricultural and pastoral continuity. Agricultural continuity is thus no longer confined to a merely descriptive function and becomes a legally relevant parameter, capable of directly affecting the sanctioning regime applicable to the installation. The consequences include, in addition to pecuniary penalties ranging from EUR 1,000 to EUR 100,000, the obligation to restore the site to its prior state, reflecting a logic of substantive conformity of the installation with both the authorising title and its agrivoltaic legal classification.

The systemic significance of the amendment is immediate. The legislature expressly codifies the distinction between "genuine" agrivoltaics, grounded in the functional coexistence of agricultural and energy production, and installations which, although formally labelled as agrivoltaic, in substance entail an energy-driven transformation of the land incompatible with its declared rural destination. What emerges is a regulatory model in which the agricultural component is not an accessory feature of the project, but an indispensable substantive requirement, one that conditions not only the initial admissibility of the installation, but also the preservation over time of its agrivoltaic classification and the continuing validity of the authorising title in light of subsequent reviews. The systemic effect of the amendment is clear. The legislature now distinguishes between projects in which agricultural and energy production genuinely coexist and projects that are only formally labelled as agrivoltaic but in practice result in the loss of the land's productive agricultural function. In this regulatory model, the agricultural element is no longer secondary. It becomes a substantive requirement of the project, relevant both at the authorisation stage and during the subsequent monitoring of compliance over time.

3. Findings

3.1. Agrivoltaics and the Administrative Assessment of Projects: Procedural Classification and Typological Distinction

The statutory codification of the notion of an agrivoltaic installation and the strengthening of the requirement of agricultural continuity do not exhaust their effects within the agricultural sphere; they also bear directly on the administrative and procedural classification of the project. The conversion of Decree-Law No. 175/2025 contributes, in this respect, to consolidating agrivoltaics as an autonomous legal category rather than a merely derivative form of ground-mounted photovoltaic development, with immediate implications for the conduct of authorisation procedures and environmental assessments, including for the proper identification of the evidentiary and reasoning standards required in the individual case [12].

One of the main practical issues that has emerged concerns the tendency of certain administrative authorities to treat agrivoltaic projects as substantially interchangeable with traditional photovoltaic projects, particularly with regard to the assessment of cumulative impacts and their attribution to the same plant typology [13]. The risk, in such cases, is that the analysis is reduced to evaluative parameters developed for installations that entirely replace the agricultural use of land.

While the amended framework retains the general notion of an 'agrivoltaic installation', it qualifies that notion through substantive requirements, in particular agro-pastoral continuity and agricultural productivity standards based on Gross Saleable Production (GSP). At both the investigation stage and the review stage, these requirements operate as functional filters, selecting only those projects that are capable of maintaining continued agricultural use. This makes any assimilation to conventional photovoltaic development difficult to sustain [14,15]. Because agrivoltaic installations are intended to preserve rural activity and soil functionality, they require project-specific evidentiary standards rather than the standardised criteria typically applied to installations that fully replace agricultural land use [16].

Under the amended framework, the assessment of agrivoltaic projects cannot be based on the standard categories traditionally applied to ground-mounted photovoltaic installations. The competent authority is required to carry out a project-specific evaluation, taking into account the concrete characteristics of the installation, its compatibility with the continuation of agro-pastoral activity, and the reliability of the assumptions concerning agricultural productivity.

The new framework, therefore, does not merely introduce substantive agricultural requirements. It also contributes to shaping a different procedural paradigm, in which the agrivoltaic classification of the installation becomes a decisive element in the proper balancing of the public interests involved. Within this framework, the soundness of the procedure will increasingly depend on the quality of the administrative investigation and on the coherence of the balancing exercise expressed in the statement of reasons, including as regards the transparency of the criteria used to distinguish effective agrivoltaic projects from merely nominal configurationshe reform therefore does not only introduce substantive agricultural requirements, but also affects the structure of the authorisation procedure. The qualification of a project as agrivoltaic becomes a central element in the assessment of the relevant public interests. Within this framework, the law requires that administrative decisions be supported by an adequate investigation and by a reasoned justification, particularly as regards the criteria used to verify the effective integration between energy production and agricultural use.

3.2. Post-Installation Review and Municipal Oversight: Agrivoltaics as a Dynamic Activity Subject to Ongoing Compliance

The conversion law introduces into the regulation of agrivoltaics as a provision of immediate practical relevance: for the five years following the entry into operation of the installation, the site is subject to a post installation review of the continuity of agricultural and pastoral activity. In particular, the municipality having territorial jurisdiction is required to verify the continued suitability of the area for agricultural and pastoral use, thereby establishing a direct supervisory mechanism over the persistence of the rural function declared at the project stage, according to a logic of substantive verification of the continuity originally represented.

This development is significant because it shifts the agrivoltaic classification of the installation from a purely authorisation-based plane to a functional and managerial one. The project is no longer regarded as exhausted upon the granting of the authorising title; rather, it is conceived as an initiative that must be preserved over time, under the substantive conditions that justify its admissibility within agricultural land. From this perspective, the five-year municipal review operates as a mechanism for ensuring consistency between the authorised configuration of the installation and the agronomic arrangement actually maintained on the ground, thereby making the rural component not merely declared, but also reviewable and, accordingly, capable of affecting the very conformity of the operation with the qualifying requirements of agrivoltaics.

From an operational standpoint, this means the regulatory risk is no longer concentrated exclusively at the investigation and permitting stage, but extends into the operational life of the installation. Agricultural undertakings and the parties involved in the management of the project must therefore structure agrivoltaics as a stable and integrated productive asset, since any divergence between what was authorised and what is actually maintained in practice—such as subsequent abandonment of cultivation or a structural reduction of rural activity—may acquire immediate administrative relevance and, where applicable, trigger sanctions. The sanctioning regime also applies to cases where agricultural continuity is not preserved, potentially leading to pecuniary penalties and restoration obligations. In this sense, agricultural continuity tends to take on the character of a continuing functional requirement, capable of affecting the preservation over time of the agrivoltaic classification itself and therefore requiring, from an organisational standpoint, a traceable and properly documented management of the agricultural compo-

nent.

In strengthening the agricultural element as a substantive requirement of agrivoltaics, the legislature entrusts the supervisory function to the authority territorially closest to the site, namely the municipality, but also to the institution that is structurally the most heterogeneous in terms of available technical and administrative resources. Assessing the continued suitability of the site for agricultural and pastoral use presupposes complex agronomic and agro-economic evaluations that often fall outside the ordinary expertise of many local authorities, especially smaller municipalities, giving rise to a tangible risk of uneven controls and variable administrative practices.

It cannot, therefore, be excluded that, in practice, post-installation oversight may result in uneven enforcement, recourse to external technical support, or substantial reliance on documentation produced by the operator itself, thereby creating a tension between the need for effective public supervision and the concrete conditions of implementation. At the same time, precisely because the agricultural component is elevated to a substantive and continuing requirement, a serious agronomic design and a coherent, traceable management of agro-pastoral continuity are likely to reduce the uncertainty associated with review, whereas merely declaratory arrangements expose the project to a high risk of challenge, with a selective effect that tends to favour high quality projects—the more so because, in practice, review will ordinarily be structured around documentary verification and, where necessary, on-site inspections.

From another perspective, the new provision projects the burden of agricultural continuity beyond the authorisation stage, transforming it into a permanent management constraint and into a potentially high regulatory cost, capable of affecting the overall economic sustainability of the project. It therefore becomes essential to develop uniform administrative practices and verifiable technical criteria, also with a view to reducing territorial disparities in outcomes, so as to prevent subsequent review from becoming a structural source of uncertainty or an undue burden for agricultural undertakings.

3.3. The Certified Professional Declaration and the 80% GSP Threshold: A New Ex Ante Evidentiary Standard for Productive Continuity

The amendment with the most significant impact at the authorisation and review stage is the introduction, in Article 11-*bis* of Legislative Decree No. 190 of 25 November 2024, of an obligation on the applicant to attach to the agrivoltaic project a certified professional declaration attesting the suitability of the installation to preserve at least 80% of Gross Saleable Production (GSP; *Produzione Lorda Vendibile*, PLV—defined as the economic value of the marketable agricultural output of a farm holding, commonly used as a synthetic indicator of the productive capacity of the land) [17]. The declaration must be attached to the project and, in any event, made available to the administration in the context of supervisory and review activities.

This provision introduces into the authorisation framework a minimum quantitative parameter of agricultural productivity that directly affects the agrivoltaic classification of the project. The GSP threshold operates as a normative criterion for balancing the rural and energy components of the installation, shifting the focus of assessment from the mere physical coexistence of crops and photovoltaic modules to the verifiability of residual agricultural performance.

The evidentiary burden is thus placed at the design stage. Agricultural continuity can no longer rest on generic descriptive statements, but must instead be tied to the economic and productive capacity of the farm to maintain a substantial and objectively verifiable level of output. The certified professional declaration, therefore, performs both a selective and a delimiting function, operating as a condition for the admissibility of the application and as a means of distinguishing genuine agrivoltaics from installations that, in substance, functionally displace agricultural land use.

Moreover, the introduction of a minimum economic-productivity standard entails a structural change in the risk profile of agrivoltaic projects. The legal acceptability of the installation no longer depends solely on its technological configuration or formal classification, but also on the concrete capacity of the undertaking to sustain over time a level of agricultural productivity comparable to the pre-installation baseline. From this perspective, the 80% GSP threshold takes the form of a substantive compliance requirement, capable of affecting both the bankability of the initiative and the cropping choices necessary to ensure its long-term viability. At the same time, an inherent critical issue remains: as an economic indicator based on output multiplied by price, GSP is naturally affected by agricultural market volatility and, to some extent, by exogenous variables such as climatic conditions, crop dis-

eases, and rotation patterns. There is therefore a risk that the threshold may capture fluctuations not attributable to project quality as such. This, in turn, highlights the need—at least from a *de iure condendo* perspective—for regulatory tolerance mechanisms addressing unforeseeable events, including adverse climatic conditions, phytopathological outbreaks, non-native pest infestations, and epizootic events, capable of temporarily impairing agricultural productivity. From a *de iure condendo* perspective, the introduction of tolerance mechanisms for unforeseeable events affecting agricultural productivity may be appropriate in order to avoid treating exogenous fluctuations as indicators of project inadequacy.

In summary, the provision requires stronger agronomic and farm-level documentation in support of the project, since the agricultural component must be measurable and certifiable *ex ante* as a constitutive requirement of an authorisable agrivoltaic installation.

3.4. Certification, Supporting Documentation, and Standards of Proof for GSP: The Emerging Evidentiary Framework of Agrivoltaics

The introduction of the certified professional declaration and of the minimum 80% Gross Saleable Production (GSP) threshold does not merely entail an additional documentary burden. It marks, more fundamentally, a structural shift in the authorisation technique applicable to agrivoltaic projects, since the declaration is intended not only to support the *ex ante* assessment, but also to remain deployable at the review stage, insofar as it must, in any, event be made available to the administration in the context of supervisory activities.

The legislature no longer confines itself to requiring that the installation merely "allow" the continuation of agricultural activity. It now requires that such continuity be demonstrated *ex ante* through a measurable economic productivity parameter, capable of operating as a selective criterion between genuinely integrated installations and merely nominal configurations.

In this framework, certification does not operate only at a technical level, but also as a means of demonstrating the continued agricultural use of the land. Agronomic compatibility must therefore be supported by concrete and verifiable elements, rather than by generic or programmatic statements. In particular, the agricultural undertaking is required to substantiate both the pre-existing productivity of the land and its capacity to be maintained in the presence of the installation. This may include, where relevant, objectively verifiable agronomic measures, such as the use of digital or precision-farming tools and project design solutions aimed at ensuring agricultural continuity.

In this context, the assessment relies on concrete agricultural data and documentation. Relevant elements include the historical cropping pattern of the land, the production system actually implemented, the farm file (fascicolo aziendale) [18], and the information reported under the Common Agricultural Policy (CAP). These elements are used not only to reconstruct past use of the land, but also to verify the credibility of the declared agricultural continuity.

In addition, multiannual cropping plans, agronomic yield indicators, and comparisons between pre- and post-installation Gross Saleable Production (GSP) are particularly relevant. The statutory GSP threshold requires evidence of an effective and ongoing agricultural model, rather than a merely residual activity.

At the same time, the new legislative approach raises a delicate practical issue. The 80% threshold operates as a legally conformative parameter: it affects the classification of the project already at the authorisation stage and projects itself onto the future stability of the authorising title. It follows that the certification cannot amount to a merely estimative assessment, but must instead be supported by a reviewable analytical framework grounded in replicable data and transparent criteria.

In the absence of clearly defined technical standards—such as the relevant baseline for comparison, the observation period, the treatment of normal fluctuations in production, crop rotation patterns, and the impact of climatic factors—the application of the GSP threshold may give rise to interpretive uncertainties. These uncertainties may concern, in particular, the methods used to measure agricultural productivity, the reliability of ex ante projections, and the scope of additional evidentiary requirements imposed during the procedure. They may also affect the assessment of ex post deviations, in particular, whether such deviations should be regarded as a breach of the requirement of agricultural continuity.

At the ex post stage, deviations resulting from market fluctuations, in particular from changes in the price component of Gross Saleable Production (GSP), should not be treated automatically as a failure to meet the requirement of agricultural continuity. An adequate assessment requires criteria capable of distinguishing between purely eco-

nomic variations and an actual reduction in agricultural performance, taking into account both cropping continuity and productive yield.

Within this framework, GSP operates as a measurable parameter that must be supported by objective and verifiable elements. In the absence of clearly defined criteria for measurement and review, differences in administrative practice may arise. For this reason, the effectiveness of the 80% threshold depends on the progressive definition of technical and procedural standards capable of ensuring consistent application.

3.5. Agrivoltaics and the Utilised Agricultural Area (UAA) Calculation: Quantitative Governance of Siting in Agricultural Areas

A particularly significant issue for agricultural undertakings concerns the amendment made to Article 11-*bis*(4)(g) of Legislative Decree No. 190 of 25 November 2024, concerning the regional criteria for the designation of suitable areas. In order to preserve the agricultural use of land, the provision establishes that agricultural areas capable of being designated as suitable at the regional level may not be less than 0.8% nor more than 3% of the Utilised Agricultural Area (UAA; *Superficie Agricola Utilizzata*, SAU) [19]. From a practical perspective, this makes the progressive monitoring of already committed land crucial for compliance with the maximum regional threshold.

At the conversion stage, the legislature introduced an important clarification by specifying that, for the purposes of calculating those percentages, areas already occupied by agrivoltaic installations must also be taken into account. It follows that agrivoltaics, although configured as compatible with agricultural and pastoral land use, nevertheless contribute to the saturation of the maximum share of UAA that the Regions may allocate to suitable areas within agricultural land, including for the purpose of progressively tracking already installed or authorised projects.

The provision has a significance that goes beyond a merely declaratory clarification, since it introduces a mechanism of quantitative governance of the phenomenon. Alongside the substantive requirements of productive continuity, the legal framework now incorporates a territorial limit intended to contain the cumulative expansion of renewable energy installations on rural land, assigning to regional planning an implicit function of quantitative containment. This approach is consistent with the broader logic of transparency and interoperability underlying the digital platform on suitable areas established by the RES Consolidated Act, which also includes a counter recording the share of UAA occupied by renewable energy installations, on the basis of data transmitted by the Regions.

From an operational standpoint, this criterion is likely to affect siting strategies, particularly in regions characterised by a high concentration of projects, progressively reducing the residual availability of agricultural land that may still be classified as suitable. This dynamic is consistent with comparative studies on solar deployment under conditions of limited land availability, which emphasise the role of land-use constraints and zoning criteria in shaping renewable energy siting decisions [20]. Although the calculation mechanism is framed in apparently neutral terms, it may in practice generate an indirect restrictive effect on the future expansion of agrivoltaic projects, thereby intensifying the tension between the promotion of renewable energy and the protection of productive agricultural land. This has immediate implications also for locational due diligence, which will increasingly have to take into account, where operational, the progressive saturation dynamics reflected in the UAA counter.

3.6. Transitional Regime: Safeguarding Pending Proceedings and the Continued Application of the Previous Legal Framework

A further amendment of particular significance, introduced by the conversion law during the parliamentary process, concerns the transitional regime applicable to authorisation proceedings pending on the date of entry into force of the decree-law. The new paragraph 1-*bis* expressly provides that the new rules concerning suitable areas and simplified administrative regimes, as laid down in Article 11-*bis*(1) and Article 11-quater of Legislative Decree No. 190 of 25 November 2024, do not apply to proceedings that had already been commenced, which are instead to continue under the previously applicable legal framework.

This provision serves the purpose of regulatory certainty by protecting operators' legitimate expectations and preventing the retroactive application of new substantive requirements for agrivoltaics to proceedings that had already been initiated and developed under a different regulatory framework.

As regards the definition of "pending proceedings", the legislature adopts a selective criterion. That category includes authorisation and permitting procedures—including environmental assessment procedures — in respect

of which the verification of the completeness of the application documents had already been completed by the date on which the decree entered into force. The decisive threshold, therefore, does not coincide with the mere filing of the application, but with the completion of the formal completeness check, which operates as the dividing line between the previous and the new regime.

The legislature's decision to anchor the transitional regime to that procedural moment—rather than, for example, to the filing of the application or to the formal commencement of proceedings—makes the reconstruction of the modalities and timing of the completeness check decisive in practice [21].

For agrivoltaic operators, the provision has immediate practical consequences. The correct classification of the procedural status becomes crucial in determining whether the new requirements apply and, more generally, in identifying the relevant authorisation framework. Precisely because such central importance is attributed to the completeness check, however, practical difficulties may arise in cases involving requests for supplementary documentation, disputes as to procedural admissibility, or delays in the formalisation of the outcome of the preliminary review. There is therefore a risk of disputes concerning the identification of the applicable legal framework, in particular in cases where the procedural *status* depends on the assessment of completeness of the application or on subsequent requests for supplementary documentation. In such situations, the timing of the preliminary review and the formalisation of its outcome may become decisive in determining whether the procedure falls under the previous or the amended regime.

3.7. 7 High-Value Agricultural Areas and the Regional Opposition Remedy: Article 14-Quinquies of Law No. 241/1990 as a Safeguard Clause

A particularly significant feature of the new framework established by the conversion law is the provision according to which, where the area concerned is characterised by high agricultural value, the competent Region or Autonomous Province may activate the opposition remedy provided for by Article 14-*quinquies* of Law No. 241 of 7 August 1990. The provision introduces a safeguard clause enabling the territorial authority, within the *conferenza di servizi (service conference)*—the Italian statutory procedure for the joint exercise of administrative powers by multiple public authorities—to assert a qualified and differentiated public interest connected with the protection of the productive potential of agricultural land.

The express reference to areas of high agricultural value has considerable systemic significance, because it precludes automatic approaches to the siting of installations. While confirming an overall legislative preference in favour of agrivoltaics, the legislature recognises that the productive function of the soil may require a heightened balancing exercise, with direct implications for both the evidentiary standard and the statement of reasons. The administration is thus required to articulate expressly the grounds for the balancing carried out, especially where agricultural productivity displays strategically or productively significant features [22].

The provision is likely to become one of the main interpretative focal points of the new regime. On the one hand, it confirms that agrivoltaics are not conceived as inherently incompatible with agricultural zoning. On the other hand, it confers upon the Regions a power of opposition that operates as an internal corrective to the accelerated procedure in cases where the protection of agricultural value requires a more searching assessment than that ordinarily contemplated by the general framework.

What thus emerges is a structurally unstable point of equilibrium between energy transition and the safeguarding of the productive use of agricultural land, one that is likely to generate regional divergence and administrative litigation, particularly with regard to the concrete criteria by which an area may be classified as one of "high agricultural value" and to the relationship between that assessment and the legal notion of a suitable area [23].

3.8. Local Authority Involvement and Implementation Timelines: Differentiated Time Limits for Regions and Autonomous Provinces

Still within the framework of the amendments to Article 11-*bis* of Legislative Decree No. 190/2024, the legislature also intervenes in relation to the timing and territorial implementation arrangements of the new regime. In particular, each region is required to adopt its designation and planning measures within 120 days from the date on which the decree entered into force, while each Autonomous Province must adopt its own measures while ensuring the involvement of the concerned local authorities within 180 days from the same date.

This provision reflects the territorial dimension of suitable-area planning and the need to coordinate decisions taken at the regional and municipal levels. In practice, the location of agrivoltaic installations affects land use, rural organisation, and landscape protection, which fall within the competencies of regional and local authorities.

At the same time, although the legal framework is defined at the national level, its application depends on decisions taken at the regional and provincial levels, as well as on the role of municipalities. In particular, local authorities are responsible for both the assessment of projects during the authorisation procedure and the subsequent verification of the continued agricultural and pastoral use of the installation sites.

4. Discussion

Implications for Advisors and Operators: Towards a New Agrivoltaic Project Standard

The innovations introduced by the conversion law require that agrivoltaic projects be supported by a structured and verifiable project dossier, both from the agricultural and from the authorisation perspective. This reflects the central role attributed to agricultural continuity and to the evidentiary requirements associated with the Gross Saleable Production (GSP) threshold. Similar issues have been identified in comparative studies, which emphasise the need to distinguish genuinely productive agricultural systems from configurations that only formally comply with agrivoltaic criteria [24].

Within this framework, project design and certification assume a central role. The agricultural component must be supported by traceable and coherent documentation, including data on pre-existing productivity and on the capacity to maintain it over time. In this respect, the use of measurable agronomic indicators and verifiable management practices has been identified as a key element in ensuring the credibility of agrivoltaic systems [25].

The implications extend beyond the authorisation phase. The amended framework requires that agricultural continuity be maintained over time and subject to verification, which implies ongoing organisational and technical responsibilities. This confirms that agrivoltaics operate as integrated projects, in which administrative assessment, agricultural performance, and continuity of management are closely interconnected. In this context, the availability of verifiable data and documentation becomes essential for both ex ante assessment and ex post control, particularly in light of the monitoring functions entrusted to local authorities [26].

5. Conclusions

The conversion of Decree-Law No. 175/2025 confirms that agrivoltaics are no longer regulated as a simple variant of ground-mounted photovoltaic development, but as a legally differentiated form of land use in which energy production is admissible only if continued agricultural use is effectively preserved. The amended framework reinforces this approach by making agricultural continuity, productivity, and documentary verification central elements of project authorisation and subsequent control.

The result is a more selective regulatory model. On the one hand, renewable energy development is facilitated in areas already regarded as more suitable from a territorial and infrastructural perspective. On the other hand, agrivoltaic use of agricultural land is allowed only within a stricter framework of compatibility, based on measurable productivity, administrative review, and ongoing monitoring.

A possible source of practical tension nevertheless remains. In implementing the new rules on suitable areas, regional regulatory choices may fail to distinguish clearly between agrivoltaics and ground-mounted photovoltaics when shaping locational constraints, thereby reproducing, at the territorial level, a substantially uniform treatment of two legally distinct categories, in potential divergence from the selective rationale pursued by national legislation [27].

The reform results in a more selective regulatory model. Agrivoltaics are treated as a distinct category of land use, subject to specific requirements and to administrative control at different levels. For agricultural undertakings, this entails both opportunities and obligations: while agrivoltaic projects enable the combination of energy production and agricultural activity, they require project design and management practices capable of ensuring the effective and continuous agricultural use of the land.

Finally, the progressive strengthening of technical, documentary, and monitoring requirements raises the question of their practical sustainability, particularly in relation to the evidentiary obligations connected with agricultural continuity and the GSP threshold [28]. These requirements may increase the administrative and organisa-

tional burden on project developers and agricultural undertakings. For this reason, the effectiveness of the reform depends on the development of clear and consistent administrative practices, in particular with regard to the criteria for assessing agricultural productivity, the verification of continuity over time, and the distinction between genuine agrivoltaic projects and merely formal configurations. The capacity of the system to ensure uniform application across the territory will be decisive for the stability of the authorisation framework [28].

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