

REGIONAL LAW NO. 11/2026: LOMBARDY ADOPTS THE FIRST COMPREHENSIVE REGULATORY REGIME FOR DATA CENTERS IN ITALY

1. Purpose of the Law (Art. 1)

On 5 June 2026, Regional Law No. 11/2026, concerning “Provisions on the establishment of data centers”, was published in the Official Bulletin of the Lombardy Region (BURL No. 23), thereby confirming Lombardy — the Italian region concentrating the most significant national investments in the sector — as the first to adopt a comprehensive legislative discipline dedicated to data centers.

The approval of the law forms part of the European Union’s digital strategy, aimed at promoting the modernisation of the economic system and strengthening its energy efficiency, environmental sustainability and competitiveness.

Within this context, the regional legislator sets out a model for the establishment and governance of data centers based on four fundamental objectives: *(i)* supporting the growth of the productive system through digitalisation, technological innovation and the promotion of public and private investment; *(ii)* promoting sustainable territorial development and environmental protection, with particular regard to urban regeneration, the containment of land consumption and the safeguarding of environmental resources; *(iii)* enhancing energy efficiency and the environmental sustainability of data centers through the use of low-emission energy sources, the recovery and reuse of waste heat, and the adoption of technologies aimed at reducing energy consumption; and *(iv)* ensuring that the development of data centers is compatible with the capacity of existing infrastructure networks.

2. Rules on location priorities, energy–environmental criteria and incentive measures (Arts. 2, 3 and 6)

The Law identifies specific priority criteria for the establishment and development of data centers, with relevance to both urban planning and energy–environmental aspects.

From the first standpoint, preference is given to the establishment of data centers in areas affected by urban and territorial regeneration processes, as well as in brownfield, contaminated, degraded, unused or underutilised sites.

For this purpose, Municipalities are required to identify and update on an annual basis, by resolution of the Municipal Council, the list of brownfield sites within their territory and the areas hosting existing data centers or intended for new

developments or expansions. The relevant information must be transmitted in digital format to the Region and to the Metropolitan City of Milan or the competent Province, for subsequent publication on their respective institutional websites. Failure to identify or update such areas shall not, in any event, preclude the submission of applications for the construction of new data centers or the expansion of existing ones.

The objective of limiting land consumption is further reflected in the regime applicable to data centers located outside priority areas and established on agricultural land. In such cases, the Law provides for an increase in the building contribution, equal to two or three times the amount ordinarily due, to be allocated to compensatory measures for urban and territorial regeneration and the restoration of ecosystem services.

The second line of intervention concerns the promotion of energy derived from carbon-neutral sources and the adoption of technologies capable of enhancing the energy efficiency of infrastructure. In this context, the Law promotes the recovery and reuse of thermal energy generated by data center cooling systems, including through district heating networks, as well as the adoption of high water-efficiency cooling solutions aimed at reducing potable water consumption and fostering the reuse of water resources.

Compliance with the priority locational criteria and the above-mentioned energy–environmental standards is of particular significance, as it enables operators to access a structured system of incentive measures.

In particular, the Law provides for: *(i)* a reduction in the time limits of the compatibility assessment procedure; *(ii)* the adoption of administrative simplification protocols; *(iii)* priority access to regional funding made available through public calls; *(iv)* a reduction ranging from 10% to 30% of the share of the building contribution relating to urbanisation charges associated with the treatment and disposal of solid, liquid and gaseous waste under Article 19(1) of Presidential Decree No. 380/2001, as determined by the competent Municipality; *(v)* a 50% reduction in the area required for private parking spaces, which may be increased up to 75% by resolution of the Municipal Council or through an amendment to the Municipal Town Planning Plan (PGT); *(vi)* additional incentive measures identified by Municipalities within their own planning regulations (Art. 3).

The locational criteria and energy–environmental requirements, as well as the related incentive framework, are entrusted to further specification by the Regional Executive, which is required to adopt the relevant implementing resolutions within 60 days from the entry into force of the Law.

3. Measures to streamline and expedite authorisation procedures (Art. 4)

The Law also introduces specific measures aimed at simplifying and expediting environmental authorisation procedures, with particular regard to proceedings relating to the issuance of the Single Environmental Authorisation (AUA) and the Integrated Environmental Authorisation (AIA).

To this end, a Regional Data Center Desk is established and entrusted with the management of the single authorisation procedure. The Law further provides for the establishment of a task force composed of technical representatives of the relevant public authorities, responsible for developing technical and administrative guidelines aimed at ensuring coordination among the various review activities and promoting a more efficient management of environmental authorisation procedures.

4. Urban planning profiles (Art. 5)

The Law further specifies the urban planning regime applicable to data centers, defining their development framework and the criteria governing their classification for planning and building purposes.

Namely, facilities requiring a grid connection capacity exceeding 5 MW are classified as productive developments. Conversely, data centers with a required grid connection capacity of up to 5 MW are deemed compatible with productive, tertiary and office use designations.

For the purposes of calculating the building contribution and determining urban planning standards, all data centers are classified as productive developments.

The Law also allows for the development of data centers within areas intended for technological services where the infrastructure is integrated with district heating systems supplied through the recovery of heat generated by cooling systems. Even in such cases, however, the development is classified as an industrial development with respect to the determination of the building contribution.

The Law provides that the implementation plan or the building permit relating to the construction or expansion of a data center must specify the nominal thermal capacity of the emergency generators, expressed in MW, as well as the required grid connection capacity. Such information is also relevant in relation to the Environmental Impact Assessment (EIA) screening procedures and full EIA procedures.

Finally, data centers with a required grid connection capacity exceeding 10 MW are classified as developments of supra-municipal relevance. Such developments are subject to a specific compatibility assessment procedure, to be carried out through a consultative coordination conference aimed at examining the territorial, environmental, infrastructural and social impacts of the project.

The conference is convened by the Metropolitan City of Milan or the territorially competent Province, upon request of the relevant Municipality. The Region assumes a direct role in projects of greater significance, namely those with a required grid connection capacity exceeding 50 MW, those located within inter-provincial areas and those falling within the scope of the single authorisation procedure under regional jurisdiction.

The outcome of the assessment may lead to the execution of a supra-municipal territorial planning agreement, intended to regulate forms of coordination among the authorities involved and to identify equalisation and compensatory measures

in response to the effects of the development, with particular regard to ecological, environmental, energy-related, urban regeneration and territorial regeneration aspects.

The procedures governing the conclusion of such territorial agreement, as well as the criteria for determining the equalisation and compensatory measures associated with the territorial and environmental externalities generated by the development, are to be defined by a subsequent resolution of the Regional Executive Board.

In any event, the principle that the main administrative procedure shall not be subject to any increase in procedural time limits remains unaffected.

5. Data center steering committee (Art. 8)

The regulatory framework is further complemented by the establishment of a permanent steering committee., entrusted with monitoring the implementation of the Law and assessing its effects on the territory, without giving rise to any new or additional burden on public finances.

The committee is composed of the principal institutional stakeholders involved in the planning, regulation and management of digital infrastructure. Its members include representatives of the Region, ANCI Lombardia, UPL, ARPA, ERSAF, the Metropolitan City of Milan and the university system, as well as, subject to prior agreement, representatives of the operators of electricity infrastructure networks.

The composition of the steering committee reflects the need to ensure continuous coordination among the various institutional levels and stakeholders involved in the development of the sector, while facilitating the monitoring of the territorial, environmental and infrastructural impacts arising from the establishment and expansion of data centers.

6. Transitional and final provisions (Art. 9)

The Law includes a set of transitional provisions aimed at governing the transition to the new procedural framework introduced by the reform.

In particular, the regional single authorisation procedure referred to in Article 4 applies to applications relating to the construction or expansion of data centers submitted after the publication in the Official Regional Bulletin (BURL) of the technical and administrative guidelines prepared by the regional task force.

Conversely, Integrated Pollution Prevention and Control (IPPC) authorisation procedures pending on the date the Law entered into force continue to be administered by the Metropolitan City of Milan or the territorially competent Province in accordance with the previously applicable regulatory framework.

A similar transitional regime is established with respect to supra-municipal territorial planning agreements. The relevant provisions apply to implementation plans and applications for building permits submitted following the publication of the regional resolutions governing the operational arrangements for such agreements.

The Law thereby ensures a gradual implementation of the new regulatory regime, while safeguarding the continuity of ongoing procedures and avoiding interference with administrative reviews already underway at the time of its entry into force.

7. Concluding remarks

The Law represents a significant milestone in the regulation of digital infrastructure, placing Lombardy among the first region to adopt a comprehensive legislative framework specifically governing the establishment and development of data centers.

The legislation is characterised by an integrated approach aimed at balancing technological innovation, economic competitiveness and environmental sustainability through the introduction of a regulatory regime designed to foster the orderly development of the sector. In this respect, the Law seeks to attract investment and support the digital transformation of the productive system while, at the same time, ensuring the protection of the territory, the containment of land consumption, energy efficiency and the sustainable use of natural resources.

Accordingly, the legislation is intended as a reference model for the governance of digital infrastructure growth, reflecting an awareness of the strategic role that data centers play in enhancing the competitiveness and resilience of both the regional and national economic systems.

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