



Ministry for the Environment Land and Sea

**FOURTH UPDATE OF THE NATIONAL REPORT OF ITALY ON THE
IMPLEMENTATION OF THE AARHUS CONVENTION
2017**

The following report is presented on behalf of Italy in accordance with the decisions I/8 and IV /4

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I. Process by which the report has been prepared

The 2016 National Report was drafted by the Ministry for the Environment Land and Sea (MoE) and finalised by ISPRA (National Institute for Environmental Protection and Research).

In order to receive comments from the public, the provisional version of the fourth update of the report was made available for consultation in October 2016: the text was published on-line on the website of the Ministry of Environment (<http://www.minambiente.it/pagina/convenzione-di-aarhus-informazione-e-partecipazione>), on the website of ISPRA (<http://www.isprambiente.gov.it/it/news/aperta-la-consultazione-pubblica-sul-quarto-rapporto-di-aggiornamento-sull2019attuazione-della-convenzione-di-aarhus-in-italia>) and on the website of the Public Function Department dedicated to public consultations (<http://www.partecipa.gov.it/>). Furthermore, the draft programme has been sent by email to all the Regions, the Regional Agencies for the Protection of the Environment (ARPA) and to the major environmental NGOs. The notice of the consultation has been reported on other internet websites among which the website of “Rete Ambiente” (<http://www.reteambiente.it/news/27195/attuazione-convenzione-di-aarhus-minambiente-lanc/>) and “Tutto Ambiente” (<https://www.tuttoambiente.it/news/convenzione-di-aarhus/>).

One comment from the public was received and integrated. A weak point of the report remains the insufficient analysis of the activities undertaken by regional and local authorities for the implementation of the Aarhus Convention.

II. Particular circumstances relevant for understanding the report

Regions and autonomous Provinces have legislative capacity conferred through national legislation. For the sake of brevity, the report focuses mainly on national measures.

ARTICLE 3

III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

(a) With respect to paragraph 2, measures taken to ensure that officials and authorities assist and provide the required guidance;

Since 2013, the Ministry of the Environment has increased the amount of content available on its **portal** and has foreseen the activation of facilitated access modes for the partially sighted. A dedicated section for transparent administration was created and the amount of contents available on-line has increased.

The opportunities for interaction with citizens have been promoted with the launch of on-line consultations, newsletters, mailing lists and, in some sections of the portal, with the publication of the contacts of the persons responsible for the different activities of the Ministry. Additionally, a dedicated section for the Aarhus Convention, available from the home page, has been created.

According to **Legislative Decree 29/1993** on rationalization of the Public Administration each public administration must establish an Office for the Relationships with the Public (URP) to:

- guarantee the public's exercise of their rights to information, access to documents and to public participation;
- facilitate the public's use of the services offered, including by providing information on legislation, competences and the structure of the Administration concerned;
- to ensure the quality of these services.

Furthermore, **Law 150/2000** regulates communication activities to be undertaken by each Public Administration, and includes the obligation for the national Administration to adopt a communication plan.

Additional and more stringent provisions on assistance and guidance to the public in environmental matters are foreseen by Legislative Decree 195/2005 (see response to art. 4).

In any case, the "access right" should be compatible with general rules on privacy (Legislative Decree 196/2003).

(b) With respect to paragraph 3, measures taken to promote education and environmental awareness.

In Italy, a homogeneous and structured approach to environmental issues in school programmes is lacking. However, at national level, significant progress was recently made by Law 107/2015, known as the "**Riforma della Buona Scuola**" (Good School Reform) which identifies, among the priorities for education (art. 7, letter e), the development of responsible behavior inspired by environmental sustainability. Another positive element is provided by the **Guidelines on Environmental Education**, drafted in 2015, thanks to the cooperation between the Ministry of Environment and the Ministry of Education, with the contribution of Formez. The Guidelines are an important tool for teachers as they include environmental issues in well-defined educational paths, according to the different levels of education.

Environmental education in schools is promoted through specific projects as well: among them, the **SEARCH initiative** (School Environment and Respiratory Health of Children), promoted by the Italian Ministry of Environment and coordinated by REC-Hungary (Regional Environmental Center

for Central and Eastern Europe). The project, launched in 2006, ended in February 2016 with the definition of the **AirPack**: an innovative multimedia and multilingual educational tool, available on-line and free of charge, which includes didactic, educational, and recreational material about the quality of air within schools and actions which can be undertaken to improve it.

Another interesting example is the **National Award** promoted by the REACH Authority, in the framework of an agreement between the Ministry of Health, the Ministry of Environment, the Ministry of Education and the Ministry of Economic Development. The award is addressed **to teachers and students in high-school level Institutes and aims at disseminating knowledge about two EU Regulations**: (EC) 1907/2006, called **REACH**, on the registration, evaluation, authorisation and restrictions on chemicals and (EC) 1272/2008 called **CLP**, on the classification, labelling and packaging of substances and mixtures.

Of no less importance is the **University education in the environmental field**, that the Ministry of Environment contributes to sponsor and/or to promote, through a dedicated section of its portal (<http://www.minambiente.it/pagina/formazione-universitaria>).

Environmental education and public awareness raising on sustainability found an important opportunity for re-launching in the framework of **Expo 2015**: the universal exhibition held in Milan from 1 May to 31 October 2015 on the theme “Feeding the planet, energy for life”. On the occasion of Expo Milan 2015, the Ministry of Environment promoted initiatives for environmental education in the Biodiversity Park Pavilion, through an innovative multimedia and sensorial path, which enabled the numerous visitors to discover the extraordinary natural and cultural heritage of Italy.

Vital contribution to environmental training is offered by the National Institute for Environmental Protection and Research (**ISPRA**) and by the Regional and Provincial Agencies for Environmental Protection (*Agenzie Regionali e Provinciali per la Protezione dell’Ambiente - ARPA/APPA*) which promote the collection, processing and monitoring of technical and scientific data related to air, water and soil and carry out initiatives of environmental training and education, among other things. *Training activities* target a public of experts, in order to update their skills and harmonise instruments and methodologies, while *educational activities* are conceived for a wider public, to raise awareness and promote sustainable behaviour.

In the framework of its *educational activities*, over the period 2010 - 2015, ISPRA prepared the **didactic kit** for high-school students “**Vallo a dire ai dinosauri**” (Go tell the dinosaurs), on the impact of human activities on climate change. Worth of notice is also the project “**Ecolabel in schools, growing up in the respect of the environment**”, a project implemented by ISPRA, in cooperation with the Ministry of Education. The project aims at promoting the EU Ecolabel trademark in schools. ISPRA is also involved in environmental education in cooperation with “**Biblioteche di Roma**” (Rome's Libraries): books on environmental and scientific issues are presented through the intervention of authors or researches who interact with students.

At a specialised level, the continuous evolution of the measures for environmental protection and the need for a constant update of the experts working at ARPA, APPA and ISPRA led to the establishment, in 2015, of the “**Working Group for the Permanent Training of the Agency System**”, coordinated by ISPRA. The Working group, placed within the 3-year plan of the National System for Environmental Protection¹ (*Piano Triennale del Sistema Nazionale per la Protezione Ambientale - SNPA*) 2014-2016, aims at promoting homogeneous and shared methodologies among ARPA, APPA and ISPRA officers.

¹ For more information on SNPA, see chapter XI.

At the national level since 2002, **a network of local environmental education centres** has been established within the framework of the National System for Environmental Information, Training and Education (INFEA), coordinated by the MoE and the Regions. The centers, some of which are located in natural protected areas, are coordinated at regional level and managed by local government in cooperation with various stakeholders, such as environmental NGOs, private enterprises, universities, research centers. They mainly focus on promoting public awareness, address various categories of learners of different ages. Some projects are carried out within or in collaboration with schools.

The vitality of the Italian territories was also shown by the large participation in the campaign for the **UN Decade of Education for Sustainable Development 2005 - 2014 – DESS**, promoted by the Italian National UNESCO Committee and supported by the Italian Ministry of Environment.

Concerning environmental awareness raising, every year the Ministry of Environment supports or promotes **awareness campaigns** targeting young people and adults (for example, the "National Tree Day", the "National Bicycle Day", the "National Day against Food Waste" or the national campaign "Environmental Natives"); additionally, the Ministry of Environment has joined and supports international campaigns, such as the "European Week of Sustainable Mobility", the "Earth Day initiative", "Water Rooms" and the European Week of Waste Reduction (EWWR).

At international level, the Italian Ministry of Environment promotes - in cooperation with the World Bank Group and the German Federal Ministry for Economic Cooperation and Development - the **Connect4Climate Community**: a large global partnership aiming at mobilising the public, especially young people, on the theme of climate change. Connect4climate reaches more than 1 million people and gathers more than 400 partners around the world: civil society, mass media, international organisations, groups of young people and the private sector.

c) With respect to paragraph 4, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection.

Concerning **recognition and support to groups**, the Italian Constitution recognizes the value of citizens' associations. According to the principle of "legitimate interests", affirmed in general law on administrative process (Law 241/1990), opportunities to participate in decision making process shall be given not only to individuals having an interest in the decision, but also to associations presenting common interests, when such interests are likely to be influenced by the decision.

According to general environmental law 349/1986, environmental organizations can apply for recognition by the MoE (following the assent of the National Council for the Environment) and be inserted in a list of recognized entities which have legal standing to challenge public authorities' decisions (or omissions) both at the national and at the local level, and to request compensation for environmental damage. In order to be recognized, such organizations need to fulfil the following requirements:

- act across the whole Country or in at least five Regions;
- have democratic internal rules;
- pursue objectives of environmental protection; and
- have continuity of action.

At the regional level there are further forms of recognitions for local associations or groups, such the Non Profit Regional Register of Liguria Region (including a category for environmental NGOs). In accordance with the principle of "legitimate interests", legal standing can be conferred by judges not only to recognized NGOs, but also to all organizations/groups (also local ones) representing an

interest that could be prejudiced by the decision, once a concrete and stable connection with the territory is established (i.e. all relevant environmental organizations).

Environmental associations in Italy can rely on different channels for funding, for example they can ask to be inserted in the list of non-profit entities to which citizens can devolve 5x1000 of tax due to the State. They can also accede to EU, State, regional and local special funds. The MoE collaborates and provides financial support also to international environmental associations to work on issues such sustainable development, climate change and local development, and finances participation of NGOs to international meetings.

An interesting example of cooperation between institutions and associations is provided by the “**Information and Consultation Forum about REACH Regulations**”, run by the Ministry of Environment since 2012. The Forum aims at strengthening the dialogue with **consumers’ associations** and at promoting awareness-raising activities on the safe use of chemicals. The participants include: consumers’ associations indicated by the National Users and Consumers Council (*Consiglio Nazionale Consumatori Utenti - CNCU*), representatives of the Administrations involved in the implementation of REACH Regulations, the Ministry of Health, the Ministry for Economic Development, the National Health Institute (*Istituto Superiore di Sanità - ISS*) , the National Centre for Chemicals (*Centro Nazionale Sostanze Chimiche - CSC*) , ISPRA and the Ministry of Environment (Forum coordinator).

d) With respect to paragraph 7, measures taken to promote the principles of the Convention internationally

(i) **Italy regularly promotes intra and inter-ministerial coordination to align its position in the framework of the international fora.** On such occasions, the principles of the Aarhus Convention and of the Almaty guidelines are considered.

For example, in the framework of the preparatory negotiations of **Agenda 2030** on sustainable development (2012-2015), a working group, co-chaired by the Ministries of Environment and of Foreign Affairs was created. The group was composed of institutions and members of civil society, was consulted before every negotiation meeting and issued shared negotiation positions on a few specific issues.

(ii) **Information regarding international forums is increasingly disseminated on media channels:** namely, on social media (mostly Twitter and Facebook) and on portals managed by public Administrations, civil society and organisations in the private sector.

(iii) **Different activities have also been implemented to promote public participation with reference to international fora.**

In 2016, the Ministry of Environment provided a contribution of almost 70,000 euros to the European Environmental Bureau (EEB) in order to strengthen transparency, public participation and democratic accountability in the environmental sphere throughout Europe and beyond.

In the **UNFCCC climate change negotiations**, Italy continues the long lasting practice to accredit at least one NGO representative in the official delegation. Moreover, for COP21 and COP22, Italy accredited all press representatives, and other governmental and non governmental stakeholders who requested it in order to allow for wide participation to the events at the COP.

In 2015, in view of the important milestone of COP21, the Italian Government organised the “**States General on Climate Change and Territorial Protection**” (June 2015), in order to strengthen the dialogue with civil society, especially companies and environmental associations, consider their opinions and requests on the issue of global warming and present its initiatives on adaptation and mitigation.

Italy is member of the Initiative for Climate Action Transparency (ICAT) where the donors are both governments and non-governmental entities and a representative of environmental NGOs is a member of its advisory committee, upon request of our delegation.

- (iv) In 2015, in accordance with the recommendations of the Work plan of the Aarhus Convention 2015-2017, the MoE allocated 80,000 Euros **in order to promote the dissemination of the Aarhus Convention in non-ECE States**.
- (v) The Ministry of Environment promotes the principles of the Convention in the framework of **other fora and international contexts**. In July 2016, the MoE and the REC (Regional Environmental Centre) promoted a **project for “the implementation of principle 10 of the Rio Declaration and article 6 of UNFCCC in the Caribbean Region”**. The project aims at developing a regional tool for strengthening access to information, public participation in decision-making and access to justice in environmental matters in some states of the Caribbean region.

e) With respect to paragraph 8, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed

The exercise of rights and legitimate interests foreseen by law is guaranteed through access to Courts. Inspections, sanctions, and similar measures are only admitted to the extent that they are foreseen by law, and in the framework of constitutional rights of freedom and equity.

Other specific requirements are contained in sectoral law and at the local level.

IV. Obstacles encountered in the implementation of article 3

Concerning assistance to the public, notwithstanding considerable progress, and mainly due to lack of resources, not all public authorities have established the Office for the Relationship with the Public (URP) or equivalent services/offices responsible for providing information to and contact with the public.

The repeated cuts in the Public Administrations' budget (due to the economic crises) challenge the maintenance of financial support to environmental NGOs at the same level.

Regarding art.3 par. 7, the international promotion of the Convention's principles is not always easy and straightforward because each international forum has its own rules and characteristics, and often the result is influenced by partners (Organizations and States) that are not committed to the Aarhus process. The application of the Almaty Guidelines is expected to substantially improve the situation both at the national and international level in the next years.

V. Further information on the practical application of the general provisions of article 3

Italy presents the Expo experience at the Bonn Climate Change Conference

In May 2016, in the context of the Bonn Climate Change Conference, Italy presented the case of Expo Milan 2015 as a good practice of citizen and public opinion's involvement, access to information, environmental education and exchange of experiences. Furthermore, the Ministry of Environment invited Fiona May, two-times winner of the world's long jump Championship, as a testimonial. Mrs. May highlighted how sports can play a catalyst role in raising public awareness on the importance of environmental protection and sustainability.

VI. Website addresses relevant to the implementation of article 3

- AirPack Educational Kit: <http://www.isprambiente.gov.it/it/progetti/ambiente-e-salute-1/search>
- Guidelines for environmental education: <http://www.minambiente.it/pagina/linee-guida-educazione-ambientale>
- List of recognised environmental associations:

- [http://www.minambiente.it/home_it/menu.html?mp=/menu/menu_attivita/&m=Associazioni di Protezione Ambientale Ri.html&lang=it](http://www.minambiente.it/home_it/menu.html?mp=/menu/menu_attivita/&m=Associazioni_di_Protezione_Ambientale_Ri.html&lang=it)
- ISPRA's pages on environmental information and training:
 - Environmental information section on ISPRA transparent Administration: <http://www.isprambiente.it/it/amministrazione-trasparente/informazioni-ambientali>
 - Forms to request ISPRA environmental information and environmental information related to the cartographic and editorial products of the Italian Geological Service
<http://www.isprambiente.it/it/servizi-del-sito/urp/modulistica>
 - ISPRA database: <http://www.isprambiente.it/it/banche-dati>
 - ISPRA cartography: <http://www.isprambiente.it/it/cartografia>
 - Public relations page of the ISPRA website for the right of access to environmental information: <http://www.isprambiente.gov.it/it/servizi-del-sito/urp/accesso-inf-amb>
 - Page of the ISPRA website for Environmental Education and training: <http://www.isprambiente.gov.it/it/formeducambiente>
 - ISPRA educational kit 'Go tell the dinosaurs':
<http://www.isprambiente.gov.it/it/formeducambiente/educazione-ambientale/progetti-ed-iniziativa-1/kit-va.d.di-1>
 - Portals disseminating information and analysis on environmental issues:
 - MATTM transparent administration section:
<http://www.minambiente.it/pagina/amministrazione-trasparente>
 - Section for the Aarhus convention on the MATTM portal
<http://www.minambiente.it/pagina/convenzione-di-aarhus-informazione-e-partecipazione>
 - <http://www.regioniambiente.it>
 - <http://www.greenews.info>
 - www.ecodallecitta.it
 - <http://www.greenreport.it>
 - www.rinnovabili.it
 - <http://lanuovaecologia.it/>
 - <http://ambienteinforma-snpa.it/?p=2089>
 - <http://www.educazionesostenibile.it/>

ARTICLE 4²

VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4

Italian law provides three forms of access to documents and information held by public authorities:

- **Access to administrative documents, regulated by Law 241/1990:** the right to see and copy such documents recognised only to those persons who can prove the existence of a real, direct and current interest corresponding to a legally protected situation;
- **Civic access under Legislative Decree 33/2013:** the right to demand for publication - on the institutional website - of documents, data and information subject to mandatory publication, but not yet published;
- **FOIA (Freedom of Information Act) civic access introduced by Legislative Decree 97/2016:** the right to request access to data and documents held by public authorities that are not subject to mandatory publication, while respecting the limitations related to the protection of legally relevant public and private interests. The protection of public interests includes: public security issues, national security, defence and military issues, international relations, data on financial stability, investigations on crimes, regular development of inspections. The protection of private interests refers to personal data, secrecy of correspondence and security of economic and commercial interests. In such cases access to records can be denied, as well as in case of State secret and other cases foreseen by article 24 of Law 241/1990.

Civic access differs from access under Law 241/1990 since it aims to ensure spread citizen control on public bodies about their institutional functions and the use of public resources. Thus, the requests of access are not subject to subjective limitations: it is not necessary to justify the access request nor to have a real legal, direct and current interest, corresponding to a legally protected situation. FOIA access is different from the access provided for by Legislative Decree 33/2013 since it cannot be exercised solely with regards to documents, information and data subject to the obligation of publication, but it refers to *further* documents and data.

Concerning the public access to **environmental information**, Law 349/1986 already had established an important distinction compared to Law 241/90, since it stated (art 14): “Any citizen have the right to access to available information on the state of the environment, according to the law in force”. Similarly, Legislative Decree 195/2005, implementing the EU Regulation 2003/4/EC enshrined that (art 3): “public authorities ensure that any natural and legal person has the right of access to environmental information without having to state an interest”

In all the three above mentioned cases of request of access to information, **the inquiry procedure must be concluded at the latest 30 days after the request is submitted.** In case of access in accordance with Law 241/1990 and in the case of FOIA, when the Administration identifies adverse parties, it informs them about the access inquiry. The adverse party has 10 days to present its motivated opposition to access. In the case of FOIA civic access, denial, referral or restriction of access must be expressly motivated with reference to the relevant public and private interest which restrained access. If any portion of the record falls under a case of protection of public or private

² Special acknowledgement is due to Dr. Barbara Neri, Communication Information, anti-corruption and transparency lecturer on contact at the Human Science department of Lumsa University of Rome for a critical interpretation in chapter VII.

interests, access to the remaining part must be granted. Access cannot be denied if appeal to the deferral power would suffice.

In case access is expressly or tacitly denied or referred, or in case of lack of a timely response, within 30 days the **applicant requiring access to administrative documents** can appeal to: a) the Regional Administrative Courts (*Tribunale Amministrativo Regionale* - TAR); b) the Commission for access to administrative documents, at the Presidency of Ministries (in case of documents held by central and peripheral state administrations); c) to the Ombudsman (in case of acts held by Regions or Local Authorities). Instead, the **applicant requiring civic access** may file a request for review to the Anti-Corruption Authority which will issue a decision within the following 20 days. Against the decision of the Anti-Corruption Authority, or alternatively, appeal can be filed to the administrative judge (TAR) within 30 days, provided the payment of the standard court fee amounting to 300 Euros.

Cases for **denial of access** to information are carefully listed (L. 241/90, art. 24; Legislative Decree 195/05, art. 5; Legislative Decree 33/2013, art. 5-bis).

Access to environmental information is generally free. Fees may apply only to cover the costs incurred in issuing information itself. Such costs should be known and communicated to the public in advance. To this end, with Ministerial Decree 121/2012, the Ministry of Environment regulates the costs for exercising the right to access information via copies.

VIII. Obstacles encountered in the implementation of article 4

To date, detailed information at national level on the state of the implementation of the regulations on access to environmental information is not available. Difficulties include the large number of public authorities in the country and the non-homogenous modes and procedures implemented at local level.

IX. Further information on the practical application of the provisions of article 4

URP (Public Relations Office) data on ISPRA

The ISPRA Public Relations Office was set up in 2003 in order to facilitate citizens' access to environmental information. Over 2015, ISPRA's URP treated 998 requests (both formal and informal), 186 of which concerned access to acts and administrative documents (176 of which were formal and 10 informal). The 75% of the requests addressed to ISPRA and followed by URP are "tracked". Generally, these requests concern data not published on the Internet and specific or technical information and are sent mostly by email to the address: urp@isprambiente.it.

In 2007, the ISPRA Public Relations Office launched the **SI-URP**: a project aiming at providing a single access point that integrate all the environmental information available at national level. Namely SI-URP is conceived as a network among the ISPRA Public Relations Office and the Public Relations Offices of the Environmental Agencies (ARPA, APPA). It responds to the need to operate within a context of integration and cooperation between the agencies. Under the SI-URP project, the portal www.snpa-urpambiente.it has been open to the public as a single point for citizens to contact the offices of the National System for Environmental Protection (*Sistema Nazionale della Protezione dell'Ambiente* - SNPA). The portal is currently operational for the part concerning the internal communication within the URP network.

X. Website addresses relevant to the implementation of article 4

- Commission for access to administrative documents:
http://presidenza.governo.it/DICA/4_ACCESSO/

- Department of public function, citizen relations area: <http://qualitapa.gov.it/relazioni-con-i-cittadini/comunicare-e-informare/comunicazione-esterna/accesso-agli-atti-legge-24190/>
- Manifesto for environmental communication: [http://qualitapa.gov.it/www.urp.it/sito-storico/www.urp.it/allegati/manifesto comunicazione ambientale 97741.pdf](http://qualitapa.gov.it/www.urp.it/sito-storico/www.urp.it/allegati/manifesto_comunicazione_ambientale_97741.pdf)
- ISPRA's URP:
 - o URP Page: <http://www.isprambiente.gov.it/it/servizi-del-sito/urp>
 - o Report on data analysis of the exchanges between ISPRA and its users on request of administrative documents and environmental information filed in 2015: [http://www.isprambiente.gov.it/files/modulistica/copy2_of ISPRA report URP 12016.pdf](http://www.isprambiente.gov.it/files/modulistica/copy2_of_ISPRA_report_URP_12016.pdf)
 - o Contribution to ISPRA performance plan: [http://www.isprambiente.gov.it/files/trasparenza/performance/Disposizione 1183 D G Piano della performance 20162018_2.pdf](http://www.isprambiente.gov.it/files/trasparenza/performance/Disposizione_1183_DG_Piano_della_performance_20162018_2.pdf)
 - o Regulations: <http://www.isprambiente.gov.it/it/servizi-del-sito/urp/regolamenti>
 - o Frequently asked questions: <http://www.isprambiente.gov.it/it/servizi-del-sito/urp/faq-domande-piu-frequenti>

ARTICLE 5

XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

a) With respect to paragraph 1, measures taken to ensure that: 1) Public authorities possess and update environmental information; 2) There is an adequate flow of information to public authorities; 3) In emergencies, appropriate information is disseminated immediately and without delay;

As provided by **Law 349/1986**, the MoE is in charge of disseminating information on the state of the environment and raising public awareness on environmental issues. This task is fulfilled, *inter alia*, through: the website (www.minambiente.it), the report on the State of the Environment, the Environment National Library, established by Law 426/1998.

The **Legislative Decree 33/2013 (art. 40)** marked a step forward in terms of transparency in environmental matters, establishing that all the administrations described in article 2, clause 2, letter b of the Legislative Decree 195/2005 (the State, the regional and local administrations, the autonomous and special companies, the public authorities and the public services providers, as well as every physical and juridical person holding a public role related to environmental themes) must publish environmental information acquired to the purposes of their institutional activities on their institutional websites. Such information needs to be given specific visibility in a dedicated section called "Environmental information".

The **National Environmental Information System - SINA** (*Sistema Informativo Nazionale Ambientale*) is the main national system for the collection and monitoring of environmental information.

The programme has been established by the Ministry of Environment in the 90s and since 2001 is coordinated by ISPRA. SINA can count on territorial poles through a network called SINAnet.

The territorial poles are composed by:

- Regional Focal Points (*Punti Focali regionali* - PFR), where regional data and information are collected;
- the Environmental Agency System (ARPA/APPA), providing technical and scientific support with reference to specific environmental issues, namely concerning environmental monitoring;
- Main Reference Institutions (*Istituzioni principali di riferimento* - IPR), centres of excellence which may contribute to drafting regulations and fuel the environmental knowledge-basis at national level.

Access to the SINAnet network data is granted to all citizens regardless of the existence of a relevant juridical interest (<http://www.sinanet.isprambiente.it/it>).

With the promulgation of Legislative Decree 32/2010, Italy implemented the Directive 2007/2/EC, which established the Infrastructure for Spatial Information in Europe (**INSPIRE**). The INSPIRE Directive resulted from the need to create harmonised spatial data sets that can be used seamlessly in cross-border applications at European level. INSPIRE is also considered a core pillar to achieve **SEIS**, the Shared Environmental Information System envisioned for Europe. The MoE is the competent authority for the implementation of the INSPIRE directive on the Italian territory, as established by Legislative Decree 32/2010.

On the base of the Legislative Decree 32/2010, the **National infrastructure for Territorial Information and Environmental Monitoring** (*Infrastruttura Nazionale per l'Informazione Territoriale e del Monitoraggio Ambientale - INITMA*) was created, with the aim of integrating territorial information and environmental monitoring data according to the principles and objectives of the Shared Environmental Information Systems - SEIS. ISPRA has the task to coordinate and implement the INITMA infrastructure, by collecting and integrating, through SINAnet, the information made available by public authorities. The Ministry of Environment uses ISPRA as a link with the European Environment Information and Observation Network (**EIONet**) of the European Environment Agency.

A recent Ministerial Decree (DPCM 26/03/2016) established the National Council for Territorial and Environmental Information (**Consulta Nazionale per l'Informazione Territoriale ed Ambientale**). In accordance with article 11, clause 2 of the Legislative Decree 32/2010, this body manages the network of the public administrations, at any level, that produce sets of spatial data and provides the technical orientation for the implementation of INITMA.

The National Geoportal (**Geoportale Nazionale - GN**) is the national access point for the scopes of the INSPIRE Directive. The GN database is made up of information collected over time in the framework of different projects and today is composed of Lidar, Interferometric and Mivis data. The majority of the available data, at national level, can be displayed and used through OGC standard web services recognised by INSPIRE to ensure the interoperability principle, as the WMS Web Map Services, WFS Web Feature Services and WCS Web Coverage Services. The GN is also equipped with a research service that uses metadata published via the CSW (Catalogue Service for the Web).

Lastly, it is worth remembering the recent Law 132/2016, establishing the **National System for Environmental Protection** (*Sistema Nazionale per la Protezione dell'Ambiente - SNPA*). The Regional and Provincial Agencies for environmental protection are part of the System and ISPRA holds a steering and coordination role. As enshrined in the Law 132/2016, the SNPA has to perform important roles, including: monitoring the environmental situation, the pollution sources and factors, the environmental pressure deriving from human or natural phenomena; public dissemination of technical and scientific data and official knowledge on the environmental situation and its evolution; cooperation with schools and universities for the launch of programmes for dissemination and environmental education; evaluation of structures, functions and services. The Law additionally establishes the threshold levels for technical environmental performance (*Livelli essenziali delle prestazioni tecniche ambientali - Lepta*) and the national network of accredited laboratories (art. 12).

Concerning **emergencies**, the National Service for Civil Protection, as re-organised by Law 225/1992, is in charge of protecting the citizens and the environment in case of natural and manmade disasters. All possible preventive and repairing measures shall be adopted, mainly in the framework of local emergencies plans, including public dissemination of any useful information made by all Public Authorities (Legislative Decree 195/2005). Moreover, the MoE and ISPRA websites work as tools to spread official information to the scientific community, the media and the public. The regional centres cover an important role in alerting and raising awareness of the local population, giving priority to addressing contingent situations of risk (for example the Liguria Region Center's activities are focused on flood prevention and management).

(b) With respect to paragraph 2, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible.

Currently, institutional websites are the major instrument for the dissemination of environmental data and regulations (publications, reports and data bases). ISPRA's website is a good example: in 2015, it exceeded 3.5 million visits (+38% compared to 2014) and recorded around 38 million visited pages (+122% compared to 2014) and 9,000 daily visits on average. Environmental information is conveyed numerous thematic sections and through a series of editorial tools like ISPRA's newsletter, SNPA's weekly News *AmbienteInforma*, EMAS newsletter and on-line magazines such as *IdeaAmbiente*. Over the years, the offer of multimedia content has considerably increased and includes: live streaming broadcast of institutional events, scientific documentaries on the YouTube channel *Ispravideo* and video interviews published on *IspraTV*. In addition, in 2016, a new section for broadcasting environmental data dissemination was created (Linked Open Data). Information, available in Italian and in English (English content recorded 1.5 million visits in 2015) complies with the directives on content accessibility.

It is worth remembering the **Naturaitalia Portal** (*Portale Naturaitalia*), a web window accessible from the MoE website, addressed both to a specialised and non-specialised public, whose objective is the dissemination of contents about protected areas, the huge Italian natural heritage and, in general, the policies and initiatives undertaken at institutional level for biodiversity protection.

(c) With respect to paragraph 3, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks.

The **digitalization** of the Public Administration is functional to reach the aim of efficiency, transparency, simplification and reduction of time and costs, as indicated in a variety of legislative provisions issued from 1990 on.

The Legislative Decree **82/2005** "Code of Digital Administration" (*Codice dell'Amministrazione Digitale - CAD*) foresees actions for the integration of data available at different government levels in order to increase the efficiency of information fluxes. One of the achievements in this direction is the creation of the **Territorial Informative Systems** (*Sistemi Informativi Territoriali - SIT*), which enable to manage, process and disseminate geo-referenced information, and to create integrated databases, equipped with infrastructural services to exchange and share territorial information. The use of public information by privates (Directive 2003/98/EC implemented with Legislative Decree 36/2004) is regulated by and subject to an organic set of norms.

Concretely, there are numerous databases with environmental information. The National Institute of Statistics (*Istituto Nazionale di Statistica - ISTAT*), publishes several documents, including tables of data on the issue of energy and environment.

ISPRA also manages environmental databases and makes them available to the general public through its website. These include **FILARETE**, the Database of the Local Agenda 21 and local sustainable planning and **GELSO**, a database that contains many good practices on public participation, with examples of participation in environmental planning instruments adopted by many Italian cities such as Sustainable Energy Action Plans. More in general, ISPRA, through the SINAnet system, provides the public with the link to the main databases on environmental matters.

It is also worth mentioning the "**REACH portal** - *Prodotti Chimici: informiamo i cittadini*" (Chemicals: citizen information) that provides accurate, homogeneous and detailed information on the issue of chemical substances. The database of prohibited or restricted substances, conceived to be addressed also to a non-specialised public, includes data about approximately 1,200 substances

that may threaten the environment and human health. The database is constantly updated according to the more recent norms.

The experience promoted by the Ministry of the Environment with the National Biodiversity Network (*Network Nazionale della Biodiversità - NNB*) is also of particular interest. The NNB is a shared data management system that consists of a central node, for research and data management, and peripheral nodes that contain database with primary biodiversity data. Database differ in structure (different fields) and architecture (different DBs, like Access, Oracle, MySQL, etc.), but they can communicate through the Protocol Biocase. This ensures, through a set of rules, a communication between the nodes and the international community that participates in the network of Biocase. The Network is able to interoperate with similar international infrastructure (LifeWatch, GBIF, etc.) consistent with [the requirements of the INSPIRE Directive \(Legislative Decree no. 32/2010\)](#).

Another interesting experience is the "**Geoportale in Comune**" (Municipal Geoportal) initiative, launched by the Italian Ministry of Environment, in cooperation with the network of the Italian Association of Municipalities (ANCITEL). The project aims at collecting environmental information, at local level, which are consistent with the INSPIRE standards. The project aims also at disseminating best practices and sharing open-source technologies. Data are published via the National Geoportal.

(d, e) With respect to paragraph 4, measures taken to publish and disseminate national reports on the state of the environment and measures taken to disseminate the information referred to in paragraph 5

On its website, ISPRA provides access to more than 50 publications. One of the latest is the **Yearbook of Environmental Data** (2014-2015 edition), which includes, among other things, an analysis of the state of the environment based on 287 indicators, statistical charts, a database, an educational and in-depth study and a multimedia section. The yearbook is used as a basis for other important publications such as OECD and SOER environmental reports (The European Environment - State and Outlook 2015), the Reports of the European Environment Agency and the environmental action strategy for sustainable development in Italy, in accordance with CIPE resolution 57/2012. Another institutional report, released annually since 2004, is the report on the quality of urban environment which, in 2016, covered the full sample of 116 provincial capitals analysing a large set of indicators at municipal level (indicators made available in a specific data base on urban areas). **Other ISPRA reports** include: the report on climate, the report on the national repertory of greenhouse gases, the report on atmospheric polluting agents, the report on urban waste, the report on the quality of urban environment, the report on the "Habitat" and "Birds" Directives.

ISPRA library, certified UNI EN ISO 9001, open to the public and supporting internal and external study and research activities, is specialised in environmental issues, with particular reference to earth science, fishing, aquaculture, water monitoring, sediments and coastal areas, conservative biology, genetics, eco-ethology of wild homoeothermic fauna and issues related to sustainable development and to the environmental quality of human environments, such as urban areas. Its rich offer includes the full heritage of the *Biblioteca del Servizio Geologico* (Library of the Geological Service), established in 1873. The services offered include an on-line catalogue, reference services, document supply and inter-library loan, via the main library cooperation networks (SBN, ACNP, NILDE; but also SNPA's *Rete SI Documenta* – a documented network and *Biblioteche di interesse ambientale B.I.A* - Libraries of Environmental Interest).

Other reports include: the report on equal and sustainable welfare in Italy, annual report published by ISTAT and CNEL; ENEA report on "Energy and Environment," the report "*L'Italia del riciclo*" (Recycling Italy) published by *Fondazione per lo Sviluppo Sostenibile* (Foundation for Sustainable Development) and by FISE UNIRE and the reports "*Ambiente Italia*" (Environment Italy), "*Eco-Mafia*" and "*Comuni Rinnovabili*" (Renewable municipalities) by Legambiente and the numerous regional reports such as the report on the state of the environment of the Piedmont region.

The **reports directly edited by the MoE** include the Report on the State of the Environment (currently under preparation) and the biennial reports on the implementation of the National Strategy for Biodiversity (2011-2012; 2013-2014).

Concerning **access to environmental Laws, decrees and international treaties**, both MoE and ISPRA made such documents widely available on their websites (see, for example the archive of MoE on environmental legislation: <http://www.minambiente.it/archivio-normative>).

Other reports are produced by institutes and bodies in charge of carrying out studies and collecting data such as CNR (*Consiglio Nazionale delle Ricerche* - National Research Council), ENEA (*Agenzia Nazionale per le nuove tecnologie, l'energia e lo sviluppo economico sostenibile* - Italian National Agency for New Technologies, Energy and the Sustainable Economic Development), ISTAT (*Istituto Nazionale di Statistica* - National Institute for Statistics), ISS (*Istituto Superiore di Sanità* - National Health Institute) and Universities.

(f, g) With respect to paragraph 6, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products and measures taken to publish and provide information as required in paragraph 7.

The national programme for the evaluation of the environmental footprint, launched by the Ministry of the Environment in 2011, promotes the analysis of the environmental performance of the productive processes of companies and organisations, with a particular focus on carbon print. The programme developed through the signature of numerous voluntary agreements and the participation of numerous companies in two public invitations to tender for small and medium-sized enterprises, launched in 2011 and 2013 respectively.

The three-year agreement (2013-2016) between the Ministry of the Environment and Expo 2015 Inc. contributes to the same objective and is aimed at **measuring the emissions generated in the preparation of the Universal Exhibition and at identifying measures for mitigation and neutralisation**. In the framework of the agreement, a strategy for the sustainability of major events was defined and promoted.

Many industrial sites have registered to the EC eco-management and audit scheme (**EMAS**), a management tool for companies and other organizations focusing on their environmental performance, which envisages that participating sites make public a report on their environmental performance in return for being certified with an EMAS logo. In order to facilitate the use of EMAS by small and medium-sized enterprises (SMEs), an agreement between the MoE and the main business association (Confindustria) was signed in 2002. Within this framework, a public fund is used to contribute to consulting fees that SMEs are faced with.

Furthermore, the possibility of applying to EMAS logo has been granted to industrial districts.

An example of EMAS obtained by industrial districts is the one in Pordenone area (north-eastern Italy) specialised in furniture production, based on an agreement involving the Provincial Government, the Region, the MoE and a committee of local furniture producers.

EMAS as well as integrated product policies have recently been applied with success to tourist sites. Similarly, environmental reporting is encouraged on the basis of the Corporate Social Responsibility of enterprises. An example of best practice is represented by the autonomous Province of Trento that in 2009 has enabled the EMAS certification in 51 Municipalities, 2 Public Services Agencies and 2 Parks.

The Emilia-Romagna region is a model of excellence with regard to the public information on the environmental impact of products and activities. The Emilia Romagna Green Observatory (<http://imprese.regione.emilia-romagna.it/green-economy/temi/osservatorio-greener/osservatorio-greener>) provides a picture of the green companies operating at regional level. The Micro-enterprises Environmental Management System (http://www.microsga.org/Home.asp?Page=1&id_gruppo=4) contains operational tools for environmental certification, including a self-assessment section which allows entrepreneurs to assess their compliance with the regional environmental legislation. The website www.tecnologiepulite.it contains information on suppliers that respect ecological standards. The website www.mappedelconsumo.it contains geo-referred information on 'conscious consumption' initiatives in Emilia Romagna (address, phone numbers, type of products). Moreover, the Life project PREFER ("*PRoduct Environmental Footprint Enhanced by Regions*"), currently in its final stage, has promoted the calculation of PEF (Product Environmental Footprint) on eight typologies of goods produced in Emilia Romagna (www.lifeprefer.it).

(h) With respect to paragraph 8, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public

Concerning product information, the MoE and ISPRA are committed, at different levels, in promoting the use of green labels, including **EMAS, Ecolabel, and Green Public Procurement-GPP**. With reference to the latter, it is worth recalling that Italy, thanks to the recent Law 221/2015 and to the New Code on Public Procurement (Legislative Decree 50/2016), has been the **first country in Europe that set as mandatory the use of the Minimum Environmental Criteria in public procurement**. At European level the use of these criteria is incentivated but not completely compulsory. Minimum Environmental Criteria are those criteria - inspired to environmental principles, i.e. saving energy or decreasing the use of natural resources - that the Public Administration should consider when purchasing a service or a product. Up to date, Italy has defined Minimum Environmental Criteria for 17 categories of products or services (i.e. public lighting or IT products). Furthermore, the current legislation includes, among the criteria for the evaluation of the more advantageous offer, a consideration on the life cycle of the product and thus a perspective linked to the circular economy approach.

In order to give wide visibility to the normative on Green Public Procurement (GPP), the Ministry of Environment launched a web page on **GPP** where a **monthly newsletter and a quarterly in-depth magazine** are published. An **informative video on the Ecolabel trademark** has also been distributed via web.

The legislation on GPP must be implemented at regional level. In Emilia Romagna, the Action Plan for environmental sustainability of public consumption (2016-2018) targets to reach the 50% of sustainable procurement by 2018 (<http://ambiente.regione.emilia-romagna.it/sviluppo-sostenibile/temi/green-public-procurement>).

The national voluntary system for the assessment and evaluation of the environmental footprint of products called "**Made Green in Italy**" is a new tool introduced by the article 21, clause 1 of the Law 221/2015. This trademark will become a new instrument to inform the public about the ecological footprint of products. In 2016, in order to receive feedback from the public, the MoE put under consultation the draft regulation of the mark.

(i) With respect to paragraph 9, measures taken to establish a nationwide system of pollution inventories or registers.

The national register on pollutant releases and transfers was established as the **INES register** under Legislative Decree 372/1999 (subsequently amended and substituted by Legislative Decree 59/2005) for the reporting years 2002 to 2006 and then it was replaced by the national PRTR in 2008. The INES register is an inventory containing qualitative and quantitative information on pollutants released into water and into air by specific facilities defined at the EU level. Those facilities listed in EU Directive 96/61/EC concerning integrated pollution prevention and control (IPPC) and fulfilling the criteria set out in Ministerial Decree of 23 November 2001 must report under INES. Every year the data for the INES Register are collected through an on line procedure. The competent authorities validate the data and send the results to ISPRA, which analyses the data, draws up statistics and fills in the INES register. These data are sent to the EU by the MoE every three years. To implement in Italy the EU Regulation 166/2006 regarding the establishment of a European Pollutant Emission Register (E-PRTR) INES data collection procedure needed to be redesigned. Although the PRTR related national legislation (Presidential Decree n. 157/2011) was adopted only in October 2011, the national PRTR data collection was operationally implemented by ISPRA already in 2008 and has been taking place on a yearly basis since then. ISPRA is in charge of providing and disseminating environmental information related to the INES register. E mail addresses are available to facilitate the public request of information on the Register, its collection of data, and interpretation of the information contained in the Register and accessibility. Italy has signed the PRTR Protocol in 2003 and the ratification procedure is still ongoing.

XII. Obstacles encountered in the implementation of article 5

The implementation of Law 166/2006 has implied that new critical tasks have been added for the Environmental Authority, such as the management of a larger number of data derived by the increased number of industrial activities requested to report, and the obligation to evaluate the data quality. These changes have raised the need to identify new competent authorities and the establishment of data quality evaluation procedures for the Competent Authorities at national and local levels. Moreover a new or improved website would be needed in order to collect and host this quantity of data, because the present website contains only INES data.

Also for the implementation of Legislative Decree 128/2010 with regard to the creation and management of databases on EIA and SEA applications there have been some challenges, both for the competent authorities and for the proponents because the required documentation has been widened. The MoE and the Regions have developed guidelines and technical specifications to ease the task.

XIII. Further information on the practical application of the provisions of article 5

The Knowledge Platform

An interesting case of data collection and dissemination is the knowledge platform recently created by the Ministry of Environment: a tool for the enhancement of virtuous experiences realised in Italy in the environmental field thanks to EU funding.

In Italy there are a significant number of projects, funded by the European Commission within different Programs (LIFE, CIP Eco Innovation, CIP Intelligent Energy Europe - IEE, the Seventh Framework Program for Research and Technological Development - FP7), that have successfully experimented environmental solutions, techniques, methods and approaches. The Knowledge Platform was set up to systematize all the best environmental and climate practices and to enhance and capitalize the experiences at the national level.

The platform focuses on 8 thematic sectors: waste, nature and biodiversity, water, urban environment, climate, energy, soil, efficient use of resources.

At the end of 2016, about 200 good practices have been included in the database and they should increase to 450 by the end of the current program period (2014-2020). The access to a single portal makes it possible to overcome information fragmentation, create correlations between projects and transfer technical knowledge. The platform contains innovative methodologies, experimental approaches, handbooks and guidelines and it is an effective tool to encourage sustainable development, innovation in the environmental field and actions for environmental protection.

XIV. Website addresses relevant to the implementation of article 5

- ISTAT Environment and Energy Archive: <http://www.istat.it/it/archivio/ambiente-ed-energia>
- *Protezione Civile* Department: www.protezionecivile.it
- National Geoportal: <http://www.pcn.minambiente.it>
- National Biodiversity Network: http://193.206.192.106/portalino/home_it/dati.php
- GPP's Newsletter and Magazine: <http://www.minambiente.it/pagina/newsletter-gpp>
- Knowledge Platform: <http://www.pdc.minambiente.it/>
- Naturaitalia Portal: www.naturaitalia.it
- Legambiente environmental report on Italy:
<http://www.legambiente.it/contenuti/dossier/rapporto-ambiente-italia-2016>
- REACH: www.reach.gov.it ; <http://www.reach.gov.it/banche-dati-sostanze> ;
www.minambiente.it/pagina/reach
- Report on the state of the environment in Piedmont:
<http://relazione.ambiente.piemonte.gov.it/2016/it>
- Relevant ISPRA pages for the implementation of article 5:
 - ISPRA yearbook on environmental data: <http://annuario.isprambiente.it/>
 - ISPRA data base: <http://www.isprambiente.gov.it/it/banche-dati>
 - ISPRA Library: <http://www.isprambiente.gov.it/it/biblioteca>
 - ISPRA: www.isprambiente.gov.it
 - ISPRA report on "Quality of the urban environment":
<http://www.areeurbane.isprambiente.it>
 - Network of ISPRA National Information System:
<http://www.sinanet.isprambiente.it/it/sia-ispra>
- Information video on Ecolabel: <http://www.minambiente.it/content/ecolabel-ue-cogli-un-fiore-un-ambiente-migliore>
- Emilia Romagna Region's state of the environment report:
https://www.arpae.it/report_ambientali.asp?tipo_elenco=rep_ambientale&idlivello=156

ARTICLE 6

XV. Legislative, regulatory, and other measures implementing the provisions on public participation with reference to specific activities put in place for the implementation of article 6

a) With respect to paragraph 1, measures taken to ensure that

(i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention; (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;

The provisions of article 6, ensuring public participation in decision on specific activities, are mostly implemented by **Legislative Decree 152/2006** "Norms on the Environment" as amended by Decree Law 91/2014 (transformed into **Law 116/2014**) and the **Ministerial Decree 30/03/2015** (concerning projects subject to Regional/local procedure).

All the environmental assessment procedures (**Strategic Environmental Assessment, SEA, Environmental Impact Assessment EIA and Environmental integrated authorization AIA**, as regulated by Legislative Decree 152/2006, Part 2, foresee public participation.

The public is entitled to participate also in the screening procedure.

Legislation on EIA and IPPC, like any other sectoral environmental legislation, is complemented by general provisions on public participation in administrative decisions (Law 241/90) that focus on aspects not specifically regulated by sectoral legislation. According to this Law, persons likely to be directly affected by the decision as well as anybody having a public or a private interest in a future decision by a public authority, including associations representing common interests, can participate in the decision-making where such interests are likely to be affected. More specifically, the concerned public, so defined, is entitled to receive the relevant information, to have access to all documents and to give comments which have to be taken into consideration.

The **REACH Regulations** (1907/2006/EC), on Registration, Evaluation, Authorisation and Restrictions on Chemicals, provide for the participation of EU citizens in decisional processes in the field of chemicals.

In accordance with the provisions of Regulation, ECHA(European Chemicals Agency) carries out a high number of public consultations on substances under the specific REACH and CLP processes. Public consultation notices are published on the national portal www.reach.gov.it .

In case of plans or projects likely to have a significant effect on a Natura 2000, either individually or in combination with other plans or projects, an Appropriate Assessment, in accordance with the provisions of provisions of Article 6 of the Habitats Directive 92/43/EEC to determine its implications for the site has to be undergo. The report should be made available for consultation with relevant nature conservation agencies and the public.

(b)Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in paragraph 2;

Article 3-*sexies* of Legislative Decree 152/2006, Part1, ensures "access to environmental information, to the state of the elements of the environment and landscape, even if a legally relevant substantive interests interest is not state and ensures public participation at different stages of the decisional process, before decisions concerning such plans or programmes are adopted.

The information and participation are guaranteed by:

- notice in the national/regional newspapers (EIA) or in the Official Journal of the Italian Republic ((EIA and SEA Screening) of the starting procedure and of the locations where it is possible to view the administrative and technical documentation; in the notice it is possible to identify the main features of the plan/programme/project and the locations where refer to the documentation, the timing and the methodologies to submit any comments, contributions, opinions, memories, etc..
- the publication on the website of the Ministry of Environment dedicated to the Environmental Assessments of the starting procedure (in the State), the administrative and technical documentation (planning and environmental, in language appropriate to an audience not necessarily expert), the deadlines and the means by which send comments, contributions and opinions; through the website citizens can then continue to follow the progress of the on-going procedure until the final outcome.

(c, d) Measures taken to ensure that the timeframes of the public participation procedures respect the requirements of paragraph 3; With respect to paragraph 4, measures taken to ensure that there is early public participation;

Timeframes for presenting observations vary according to the specific assessment procedure, however, timeframes for consulting the public concerned is not shorter than 30 days.

- in the case of **SEA procedures**, observations and comments have to be submitted within **60 days** from the publication of the notice by the proceeding authority on the Official Journal of the Italian Republic (Legislative Decree 152/2006, art. 14, clause 1).
- in the case of **screening for EIA**, observations and comments have to be submitted within 45 days from the publication of the notice on the website of the competent authority (art. 20 clause 2 of the Legislative Decree 152/2006).
- for **EIA** procedures, observations and comments have to be submitted within **60 days** from the date of the notice published in the newspapers (art. 24, clauses 1, 2, 3 of the Legislative Decree 152/2006).

The Ministry of Environment, or the competent regional authorities, may decide to consider possible observations submitted after the deadline, according to the time framework set by Legislative Decree 156/2006.

(e) With respect to paragraph 5, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;

In the last programming periods, 2014-20 Italy has developed a notable experience in the application of public participation practices (survey, questionnaires, meetings) in the field of Strategic Environmental Assessment (SEA) of cohesion cooperation programmes, which actually represent a valuable knowledge to be used in different assessment procedures.

(f, g) With respect to paragraph 6, measures taken to ensure that: (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure; (ii) in particular, the competent authorities give to the public concerned the information listed in this paragraph; With respect to paragraph 7, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity

EIA legislation requires that the public be informed at an early stage of the procedure. In order to ensure the effective participation of the public concerned in the decision-making procedures, the public is informed electronically and by public notices.

At national level, the Ministry of Environment established a central portal that allow the public to access that information easily and effectively (www.va.minambiente.it).

The comments can be submit as follows: writing to the Ministry of Environment Land and Sea – Department for Environmental Assessments Division II Environmental Assessment Systems in electronic form, using the Certified E-mail

DGSalvanguardia.Ambientale@PEC.minambiente.it

The Environmental Assessment portal of the Ministry of Environment provides real-time information about the progress of ongoing environmental assessments procedures

(h) With respect to paragraph 8, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;

Decisions take due account comments from the public justification of EIA decisions and SEA results.

A list of all comments received from the public is published on the Environmental Assessment portal and a statement summarising how environmental considerations and comments from the public have been integrated into the plan or projects is included in the decision.

(i) With respect to paragraph 9, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;

The decisions resulting from the EIA/SEA evaluation process are published on newspapers, on the Official Gazette of the Italian Republic or of the Region and on the website of the competent authority.

In accordance with the specific procedures, the competent authority makes available to the public the following information:

- the content of the decision and any conditions attached thereto;
- the main reasons and considerations on which the decision is based, including information about the public participation process,
- a description of the main measures to avoid, reduce and, if possible, offset the major adverse effects.

(j) With respect to paragraph 10, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;

Screening procedures for changes and extensions of existing activities includes public consultations. Monitoring activities allow to identify environmental effects of projects activities or resulting from the implementation of plans and programmes and help in determine whether it is appropriate to apply the provisions of article 6.

Monitoring is performed by the proceeding authority in cooperation with the competent authorities, with the support of Environmental Agencies and ISPRA as well.

(k) With respect to paragraph 11, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

In 2005, the MATTM, in cooperation with the Bio-safety Unity of the ICGEB (International Centre for Genetic Engineering and Biology) of Trieste, established the Italian node of the Italian Biosafety Clearing House (BCH) with the objective of:

- implementing the obligations of The Cartagena Protocol on Biosafety;
- implementing the Aarhus Convention and the Almaty amendment on GMOs;
- complying with the EU and Italian legislation for information and public hearings on GMOs.

XVI. Describe any obstacles encountered in the implementation of any of the paragraphs of article 6.

While Article 6 paragraph 10 of the Aarhus Convention is clearly addressed in the National legislation, particularly legislation concerning EIA and SEA procedures, there is still the need for:

- strengthening public attitude towards public consultation and appropriate awareness on legislation to ensure effective public participation in accordance with the Aarhus Convention;
- national guidelines concerning participation, partnerships and consultations.

XVII. Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g. are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes

Environmental Assessment Portal

The Environmental Assessment portal (www.va.minambiente.it) of the Ministry of Environment provides real-time information about the progress of ongoing environmental assessments, administrative information and technical documents concerning projects, plans and programs under assessment, acts and judgment issued from 1989 to date, statistics, synthesis data of concluded assessments, as well as guidelines, technical indications and forms, and useful data and information to carry out environmental studies.

The Environmental Assessment Portal has recently been praised by the European Commission as *best practice* at EU level, since it anticipated the provisions of the new EIA Directive (2014/25/UE) on environmental information which shall be implemented by 2017.

XVIII. Relevant websites

- MATTM page on EIA and SEA: www.va.minambiente.it
- MATTM page dealing with EIA : <http://www.aia.minambiente.it/>
- Emilia Romagna Region:
Web-portal SEA and EIA:
<http://ambiente.regione.emilia-romagna.it/sviluppo-sostenibile/temi/via>
Web portal IPPC:
<http://ambiente.regione.emilia-romagna.it/sviluppo-sostenibile/temi/autorizzazione-integrata-ambientale-aia>

ARTICLE 7

XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7

Public participation to decision-making in approving plans and programs has increased at all levels and is now widely spread. Public participation to decision-making on plans and programs is guaranteed mainly through the application of the SEA procedure.

Legislative decree 152/2006, "Norms on the Environment", Part 2, Title II, as modified by Legislative Decree 128/2010, dealing with **Strategic Environmental Assessment (SEA)**, (implementing EC Directive 2001/42 on the assessment of the effects of certain plans and programs on the environment) addresses public consultation on the environmental impacts of a proposed plan or program which could have a significant impact on the environment or on cultural heritage at national, regional, local and transboundary level. The new procedure for public consultation is similar to the one for the EIA: the notice is published in the official Gazette or in the regional bulletins of interested Regions, the documentations is at the disposal (including on-line) of the public which is allowed 60 days for commenting, including though electronic tools. Comments from the public are taken into consideration while the competent authority takes the final decision, accompanied by a motivated opinion. To be an Italian citizen is not a requisite in order to participate to the consultations, so the principle of non-discrimination is guaranteed. Furthermore, Legislative Decree 152/2006 as modified guarantees that the same standards for public participation are applied everywhere in the national territory.

As a follow up to discussions about implementation of art. 2.2 of EU directive 2003/35 on **public participation in certain plans and programs**, Italy has inserted explicit norms to foresee public participation on plans and programs related to waste, protection of water by nitrate pollution and air quality (see art.12 of the so called "EU Law 2013bis"), even if in practice public participation was already occurring (one important recent trend by public authorities is to always apply SEA procedure, including its public participation requirements, even in cases where discretion is still available).

At local level, public participation is also promoted through various **regulatory and statutory** requirements. For example, Emilia-Romagna regional Law n. 3/2010, art.6 envisages various instruments aimed at strengthening participatory processes (i.e. "a dedicated annual session on participation during Legislative Assembly" and "a report on the territorial participation the Region)

Public participation is implemented also in the **Local Agenda 21** process since local programs for sustainable development are discussed in a consultative forum, in which the public and stakeholders are represented. **The participatory Agenda 21 process follows** two main steps: a) the creation of a dedicated 'local forum for Agenda 21' which foresees the involvement of local territorial stakeholders interested in pursuing a specific 'Agenda 21 local project'; b) the drawing up of an Agenda 21 Action Plan: a strategic document targeting all parties involved (Local Authorities, enterprises, organizations, associations, schools, media). To date, an Italian coordination of Local Agenda 21 has been established and is made up of 240 local authorities.

XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7

The term "policies" includes plans, programmes, strategic documents and legal acts setting out the general guidelines.

Public participation in policy-making is being fostered, amongst others, through on-line consultations. Between 2013 and 2016 the MoE launched numerous **on-line consultations** on

strategies, programmes and action plans, for example on the National Strategy for Adaptation to climate change (2013), the National Action Plan on the sustainable use of plant – health products (2014), the Marine Strategy (2014), the “Made Green in Italy” (2016) and on the **National Strategy on Sustainable Development (2016)**. With regard to the latter, the Ministry of Environment, as provided in art. 3 of Law 221/2015, proceeds with the update of the Strategy on Sustainable Development after consulting recognised environmental associations. The updating of this Strategy is a very important and complex work. It falls within to aims of the 2030 UN Sustainable Development Agenda and addresses diverse and cross-cutting aspects. Thus, the Ministry launched civil society consultations in the preliminary phase of the updating process which involved a first analysis and assessment of the Italian position vis a vis the 17 Sustainable Development Goals (SDGs). In June 2016, a public consultation was launched through a series of thematic meetings. About 200 civil society organizations were invited to participate in these meetings.

In the framework of the **2014 National Action Plan for Energy Efficiency** (*Piano di Azione Nazionale per l'Efficienza Energetica 2014 PAEE 2014*) several consultations were carried out:

- in 2014 and 2015, public consultations were held with the objective of collecting comments and suggestions on the National Plan for Increasing the Nearly Zero-Energy Buildings and on the Strategy for the Energy Requalification of Buildings.
- in February 2015, the Ministry for Economic Development and the MoE launched a public consultation on the strategies for promoting the improvement and simplification of the incentive mechanism for the production of thermal energy from renewable resources and at increasing small-size energy efficiency (New Thermal Count);
- in August 2015, public consultations on the system of White Certificates for a more efficient and effective use of resources were launched.

The **National Programme for Waste Prevention** (Directorial Decree 7 October 2013), was also drafted on the basis of a prior public consultation carried out through an online questionnaire diffused on the website of the Ministry of Environment and through stakeholders hearings.

Different **Fora were also opened to promote** public debate on environmental issues, such as: the Forum on coastal erosion, coordinated by ISPRA with CNR and the university network; the information and consultation Forum with consumers' associations on REACH Regulations (see Chapter III); the consultation Forum on the National Strategy on Biodiversity.

The **National Strategy for the Adaptation to Climate Change** was adopted by Directorial Decree No 86 of 16/06/2015. The Decree establishes (Art. 2, clause 2) the creation, within the MoE, of a "Permanent Forum to promote public information, participation to decision making and training" and of a "National Observatory made up of Representatives of the Regions and local authorities, to identify territorial and sectoral priorities, as well as to monitor successive adaptation actions".

Similarly, the Governance structure of the **National Strategy for Biodiversity** provided for the creation of a joint Committee on Biodiversity, made up of representatives of central, regional and provincial administrations and supported, for technical and scientific aspects, by the National Observatory on Biodiversity, composed of representatives of institutions, research authorities, and scientific societies.

At regional level, the Emilia Romagna Region is developing the Regional Strategy for mitigation and adaptation to climate change through a public participatory process. This strategy will allow to assess the implications of climate change in various concerned areas.

XXI. Obstacles encountered in the implementation of article 7

It is noted that, in some cases, the assessment process is delayed vis-a-vis the planning timeline.

Additionally, information regarding public consultations is not always adequately disseminated by the Administrations while a clear feedback on the concrete impact of public participation on the decisional process is not always reported.

XXII. Further information on the practical application of the provisions of article

7

National Forum on River Agreements

In several Italian Regions, the so-called “River Agreements” (Contratti di Fiume - CdF) have spread. The River Agreements are voluntary instruments for strategic and negotiated planning aiming at promoting the protection and correct management of water resources, the enhancement of the surrounding territories, the protection from hydraulic risk, and, more broadly, pursuing local development.

River Agreements, which include lakes/coasts/outlets, are formal commitments to "put the shared decisions stemming from the participative process into a formal agreement". In 2007, a **National Forum on River Agreements** was created as a coordination group for Local Agendas 21, gathering the representatives of the institutions, Regions, environmental associations, professional associations and private sector. During the State-Regions Conference (Conferenza Stato-Regioni), the work of the **National Forum of River Agreements** led to a shared National Charter of River Agreements (2010) which has already been signed by 14 Regions, while the others have already started accession procedures. Furthermore, numerous Regions have issued dedicated regulations on River Agreements. In 2015, the forum coordinated by the Ministry of Environment and by ISPRA, led to a document on the quality requirements for River Agreements . The category of River Agreements has recently been recognized by Law 221/2015.

XXIII. Website addresses relevant to the implementation of article 7

- Local Agenda 21 coordination: www.A21italy.it
- MATTM page on EIA and SEA consultations: www.va.minambiente.it
- Strategy for Sustainable Development: <http://www.minambiente.it/pagina/la-strategia-nazionale>
- Aosta Valley Region – Water management and protection: http://www.regione.vda.it/territorio/pta2016/default_i.aspx

ARTICLE 8

XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8

An institutionalized procedure for public participation in preparing national legislation (i.e. laws adopted by the Parliament or legislative decrees adopted by the Government within the framework established by a parliamentary law) currently does not exist. However, there are some mechanisms for public involvement in legislative activities. For example, for parliamentary hearings, members of the public (or their associations) are invited to comment on issues under discussion by a parliamentary committee. The stakeholders may also file their observations “on line”, according to the manners provided for by Legislative Decree 82/2005 as amended.

Another frequently used tool for public consultation, stipulated by Law 352/70, are *petitions* (proposals for legislation or motion based on common interest) that can be put forward by a group representing at least 50,000 citizens and are considered directly by the Parliamentary Committee or transmitted to Government. These are common at the local level.

The referendum enjoys widespread use for repealing or abrogating legislative acts, either partially or entirely. A referendum takes place if proposed by at least 500,000 citizens, or by five Regions. The provisions subject to a referendum are automatically repealed if this is favoured by a simple majority of votes and at least half of all eligible citizens have participated in the vote.

Mechanisms for public consultation and procedures for the presentation and early examination of citizens’ petitions and requests, are regulated at the local level.

At the regional level the funding Statutes of Regions and autonomous Provinces state the principle of public participation (both individual and associations) to legislative, administrative and governance functions of regional institutions (see for example the funding Statutes of Umbria and of Bolzano) Those Statutes provide for consultation of employers, trade unions and environmental associations, also in the case of the preparation of legal acts.

XXV. Obstacles encountered in the implementation of article 8

Launching processes for public participation in a systematic way and following predictable and structured rules along the entire regulatory procedure has sometimes been difficult for Administrations. The fragmented nature of the associative world, which is not always organised in higher level networks, multiplies the number of interlocutors while reducing representativeness.

XXVI. Further information on the practical application of the provisions of article 8

The "circular economy" Package

In January 2016, the Environmental Commission of the Senate of the Italian Republic promoted a public consultation on the package of measures on “circular economy” presented by the European Commission on 2 December 2015. The comments achieved through the consultation were sent to the European Commission.

The consultation was open to citizens, Public Authorities, companies, universities, research centres and all the other governmental and non-governmental actors involved. The participation process was organised as follows:

- a cycle of hearings at the Commission, envisaging the opportunity for stakeholders to file written contributions;
- an on-line consultation via questionnaires, open to the public, on the five documents included in the “circular economy” package.

Consultation remained open from 1 February to 31 March 2016 and was promoted through the website of the Senate and of the Ministry of Environment.

After the end of the consultation process, the Environmental Commission of the Senate organised a public conference to discuss the results of consultation.

ARTICLE 9

XXVIII. List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

(a) With respect to paragraph 1, measures taken to ensure that: (i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law; (ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a Public Authority or review by an independent and impartial body other than a court of law; (iii) Final decisions under this paragraph are binding on the Public Authority holding the information, and that reasons are stated in writing, at least where access to information is refused.

The National legislator intervened to regulate the matter with the following legislative measures:

- **Law 241/1990** (articles 22-28): dictates the general regulations for access to administrative documents, and particularly through article 25 explicates modalities for exercising the right to access to information and to appeal. The above-mentioned article establishes that, in case of denied access, either expressed or tacit, the claimant can appeal before the competent Regional Administrative Tribunal (*Tribunale Amministrativo Regionale* - TAR). It is also possible to demand administrative review of the decision (review procedure) to: a) the Commission for the access to administrative documents established at the Presidency of the Council of Ministers (in case of documents held by central Administrations); b) the Ombudsman with territorial competence (in case of documents held by local administrations as Municipalities, Provinces and Regions).
- **Legislative Decree 195/2005**: regulates the right to access to environmental information held by Public Authorities, to ensure that such information is made available to any applicant and disseminated easily. Art 7 of the Decree regulates the protection of the right to access to information, by providing for the possibility for the applicant to take actions against the decisions of the Public Authority according to the above-mentioned modalities (appeal in court and review of the decisions from the Ombudsman and the Commission for Access).
- **Legislative Decree 104/2010 (art. 116)**: regulates appeal to the Court against decisions and against silence (lack of reply) on applications for access to administrative documents. It is a special procedure including halved terms for appeal (30 days), the right of the claimant to take legal actions without a lawyer; the trial takes place in a jury room. TAR decisions may be appealed to the Council of State (second degree of justice) within the following 30 days. In case of a favourable rule, TAR or the Council of State provides for access to information, through binding decision.
- **Legislative Decree 152/2006**: The Environmental Code (*Testo Unico Ambientale*) regulates the “right to access to environmental information and the right to participate in decision-making process”, by establishing, in art. 3 *sexies*, that anyone, without having to prove the existence of a legally-binding interest, may access to information on the state of the environment and the landscape on national territory.

(b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in paragraph 2 have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6.

The Italian legislative system establishes that the "concerned public", including Non-Governmental Organisations promoting environmental protection, can participate in the decision-making to ensure that the procedure adequately takes into account environmental interests. Indeed, a decision is considered to be illegitimate when it violates the norms regulating the exercise of the discretionary power of Public Administration, including the norms related to the consultation of stakeholders. A decision deemed illegitimate can be subject to administrative appeals (Decree of the President of the Republic 1199/1971 – ricorsi amministrativi – Non-Judicial Procedures). Jurisdictional appeal may also be proposed, in compliance with law TAR 1034/71 and the above-mentioned Legislative Decree 104/2010.

The principles of the Aarhus Convention are included in the general rules set by Law 241/1990 and implemented in the provisions regulating the participation in specific environmental procedures, including EIA, SEA and IEA procedures. Legislative Decree 152/2006 (The Environmental Code) establishes that appeal against decisions, acts, or omissions in the field of EIA is always possible, according to general norms. Against the environmental compatibility decree of a project subject to EIA, appeal may be filed to the competent TAR Court, or before the President of the Republic.

(c) With respect to paragraph 3, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment.

Concerning **article 9, para. 3**, each person/group of persons, whose **right** or "legitimate interest" has been **breached by a Public Authority's** decision or omission, has legal standing to act in court against that Public Authority's decision or omission. Furthermore, according to Law 349/1986, all Environmental NGOs recognized by the MoE can challenge public decisions or omissions, both at the national and at the local level through a review procedure. Recognised Environmental Organizations can also challenge decisions taken by local Public Authorities (at the regional, provincial or municipal levels) that cause environmental damage (Law 127/1997). It is common judicial practice that Associations for environmental protection, non-recognised under art. 13 of the referred Law, are considered entitled to take legal actions if it is recognised that the institutional task of the association is pursuing actual and non-occasional actions in favour of environmental protection.

Specific norms are in force for **environmental damage compensation**. According to Legislative Decree 152/2006 and further amendments, the Ministry of Environment is responsible for taking actions to claim compensation for the damages caused to the environment. Local authorities, physical and legal persons, and environmental associations can report to the Ministry of Environment through the *Prefettura* (Prefectures) and submit complaints or observations, supported by documentation and information about cases of environmental damage, in order to request the State's intervention to protect the environment (art. 309 of the Legislative Decree 152/2006). The successive art. 310 provides for such subjects to appeal for the cancellation of adopted acts and regulations which infringe the provisions in the field of precaution, prevention or control of environmental damage.

ISPRA, Regional Agencies for Environmental Protection and Public Safety Authorities (Police, State Forestry Corp, *Carabinieri* for the Environment, Financial Guard) have the duty to monitor,

through inspections, possible violations of environmental norms or of the issued authorisations. In case of a violation, the penal or administrative sanction (fine, suspension of the authorisation) is issued.

(d) With respect to paragraph 4, measures taken to ensure that the procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies.

With reference to paragraph 4, it is underlined that the nature of decisions is public.

(ii) With respect to paragraph 5, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Legislative Decree 195/2005 establishes that in case of a total or partial refusal to provide access to information, the Public Authority shall inform the applicant about the applicable procedures against the decision.

XXIX. Obstacles encountered in the implementation of article 9

In Italy, access to justice is granted according to the criteria indicated by legislators and jurisprudence. As for actions/omissions by private entities, violating environmental legislation, the inspection mechanism is complex since it requires the involvement of different public Authorities.

XXX. Further information on the practical application of the provisions of article 9

Evaluation of financial barriers

Article 24 of the Italian Constitution states that anyone may apply to a Court of Law in order to protect their rights under civil and administrative Law. Defence is an inviolable right at every stage and instance of the legal proceedings. The poor are assured, by appropriate measures, the means for legal action in all level of jurisdiction.

Legal aid, which is usually applied in criminal and labour proceedings, has been extended to civil and administrative proceedings, is regulated by Presidential Decree 115/2002. Article 119 of Decree 115/2002 extends the right to legal aid to Entities and associations which have non-profit purposes and don't engage in economic activities (both criteria need to subsist), and if they have an annual income not exceeding about Euro 11,000 (this threshold is periodically updated).

The costs categories faced by an applicant when seeking access to justice in environmental matters, besides the lawyer fees and the expert fees (when needed), are listed below.

Among the ordinary judicial costs there is a tax on the initiation of the judicial proceedings, the so-called "*Contributo Unificato di iscrizione a ruolo*" or Court fee, which varies according to the matter at stake (Presidential Decree concerning judicial fees n.115/2002, art. 13). This fee shall be paid again if additional reasons are added and in case of appeal. Environmental protection associations are also required to pay this fee, since they can ask for legal aid, if the necessary requirements are met. The tax has to be paid to file a claim in front of administrative judges, TAR and the Council of State, pursuant art.13, paragraph 6-bis, of the Presidential Decree 115/2002. Art. 8 establishes that expenses for justice shall be paid in advance by the party applying for access to justice; if the party is entitled to legal aid, the advance payment is funded by the State. In case of victory, the sum is refundable by the losing party.

As established by the Legislative Decree 104/2010 - which extends to the administrative procedure the rules of civil trial concerning the losing party - the losing party has to settle trial expenses for the other party, according to the amount determined by the judge. In case of manifestly unfounded arguments, the judge may also order, *ex officio*, the losing party to pay in favour of the opposing party, a sum not exceeding twice the amount of judicial costs.

The Italian legislation provides for some proceedings in environmental matters to be exempted from paying the Court fee: for example, recourse to justice for infringement of the right of access to information (Presidential Decree 115/2002, art. 13, para 6-bis, letter a); the civil action, exercised in

the context of criminal proceedings, for the recovery of environmental damages (under specific conditions provided for in the Presidential Decree 115/2002, art.12).

The case of the Sattelberg wind plant and support to energy production from renewable resources.

The most important developments concerning access to environmental justice are recorded at the level of practice and jurisprudence. Concerning jurisprudential developments referring to the application of art. 9, paragraph 2 of the Aarhus Convention, a case related to the right to access justice and to the ban on discrimination based on nationality is described hereafter. The above mentioned case refers to the Environmental Impact Assessment and approval of the Sattelberg wind-energy plant. The WWF, the Austrian Municipality of Gries am Brenner and the Austrian Alpine Club (OAV) appealed the Regional Administrative Court (TAR) against the company implementing the project (WPP UNO Inc.) and against the autonomous Province of Bolzano. The TAR deemed the Austrian Alpine Club not entitled to take action as being an association not recognised under the Italian Law (L. 349/86). The Austrian Alpine Club appealed the decision to obtain legitimisation and entitlement to take legal actions. The Italian Council of State (decision 4775/2014) ruled in favour of the appeal of the Austrian Alpine Club.

With reference to the implementation of art. 9 paragraph 3, it is underlined that Italy adopted a system in support of electricity production from renewable resources.

Several appeals have been lodged by professional associations (Assorinnovabili, Confagricoltura) and companies in the field against the Ministry for Economic Development (*Ministero dello Sviluppo Economico* - MISE) and Energy Services Manager (*Gestore Servizi Energetici spa* - GSE Inc.).

The companies and entrepreneurs owning photovoltaic plants with a power production capacity above 200kW and in possession of 20 year-old agreements with GSE for the recognition of the incentive tariff established for electricity produced via photovoltaic conversion of the solar source, have requested the annulment of the Ministerial Decrees implementing art. 26 clauses 2 and 3 and of the Decree-Law 91/2014 which "re-modulated" the incentives. The appeals raised issues of unconstitutionality of the appealed provisions; the Regional Administrative Court (TAR) of Lazio referred the above issues of constitutional legitimacy to the Constitutional Court (Lazio TAR, Rome, Sect. III-ter, order of 25 June 2015 n. 8689; Lazio TAR - Rome, Sect III *ter* 2 November 2015, n. 12336).

XXXI. Relevant websites

- National Association of Italian Ombudsmen: www.andci.it/andci/organismi
- Legambiente centres for legal action: <http://www.legambiente.it/legambiente/i-centri-di-azione-giuridica-di-legambiente>
- Codacons - Coordination of Associations for environmental and consumer's and user's rights: <http://www.codacons.it/servizi.php>
- Ministry of Justice: http://www.giustizia.it/giustizia/it/mg_3_7_2.wp
- Pages of Administrative justice: www.giustizia-amministrativa.it
 - European Justice Portal: <https://e-justice.europa.eu/home.do>

ARTICLE 6 BIS AND APPENDIX I BIS

XXXIII. Legislative, regulatory and other measures implementing the provisions on Genetically Modified Organisms (GMOs) according to art. 6 bis and to appendix I bis

The procedure for authorisation to deliberately release Genetically Modified Organisms into the environment with experimental and marketing purposes is regulated at EU level by the **Directive 2001/18/EC** and by the **Regulation (EC) 1829/2003** on genetically modified food and animal feed.

In Italy, the Directive 2011/18/EC was implemented by **Legislative Decree 224/2003**; the National Competent Authority (NCA) for the implementation of Legislative Decree 224/2003 is the Ministry for the Environment Land and Sea.

Under Art. 12 of Legislative Decree 224/2003 the NCA carries out **public consultations** and ensures access to information on authorisation requests (notifications) for marketing and deliberately releasing GMOs into the environment through a dedicated website.

The Ministry of Environment, in collaboration with the Biosafety Unit, of the International Center for Genetic Engineering and Biotechnology (ICGEB), created a **web platform for the Italian Biosafety Clearing House (BCH)** to assist the promotion of public awareness and the exchange of information on biosafety. In this platform were implemented two sections on public information and public consultation that are constantly updated.

The **public information** section provides adequate information to the public on notifications concerning the deliberate release and placing on the market of genetically modified organisms (GMOs).

The **Public consultation** section gives the opportunity for any physical or juridical person, institution, organisation or association, to put forward observations, or to provide information on any notification for the deliberate release into the environment for experimental purposes via the dedicated section of the Italian BCH.

The following documents and information are subject to public consultation:

- the synthesis of the dossier supplying information necessary to carry out the environmental risk assessment of the deliberate release of a GMO;
- the environmental risk assessment;
- any new information available on risks for human health and the environment.

The BCH website provides the opportunity to become part of a group of subjects qualified to have access to documents and information on every new notification submitted. In order to facilitate the participation in the public consultation procedures, a [list](#) that includes central and local institutional authorities, trade associations and non-governmental organizations for environmental and consumer protection has been prepared. Upon request, any natural or legal person, institution, organization or association can be included in the consultation list. At the start of every public consultation and in the case of inclusion of any new information related to the same consultation, the members of the list are advised. Registered subjects have the opportunity to express opinions during the public consultation period of 30 days.

Directive (EU) 2015/412, amending Directive 2001/18/EC as regards the possibility for Member States to restrict or prohibit the cultivation of GMOs in their territory after the EU authorization, came into force on 2 April 2015. Directive (EU) 2015/412 provides a two-phase mechanism, during the authorisation procedure of a GMO, pursuant Directive 2001/18/CE or Regulation (EC) no.1829/2003, or during the renewal of the authorisation.

In the **first phase**, during the authorisation procedure of a GMO or during the renewal of the authorization, a Member State may demand to the notifier to adjust the geographical scope of the authorization of the GMO. If the notifier adjust the geographical scope of his initial demand, this adjustment shall be implemented in the authorization. Where a Member State wishes all or part of its territory to be reintegrated into the geographical scope of the authorisation from which it was previously excluded, it may make a request to that effect and the geographical scope of the authorization will be amended accordingly.

In the **second phase**, if no demand for adjustment of the geographical scope was made or where the notifier confirmed the geographical scope of its initial demand, a Member State may adopt measures restricting or prohibiting the cultivation of a GMO in all or part of its territory. The Directive provides for extensive information to the public through the website of the Ministries (of the Environment, of Agricultural Policies and of Health) and by the Regions.

XXXVI. Relevant websites for the implementation of article 6 bis:

- Biosafety Clearing House: <http://bch.minambiente.it/index.php/>
- Page of the MATTM on GMOs and Biosafety: <http://www.minambiente.it/pagina/ogm-e-biosicurezza>

XXXVII. Follow-up on issues of compliance

An environmental organization took in front of the Compliance Committee the issue of the substantial costs that non-profit organizations need to face when taking legal action on environmental issues in Italy.

The Compliance Committee performed a preliminary examination and deeming the issue raised admissible and not irrelevant (ACCC/C/2015/130 of 3.7.2015).

In the Italian system, the issues on trial expenses can be summarized in the three following points:

- the court fee, which is the tax to pay to start a trial;
- the expenses for the losing party, who shall refund the winning party of a legal controversy;
- legal aid granted only to actors and bodies whose revenue does not exceed about 11,000 Euros.

These principles are general and valid for all matters of controversy.

The issue of trial expenses reduction on behalf of environmental NGOs for environmental cases is undergoing examination and analysis by the Ministry of the Environment, to be coordinated with other competent Administrations in the field (Ministry of Justice, Ministry of the Economy and Finances), however it will not be solved easily, given the economic implications and the sensitive legal issues involved.