



Italian Ministry for the Environment, Land Protection and Sea

THIRD UPDATE OF THE NATIONAL REPORT OF ITALY ON THE IMPLEMENTATION OF THE AARHUS CONVENTION January 2014

CERTIFICATION SHEET

The following report is submitted on behalf of ITALY in accordance with decisions I/8, II/10 and IV/4.

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Date: 07/02/2014

IMPLEMENTATION REPORT

Please provide the following details on the origin of this report

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IMPLEMENTATION REPORT

Italy

Based on the reporting format annexed to decisions I/8, II/10 and IV/4

1. Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, on how the public was consulted and how the outcome of the public consultation was taken into account and on the material, which was used as a basis for preparing the report.

The draft report for 2013 was prepared by the Ministry for the Environment, Land Protection and Sea (MoE) and integrated by the National Institute for Environmental Protection and Research (ISPRA).¹ Regional authorities also contributed to the report. A number of elements have been taken from previous studies. One Region (Liguria) and one autonomous province (Bolzano) submitted to the MoE on a voluntary basis the Regional Report on the Implementation of the Aarhus Convention and other relevant documentation.

For the purpose of receiving comments from the public, there were two rounds for public involvement: in September 2013 the former national report (version in Italian language) was both put on-line on the MoE website and sent by e-mail to environmental NGOs in order to collect comments, challenges or cases of best practices to integrate it; once the drafting of the new national report was concluded a second round of consultations took place, allowing the public to comment (January 2014) and the competent public authorities to revise the draft Report.

2. Report any particular circumstances that are relevant for understanding the report, e.g. whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have a direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

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

¹ From August 2008 ISPRA has substituted and merged the functions of the former National Agency for Environmental Protection and Technical Services (APAT), the Central Institute for Applied Marine Research (ICRAM) and the National Institute for Wildlife (ISF).

ARTICLE 3

3. List legislative, regulatory and other measures that implement the general provisions in paragraphs 2, 3, 4, 7 and 8 of article 3.

(a) **Assistance and guidance to the public** is guaranteed by a number of general and specific provisions.

According to general **Law 241/1990** on administrative procedures, as amended by law 15/2005, public administrations must appoint a “responsible officer” for each “decisional process”, who will also be in charge of informing and consulting the public concerned, and an *ad hoc* responsible officer to oversee the process of access to documents. The access to the documents by the public is recognized as a general principle and is an essential component in order to ensure transparency and impartiality of the public administration.. The Ombudsman and the Commission for access to administrative documents assist the public in case the right to access is wrongfully denied (see response to art. 9)

The Decree 184/2006 on procedures for access to administrative documents provides that the right to access can be exercised towards all Public Administrations and towards private entities as far as they are acting as Public Authorities. It says how the access can be exercised (both formally and informally, including through electronic means).

Legislative Decree 80/1998, as modified by Legislative Decree 165/2001, stipulates that Public Administrations be organized in accordance with set criteria of transparency and impartiality, and accordingly, must establish appropriate means to inform the public.

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; and 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) Italy is actively engaged in **environmental education and awareness-raising**.

The MoE and the Ministry of Education promotes environmental education according to the Guidelines for environmental education and sustainable development. 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 centres, 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 centres. 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.

Furthermore, the MoE has organized in 2007 a national **Forum on education to environment and sustainable development** involving all governmental and non governmental stakeholders. The Forum has served to re-launch national policies on environmental education and to reaffirm its essential role in order to create awareness on environmental protection.

A number of **activities** were implemented **during 2011-2013** such as: competitions addressed to school children and art students for the realization of audiovisual material and journalistic reports on environmental issues; the realization by the MoE of an educational DVD on waste recycling; environmental and cultural expositions; tree's and bike celebrative days; awareness raising campaigns on correct use and protection of beaches and on environmental legality, waste recycling, correct disposal of tyres and management and sustainable mobility weeks; national Conferences on forestry and ecosystems (2011), on the REACH regulation (2013) and on biodiversity and green economy (2013), and a technical workshop on law 10/2013 on greening the cities (2013).

The UNESCO National Commission deals with activities concerning the Decade for Education on Sustainable Development, such as the national week on sustainable development; in the years 2010-13 the weeks were dedicated respectively to sustainable mobility, water, agriculture, ecosystems and nutrition and landscapes.

Specifically on the Aarhus Convention, in 2010 the MoE, together with the University of Bologna, organized a workshop focused on awareness raising on art.9 provisions of the Convention, information on the Task force on access to justice and a debate with the NGOs and general public on access to justice in environmental matters in Italy. The proceedings were published in 2011 and widely distributed. In 2012, it has been the turn of a workshop on public participation, involving all governmental and non governmental stakeholders. The workshop has served as a tool to inform the public on their right to participate and to collect examples of public participation, at all levels, as well as innovative methods.

The MoE and the Ministry of Education are working together with various Institutions on activities to train teachers on environmental education and to develop new information tools. The National Consortium for Packaging, a non-profit body for packaging producers and users aimed at recovering and recycling packaging waste, promoted teacher training seminars on waste management with a focus on Southern regions facing environmental emergencies. ISPRA has created and is running eco-labelling and EMAS schools.

A large part of environmental education is carried out by the parks' authorities (i.e. natural protected areas established at the national, regional or local level – and managed by *ad hoc* public bodies). Another interesting activity at the regional level is the promotion of

“ecomuseums” as instruments to maintain traditions, and reinforce the links among museums and local communities and the territory.

The system of environmental agencies, composed of ISPRA and the Regional and Provincial Agencies, which collect, process and monitor scientific and technical data for all environmental media (air, water, soil), coordinates activities on environmental education (including through a network of focal points on EfSD) in order to reinforce their scientific base and improve their quality. For example ISPRA, during the period 2005-2013, has organized various workshops on the most important issues related to environmental education. In particular, in order to sensitize the Italian public on the issue of climate change ISPRA has organized the National Climate Change conference and the Youth National Climate Change Conference (September 2007); as a follow up in 2010 ISPRA has prepared a didactical kit on the impact of human activities on climate change and has conducted an analysis on the Italian best practices on climate change communication. On biodiversity issues it has realized a pilot project on orienteering into the biodiversity. Finally, ISPRA has taken part to the LIFE project “Fa.Re.Na.It in partnership with the Youth Association for Tourism-CTS- dedicated to communication and training on sustainable agriculture.

Finally, various projects on awareness raising and environmental education are carried out every year in formal educational institutions in collaboration with external organizations (generally environmental organizations), for example the 2007 SEARCH project on education to prevention of indoor air pollution related risks. The second phase of the SEARCH was launched in 2010 focusing on energy use and children health and comfort in schools’ indoor environment. The SEARCH II project was performed from 2011 to 2013 and it was successfully ended.

At the international level, Italy actively contributes to the implementation of the UN-ECE Strategy on Education for Sustainable Development. In support to the Marrakech process, from 2006 to 2012 Italy has chaired a Task Force on Education to Sustainable Consumption. The work of the TF has led to the approval, in 2008, of guidelines for the integration of education on sustainable consumption into formal education programs and subsequently has set up pilot projects to apply them and to define recommendations at national level in Indonesia, Chile and Tanzania.

(c) 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 representing 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 recognised, 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 as 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 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 as sustainable development, climate change and local development, and funds participation of NGOs to international meetings. In the triennium 2011-2013 the MoE has provided Euro 21.000 to one environmental umbrella organization for the participation to the Aarhus Convention’s meetings.

(d) In order to **foster the Convention’s principles in international fora** Italy has strongly supported and provided leadership for the drafting, adoption and application of the Almaty guidelines on PPIF.

There are a number of examples of efforts to apply the Convention’s principles in such fora. Among others Italy has contributed to:

- the EU proposal, presented during preparation of the World Summit on Sustainable Development, for global guidelines on Principle 10 (unfortunately rejected);
- the preparation of the Guidance on Public Participation in Transboundary EIA, adopted under the Convention on Environmental Impact Assessment in a Transboundary Context (by providing both funding and case studies);
- the improvement of information and public participation as provided by the Barcelona Convention on the Mediterranean Sea Protection (UNEP/MAP): Italy has re-focused the Regional Action Centre on Remote Sensing (ERS/RAC): since 2010, ISPRA has been operating the UNEP/MAP Information and Communication Regional Activity Centre (INFO/RAC), with the mandate to develop infoMAP, the Mediterranean knowledge platform based upon the principles of the Shared Environmental Information Systems (SEIS).
- the enforcement of the principles on access to information and public participation within the United Nations Convention to Combat Desertification through information projects and the organization of the International Conference on the Role of Women in Combat Desertification
- the promotion of public awareness and participation within the Convention on Biological Diversity
- a more interactive participation of major groups in the former UN-CSD, and on the newly established High Level Political Forum, and the strengthening of civil society participation within UNEP.

In 2007 the MoE, in order to raise the awareness of its own officials dealing with international negotiations in environmental fora, has organized an internal consultation on the Almaty Guidelines. Moreover the MoE has duly informed the Ministry of Foreign Affairs on the Guidelines contents. In 2008, together with the University of Bologna, the MoE has organized a national workshop to inform civil society with regard to public participation in international fora and to collect experiences of participation and indications by Italian NGOs.

It is general praxis that, when the MoE organizes an international event, it invites civil society to actively participate. This was the case for example with the 2004 International Forum on Partnership for Sustainable Development, with a series of events organized in 2006-2007 on bioenergy and climate change (in particular the 2007 Climate Change National Conference), with the 2009 G8-Environment in Siracusa, with the 2010 Ministerial Conference on Environment and Health in Parma, and with the 2013 National Conferences on REACH and on Biodiversity and Green Economy (this last one organized within the University's premises in Rome).

With regard to participation in international conferences on environment and sustainable development, preparatory meetings are usually held at the national level for the major events (e.g. Summits on Sustainable Development and the United Nations Convention on Climate Change), with the participation of major groups. In particular, before and after the Rio+20 Summit, two meetings were organized with civil society organizations with the objective to exchange ideas and information. One of the results of Rio+20 was the start up of an intergovernmental process devoted to the definition of Sustainable Development Goals: the Ministry for Foreign Affairs and the MoE consequently have set up a roundtable to involve all the interested Institutions and the civil society in the post-2015 debate (i.e. the revision of the MDGs and the approval of SDGs). In certain cases, NGOs and other stakeholders form part of the Italian delegation (in particular since a number of years within the Italian delegation dealing with climate change at least one representative by NGOs is present and kept informed; one civil society representative was admitted in the national delegation at the 68th UNGA session, dealing especially with sustainable development).

(e) 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.

4. Describe any obstacles encountered in the implementation of any of the paragraphs of article 3 listed above.

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.

5. Provide further information on the practical application of the general provisions of the Convention.

The Office for the Relationship with the Public (URP) of the MoE has been created in 2007 and its organization is still in progress because of shortage of financial and human resources. In the meanwhile requests from the public are dealt with directly by the competent offices. ISPRA has as well its own URP in order to coordinate environmental information detained by regional agencies and to facilitate integrated access for the public.

Liguria Region set up an URP called "Liguria Informa Point", with an info point, a call-center and a website with information for the public.

Since 2003 there are 19 EMAS and eco-labelling schools operating in Italy.

In 2013 there are 72 environmental associations registered by the MoE.

In 2009 Umbria Region has signed with the UNESCO Italian National Commission a collaboration Charter for the UN Decade of Education for Sustainable Development (DESS), and has established a three-year Action Plan on Sustainable Development Education (2009/2011) and the Regional Center for Information, Documentation and Environmental Education (C.R.I.D.E.A.).

Since 10 years, the Liguria Region manages a network of Environmental Education Centres (one regional, 4 provincial and 16 local/related to protected areas). The objective and organization of the network is established by law, including quality criteria for the accreditation of the Centres and financial support criteria. The network annually realizes more than 100 environmental education projects, engaging around 1000 school classes and 10.000 citizens.

Since 2011, the Province of Bolzano's Environmental Agency is active with environmental education in schools. It has involved, between 2012 and 2013, on the "Steps to the Climate" Initiative, 3.000 pupils. The Agency also promotes training and updating of environmental professionals. The ECO EURAC Library collects a dedicated literature. Many workshops were organised on environmental domain, with the involvement of 1.200 international experts.

6. Give relevant web site addresses, if available:

www.minambiente.it

www.isprambiente.it

[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) (list of recognized environmental associations)

ec.europa.eu/italia/attualita/primo_piano/ambiente/green_week_2011_it.htm

www.info-rac.org (INFO/RAC Center)

www.regione.umbria.it/Mediacenter/FE/CategoriaMedia.aspx?idc=721&explicit=SI

(environmental activities of Umbria Region)

www.ambienteinliguria.it and www.informainsieme.it (environmental information and URP of Liguria Region)

www.provincia.bz.it/agenzia-ambiente (environmental activities of Bolzano Province)

ARTICLE 4

7. List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Legislative Decree 195/2005, subsequently integrated by Legislative Decree 152/2006 – Environmental Code (art.3) - and by Legislative Decree 33/2013 – Reordering of publicity, transparency and diffusion on information's obligations (in particular art 40 on environmental information- see response to art 5 in this Report) regulates access to environmental information, implementing Directive 2003/4/CE.

Its goals are to guarantee the access to information, establishing terms and conditions for it, and to provide active dissemination of information to improve transparency.

A series of new provisions have been introduced by Legislative Decree 195/2005, in particular:

- duty to the Public Administrations. to create public databases and information points (utilizing URPs where available)
- restricted list of cases in which the release of the environmental information can be denied
- tariffs
- active dissemination of information
- quality of information
- reports on application of 195/2005
- coordination among Public Administrations.

According to Legislative Decree 195/2005 the Public Administration holding the environmental information must provide it to anybody (individuals or associations) requesting it.

Deadlines for providing the information to the applicant are set (30 days as general rule or 60 days for complex information with the duty for the Public Administration to give explanation for the delay). Against the silence or a denial from the Public Administration the applicant may act through judicial or administrative review (see answer to art. 9)

Cases for denial for the release of information are strictly listed and they should be interpreted in a restricted manner, taking into account the public interest for the disclosure. Denial by a p.a. should be always motivated. In a number of cases the Public Administration is required to grant partial access to the applicant and to release parts of documents containing information not subject to restriction.

If the information is not available for the Public Administration requested to provide it, it must inform the applicant on where to find the information.

Access to environmental information is generally free of charge. Tariffs can be applied but only to cover the costs of the release of the information. Such costs should be determined in advance and displayed to the public.

A permanent coordinating body has been established in order to guarantee uniformity in the application of the Legislative Decree, in particular the minimum level of environmental

information made available, the cases of denial, the criteria for production of environmental reports.

In December 2009 the MoE has submitted to the Parliament the first implementation report of Legislative Decree 2005/195.

In addition, more general legislation on access to administrative documents (Law 241/1990) is applicable in other situations not specifically regulated by Legislative Decree 195/2005. (see response to art. 3).

Further measures are envisaged at the regional/local level (Regions, Provinces, Municipalities) in accordance with regional/local regulations.

With regard to access to information related to EIA and SEA procedures see response to art. 5, 6 and 7.

8. Describe any obstacles encountered in the implementation of any of the paragraphs of article 4.

Despite consistent improvements, the public is not yet fully aware of the scope of legislation related to access to information. Access often depends on the local community's level of environmental awareness, the commitment to provide information to the public and the sensitivity of the issues involved. An aspect still particularly problematic is how to guarantee uniformity in application of the denials of information's cases at all levels of the Public Administration.

The differentiation between administrative documents (subject to Law 241/90, which requires an interest to be stated for the request for access) and environmental information (Legislative Decree 195/2005 which does not require statement of an interest) has been clarified but still there may be cases of unclarity.

9. Provide further information on the practical application of the provisions on access to information, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons?

First Report on Legislative Decree 2005/195 implementation. The information provided by the first report are generally in line with those provided in the present report to the Aarhus Convention. In particular the First Report describes: the MoE web site reorganization; databases establishment, URP organization, communication campaigns and evaluation on the level and quality on access to environmental information.

The MoE has prepared a form for the collection of access information by public authorities with reference to years 2006-2007-2008. The Research and Sustainable Development Department has managed forms sent by Public Authority and has assisted them by setting up an informatic and telephonic "window". It has also prepared a database to collect and prepare statistical analysis on the forms received.

It emerges that the number of information sent by the Public Administrations increased dramatically in 2006-2008 compared with 2002 (implementation of Directive 90/313/CE). The accesses to environmental information by the public increased during the years 2006-2008 as well; in particular it relates to environmental monitoring activities and geographically to the North of Italy.

Gathering of information on public access is ongoing.

10. Give relevant web site addresses, if available:

ARTICLE 5

11. List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

(a) 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 site is periodically updated; it displays relevant legislation (including international treaties and EU legislation), general information for the public divided into key thematic areas, newsletters, a specific section on the Aarhus Convention (under updating; the new Aarhus page will host the national implementation reports and other relevant documents as the Aarhus Convention text, guidelines and tools for the Convention implementation, involvement of the civil society in environmental decisions, etc), and a wide range of environmental documentation; it also facilitates Internet access for the visually impaired in line with Law 4/2004 on access to informatics tools for disable people and Legislative Decree 82/2005, as modified, “Digital Administration Code” ;
- the report on the State of the Environment (see below);
- the Environment National Library, established by Law 426/1998, which avails itself of 2 officers trained for the assistance of the public and the classification of volumes and books. The Library owns almost 3000 books, magazines and documents.

The Agencies for Environmental Protection, at both national level (ISPRA) and regional/local levels (ARPA and APPA) are also committed to disseminate environmental information.

Significant use is made of websites in order to disseminate information, including laws, policies, reports, drafts, studies and similar documentation.

In particular, the website of ISPRA, recently improved with new graphics and research tools, contains a vast bulk of documentation, divided into different environmental issues (such as water, air, environmental certification, emergencies, industries, technologies and infrastructures). It also contains the EMAS newsletter and the online version of *IdeAmbiente*, a monthly magazine which is both available on-line and sent in hard copy to Authorities, enterprises, journalists, NGOs and stakeholders in general and, through web conferences, allows public participation to national and international events (for example the website was used to let the public participate at the preliminary phases of the organisation of the National Conference on the Climate Change in 2007. For this initiative ISPRA received a special mention during the Administration Prize Awards). Information are available in Italian, French and English. In 2010 it has launched the E-TV, providing on-line interviews and news about ISPRA activities and environmental data issues. The improved website is now Open Source, with the possibility to upload a bigger quantity of documents, is more attentive to public satisfaction which is checked with a questionnaire and other tools, and features a new streaming channel. Two specific websites (on scientific laboratories and on biodiversity) are under preparation.

In addition, ISPRA designs and organizes vocational training on environmental protection issues (as a general rule, free of charge) addressed, in particular, to researchers and technicians of ARPA, APPA, of other public bodies and research institutions . In order to make vocational

learning processes more flexible and accessible, ISPRA carries out, in addition to face to face courses, also e-learning and blended courses, including internships organised in collaboration with universities and other educational institutes. Training activities are UNI EN ISO 9001:2008 certified.

The ISPRA Library, certified UNI EN ISO 9000: 2008 and publicly accessible, is specialized in Science of the Earth and in environmental issues. Among the services provided it allows the accessibility to the library heritage both through an online catalogue and interlibrary loans.

ISPRA, in collaboration with ARPA and APPA, publishes different annual reports (both in Italian and English); the most recent reference text is the 2012 Yearbook of Environmental Data, which is available in full version, in a version divided into key contents including a pocket version, in a Figures' Yearbook with statistical contents, in a Database, in a Multimedia Version with more immediate language and in a Comics Book addressed to the youngest. The Yearbook is also the basis of other important publications such as the OECD report and other reports prepared by national institutions to the Parliament. Other relevant publications are: the Waste Report, the Report on urban environment quality, the Climate Report and the National Greenhouse Gas Emission Inventory. These reports offer environmental information with different levels of details with regard to the national territory and environmental issues.

ISPRA also manages environmental databases and makes these available to the general public through its website. These include GELSO (good practices for local sustainability), CORINAIR-IPCC (inventory of emissions to air), INES/PRTR (national register on pollutant releases and transfers; see below), Meteorological Marine Data, FILARETE Database of the Local Agenda 21 and local sustainable planning.

In 2012 the MoE has contributed to the drafting and the dissemination of the first Report on Ecoinnovation in Italy, containing data on and an overview of national activities carried out in support of ecoinnovation, and highlighting that positive results have been reached in relation to certification of environmental management systems, energy productivity, greenhouse gas emissions intensity, Eco-Industry employment, and turnover in eco-industries. The work was done in collaboration with the EU Commission, interested Public Authorities, companies, universities, foundations and research centers.

Other sources of information for Public Authorities are the various national institutes/bodies in charge of conducting studies and collecting information, such as CNR (National Research Council), ENEA (National Agency for New Technology, Energy and Economic Sustainable Development), ISTAT (National Institute for Statistics), ISS (National Health Institute) and universities.

To ensure the adequate flow of information, the National Environmental Information System (SINAnet) was established. Based on the Shared Environmental information System (SEIS) principles, SINA is a network aimed at collecting, elaborating and disseminating data and information from environmental monitoring, control and information systems at national and sub-national levels, through a network of so-called reference institutions.

The main nodes are represented by the:

- National Agency for Environmental Protection, responsible for the general co-ordination and the relationship with the European network EIONET;
- Regional focal points,
- Regional Environmental Protection Agencies (ARPA)
- National Reference Institutes (CNR and ISTAT) that give operational support to the National Agency for Environmental Protection for management of data and information regarding a specific environmental issue.

The system has also established a webportal providing data to EIONet, a network of libraries and documentation centres and organises an annual national conference aimed at making publicly available the data and raising public awareness. The SINAnet plays an important part in INSPIRE Directive implementation in Italy (according to Legislative Decree 32/2010), through technical and scientific support to the competent Authority.

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 man-made 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) **Public information and communication** (by the Public Administration) is regulated in general terms by a corpus of legislation. According to these laws, public administrations must comply with criteria of transparency and impartiality and, therefore, establish and coordinate the appropriate structures for informing the public (Legislative Decrees 29/1993, 80/1998 as modified by 165/2001). Furthermore, each Public Administration must designate a responsible officer for access to documents, establish an Office for Relationship with the Public (URP) (Legislative Decree 29/1993, see also response to art. 3) and undertake communication activities, through the use of the media and advertising, dissemination of publications, postings, organization of and participation in events, the designation of a spokesperson and a Press Office (law 150/2000). At the national level, Public Administrations have to adopt a Public Communications Plan, communication programmes and specific publicity projects and set up a coordination structure composed by the Director of the URP, the Director of the Press Office and the spokesperson (Directive on public function February the 7th 2002). The Law indicates the professional skills necessary to cover the position of Public Officer in charge for the communication and information services (Law 29/1993 and Presidential Decree 422/2001). In 2013 Legislative Decree 33/2013 on reordering of publicity, transparency and diffusion of information's obligation was adopted to implement Law 190/2012 on measures against corruption. Accordingly, Public Administrations are now obliged to publish on their website environmental information in their possession (Art 40 of LD 33/2013). Moreover, all Public Administrations must publish on a specific dedicated section of their websites, easily accessible to the public, the information due to be given to the MoE according to LD 195/2005. The publication of information by the authorities is not regulated by an accord with the Central Administration, allowing Local Authorities to provide even larger access than the one which is provided by law. Also land planning and governance activities such as territorial plans, coordination plans, landscape plans and urbanistic tools are subject to publication on a special section of website (Art 39 of LD 33/2013).

The Presidency of the Council of Ministers is in charge of identifying communications with social/ethical value, including those containing environmental information, to be spread out via the media.

A large part of environmental communication is put forward on behalf of natural protected areas established at the national, regional or local level: in their founding laws, environmental education and communication is explicitly envisaged as a major activity, including scholastic visits and eco-tourism.

The MoE sets up and sponsors several information and communication campaigns, by TV and radio spot, website, projects in schools, addressed to different audience, and in particular children (Ecobeach, Biodiversity, National Bicycle Day).

(c) 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 general legal framework on e-documentation produced by Administrative Bodies is provided by Presidential Decree 445/2000. A series of by-laws regulates specific issues like certification of electronic signature, internet access for disabled persons, basic rules on e-learning, electronic mail use etc.

In particular Presidential Decree 513/1997 prescribes that the Public Administrations have to define and to make available e-format and electronic questionnaires valid to any law effect for the exchange of data within the network and with private actors.

The Legislative Decree 82/2005 “ Digital Administration Code” as subsequently integrated and modified aims at rationalizing the use of information technologies and of the communications by the Public Administration. In particular e-mails sent by the public to p.a. are considered as official written communications.

Legislative Decree 195/2005, (see also response to art.4) envisages the development of environmental databases available in internet and through the Office of Relations with the public and requests to adopt a plan to make the environmental information progressively available into electronic data bases, easily accessible to the public on internet and to transfer the information into databases.

Finally, the application of Legislative Decree 128/2010 has substantially improved and scaled-up the availability and access to information within the EIA and SEA procedures.

(d) Law 349/1986 requires that the MoE presents a national **Report on the State of the Environment (RSA)** to the Parliament on a biennial basis. Such report should be disseminated and made available to the public.

The RSA scope is to describe the state of the environment, identifying sensitive elements and related constraints, selecting and quantifying the objectives and periodically monitoring the environment and related constraints.

In 2012 OECD conducted the Environmental Performance Review (EPR) of Italy resulting in the publication of “ EPR: Italy 2013”, which also has substituted the RSA for that year. The report is divided in 5 chapters: revision of principal indicators on the state of environment; the governance system; progress on green growth; water management; climate change, and followed by evaluation and recommendations. During the preparation of the EPR civil society and stakeholders were actively involved.

(e) Regarding the **accessibility to environmental laws, decrees, international treaties** both the MoE and ISPRA have made them available on their web sites allowing a broader access of the public. A number of international treaties, including the Aarhus Convention, have been translated into Italian. Moreover ISPRA manages a comparative repertoire of international norms and treaties accessible through its website.

On the website of the Environmental Agency of the Province of Bolzano it is possible for the public to consult the general environmental legislation of the Province.

(f) Concerning the **encouragement of operators**, the voluntary agreements between the MoE and private companies or public services providers, in order **to improve environmental performance** of the latter, as well as to increase the periodic compilation of environmental reports by enterprises, has been strengthened through a National Program for the **Evaluation of the Environmental Footprint** which involves more than 200 partners. The objective of these partnerships is to identify “carbon management procedures” and to support the application of low emission technologies and best practices in the production’s processes and within the life cycle of products/services production, through increasing competitiveness of the Italian enterprises while using ecological standards, giving a stimulus for the revision of production and distribution cycles and an opportunity to create an increased awareness of consumers. The pilot sectors are in particulars: fashion, wine and food.

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 MoE actively encourages Italian enterprises towards **ecoinnovation** within the EU framework which provides support and incentives for techniques, technologies, products, processes and services, sustainable and replicable at European level, reducing environmental impacts and contributing to a more efficient use of natural resources, including energy. Being the National Contact Point, the MoE has organized a series of national and regional information days on the annual call for proposals and made available to all interested parties information relating to the development of proposals, either via the website, telephone, or through direct meetings with proponents.

Moreover, in the context of projects promoting “**Corporate and Social Responsibility**” - CSR, companies are encouraged to adopt voluntarily high social and environmental standard according to international norms and principles, and to make them public preparing reports containing measures and strategies adopted to improve environmental performance.

The Ministry of Employment and the Ministry of Economic Development, together with the MoE, has prepared, also through public consultation, the 2012-2014 National Plan for the

Corporate Responsibility with the objective to increase the “responsibility culture” among enterprises, citizens and communities.

(g) Concerning **product information for consumers**, a large number of Italian enterprises apply the EU eco-labelling scheme with more than 18.000 products certified (first place in the EU), covering 15 categories of products (e.g. tourist services, detergents, paper, tissues, shoes, paint). MoE and ISPRA are acting at different levels to promote the use of eco-labelling and product information. They organize seminars for local authorities on eco-labelling schemes and green public procurement. The new National Plan for Green Procurement is under approval and the working group to manage the Plan is already settled and regularly consults with all stakeholders including consumers associations. The Plans is supposed to provide for a general frame about Green Public Procurement, define national goals, identify priority goods, services and interventions’ categories for environmental impacts and sales volume, on the basis of which sets down the minimum standard for environmental protection.

Other compulsory labelling is foreseen by EU Directives, such as, for example, energy labelling for household appliances;

(h) 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. EU Regulation 166/2006 requires annual reporting from the EU Member States: presently in Italy 5 data collection cycles have been completed (i.e. in 2007-2008-2009-2010 and 2011) while the collection of data referred to 2012 is ongoing. Data collections from 2007 to 2011 are available to the public on the European PRTR website. The national website for the INES/PRTR register still needs to be re-designed in order to accommodate also the national PRTR data.

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.

12. Describe any obstacles encountered in the implementation of any of the paragraphs 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.

13. Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in article 5, e.g. are there any statistics available on the information published?

Most frequent requests by the public addressed to ISPRA are about nature preservation (biodiversity and sustainable management of natural habitats), soil protection and territorial planning.

The MoE and all Regional (and delegated local authorities) are equipped with dedicated portals for environmental assessment (EIA and SEA).

At regional level the Emilia Romagna Region has adopted regional law 11/2004 (regional development of information society) that fosters and spreads information and communication technology use in the regional territory, assures to people equal opportunities of access to knowledge and new services, contrasting digital divide.

1.097 organisations registered with EMAS (of which 239 Local Authorities) and more than 19.700 UNI EN ISO 14001 certifications by the end of 2013.

6.140 industrial sites certified with EMAS (Italy is third in Europe).

13 industrial districts certified with EMAS.

Up to 2013 the MoE has allocated grants to 1.200 SMEs certified UNI EN ISO14001 belonging to all merchandises sectors.

14. Give relevant web site addresses, if available:

www.minambiente.it (MoE)

www.va.minambiente.it (MoE environmental assessment portal)

www.protezionecivile.it (Department for Civil Protection)

www.isprambiente.it (Institute for Environmental Protection and Research)

www.sinanet.isprambiente.it (National Environmental Informative System, SINAnet)

www.isprambiente.gov.it/it/formeducambiente (Environmental education and training activities)

[www.oecd.org/env/country-](http://www.oecd.org/env/country-reviews/EPR%20Assessment%20and%20recs%20ITALY%202013.pdf)

[reviews/EPR%20Assessment%20and%20recs%20ITALY%202013.pdf](http://www.oecd.org/env/country-reviews/EPR%20Assessment%20and%20recs%20ITALY%202013.pdf) (EPR of Italy)

www.minambiente.it/pagina/italian-environmental-footprint-program (MoE Carbon Footprint Program)

www.minambiente.it/pagina/cip-eco-innovation (MoE Ecoinnovation web page)

www.eco-innovation.eu/images/stories/Reports/eio_country_brief_2011_italy.pdf (National Report on Ecoinnovation)

www.telecomitalia.com/tit/it/sustainability/sustainability-report.html ([Telecom Italia SpA](http://www.telecomitalia.com))

www.eni.com/it_IT/sostenibilita/ambiente/ambiente.html ([ENI](http://www.eni.com))

www.enel.com/it-IT/doc/report_2012/rapporto_ambientale_2012.pdf (ENEL)
www.fsitaliane.it/cms-file/allegati/fsitaliane/Rapporto_sostenibilita_2012.pdf (Gruppo Ferrovie dello Stato)
www.unicredit.it/it/chiamo/per-le-persone.html (UniCredit Bank has extended EMAS to all its agencies)
www.dichiarazioneines.it (INES questionnaire)
www.eper.sinanet.isprambiente.it (INES register)
<http://ambiente.regione.emilia-romagna.it/> (environmental activities of Emilia Romagna Region)
www.provincia.tn.it/argomenti/ambiente/ (environmental activities of Trento Province)
<http://lexbrowser.provincia.bz.it> (environmental activities of Bolzano Province)
www.allertaliguria.it (risk management of Liguria Region)

ARTICLE 6

15. List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

The main context for the application of article 6, paras 2-10, of the Convention is the **EIA procedure**, which is regulated at the national level and, within the framework of national laws, at the regional level (through subsidiarity). National legislation pertaining to the EIA procedure is in line with EU law.

The main legislative act covering the EIA procedure is the Legislative Decree 152/2006 "Norms on the Environment", Part 2, Titles I (general principles), III (national EIA, art. 19-29), and IV (interregional and transboundary EIA) as modified by Legislative Decree 128/2010. Annex II of L.D. 152/2006 contains a list of activities (identical to annex I to Directive 92/2011 on the assessment of the effects of certain public and private projects on the environment) for which EIAs are compulsory at the national level since they are deemed to have a significant impact. Additional activities listed in annex III of L.D. 152/2006 as modified (projects that are subject to an obligatory regional EIA, (corresponding to those listed in annex II to the EU Directive) are also subject to EIA procedure at the regional level. Annex IV shows activities subject to a screening procedure to assess whether or not are likely to have a significant impact. The criteria to be subject to EIA (screening) are listed in annex V: this procedure serves to evaluate whether a project could have a significant or negative impact on the environment. Projects listed in Annex IV that are located in specified protected areas (including coastal and marine protected areas) are automatically subject to an EIA.

The public is entitled to participate both in the EIA and in the screening procedure. In the screening procedure the public concerned can send comments to the relevant public authority within 45 days from the presentation of the draft project and of its screening evaluation.

EIA legislation stipulates that the public be informed at an early stage of the procedure. Accordingly, the proponent of the activity subject to the EIA procedure shall request the competent public authority for authorization and inform the public at the same time by publishing a notice in both the website of the Competent Authority, in a national and in regional/local newspapers that provide general information on the proposed activity, indicating where and for how long the relevant documentation will be available, and specifying practical details about public participation. The applicant assumes the expenses of publishing the notice as well as of providing EIA documentation (which includes a study on the adverse effects on the environment) and copies thereof.

National legislation now foresees the possibility to provide written comments within 60 days (previous law allowed 45 days) from the day the documentation has been deposited and made available to the public. In order to favour the public, some flexibility on deadlines for submitting comments is applied. The competent authority can also decide to organize consultations through a public hearing where the EIA study, further technical opinions and observations by the public are discussed. The hearing by the competent authority is concluded with a report on the works and on the findings, which are kept into consideration for the final decision.

The outcome of the EIA procedure in Italy is a Decree on the “environmental compatibility” of the proposed activity issued by the MoE and the Minister for Cultural Heritage on the basis of the opinion of an independent EIA/SEA Commission charged with assessing the documentation provided by the proponent. The assessment made by the EIA/SEA Commission is based *inter alia* on the comments provided by the public and on reasoned opinion. The opinion and the subsequent Decree can turn out to be either negative, in which case the project is not deemed to be environmentally compatible and is therefore not executed, or positive, in which case specific conditions for the execution of the project (including mitigation measures) are prescribed. The final decision (the assessment by the EIA/SEA Commission and the Decree on environmental compatibility) is published in newspapers, in the Official Journal and on the MoE’s website.

According to Legislative Decree 163/2006 a special EIA procedure, anchored at the early stage of planning, applies to specific projects (infrastructures) identified by the Government as strategic or of national interest. Provisions on public participation in this context remain unchanged.

If a change leads to an increase or to a substantially different activity, a new EIA procedure (including public participation) has to be carried out to change existing activities already subject to an EIA.

On Integrated Pollution Prevention and Control (**IPPC**), Legislative Decree 152/2006 “Norms on the Environment”, Part 2, Title IIIbis, (art. 29bis - quattordecies) as modified by Legislative Decree 128/2010 and implementing EU Directive 1/2008, foresees a similar procedure for public participation when issuing “integrated environmental authorization” (AIA), with 30 days for comments by the public.

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.

For judicial remedies in case of denial to access to information and participation in these procedures, see answer to art.9.

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

With regard to public participation within EIA the major difficulties are related to the technical and financial management of the websites dedicated to deal with EIA procedures, which have recently multiplied. In 2010-2013 in fact 120 activities have undergone screening procedure and 176 national EIA, added up to a larger number at the regional level. The documents related to EIA procedures made available to the public since 1989 are around 100.000. Since March 2012 a positive trend to website access has been registered, with 120.000 accesses and 385.000 documents download, both from the Italian territory and from abroad.

17. 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.

A web page in the site of the MoE has been created since 2007 to facilitate consultation and public participation to EIA procedures. In particular the public can consult and send comments on line regarding all documents related to national EIA. By 2013 all AIA-IPPC competent authorities (central and local) have set up dedicated webpages with databases and access points. Following the entry into force of Legislative Decree 128/2010 re-gassification plants, formerly not included, are subject to EIA procedure (including applicable provisions on public participation).

Umbria regional law n.12 of 2010 on environmental assessment provides specific criteria about public assistance, access to information and public participation in decision making.

The Province of Bolzano, in the case of a wind farm in the town of Brennero, subject to the EIA procedure, in agreement with the MoE, has launched a transboundary public consultation (with Austria), according to provincial law 2/2007. The public consultation has led to the submission of written comments by both Italian and Austrian citizens.

18. Give relevant web site addresses, if available:

www.va.minambiente.it (MoE webpage dedicated to EIA and SEA consultations)

www.aia.minambiente.it (MoE webpage dedicated to AIA consultations)

<https://bch.minambiente.it> (webpage for the Italian BCH)

ARTICLE 7

19. List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Public participation to decision making in approving plans and programmes has increased at all levels and is now widely spread. Public participation to decision making on plans and programmes 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 programmes on the environment) addresses public consultation on the environmental impacts of a proposed plan or programme 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 through 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 programmes**, Italy has inserted explicit norms to foresee public participation on plans and programmes 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).

In 2012-2013 public participation at the national level has been carried out for example on the draft Plan of Action on the Sustainable Use of Pesticides (activating a specific on line forum) and on the draft National Programme on Waste Prevention.

Public participation is implemented also in the **Local Agenda 21** process (widely spread throughout Italy, involving more than 900 local authorities) since local programmes for sustainable development are discussed in a consultative forum, in which the public and stakeholders are represented.

Furthermore, while the importance of programmes for urban sustainability has been increasing during the last few years, municipalities are key-players in this sector due to subsidiarity principle. Local Agenda 21 has been proved a powerful instrument to boost awareness and public participation by citizens in the decision making-process at the local level. The coordination body of LA21, together with the MoE, ISPRA and other bodies, organizes various conferences and thematic workshops with regard to various aspects of sustainable development and public participation.

Making available good practices on public participation in making strategic environmental decisions has a key role in the recognition of effective methods and in the identification of

critical elements. Since 2002 ISPRA makes available to public administrations and citizens a database of good practices for local sustainability (GELSO). The database 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. There are also examples of projects related to the Smart Cities Initiative that use innovative ICT tools for information and participation in environmental programs.

Other mechanisms for public participation are foreseen at the local level, in accordance with the various regional laws, municipal and provincial statutes or regulations. Legislative Decree 267/2000 (on local administration) states that Municipalities and Provinces are obliged to promote public participation and access to information through their statutes.

Law 394/1991 on natural protected areas (parks established at the national, regional or local level) foresees public participation in the plan to establish and manage parks. The public can access and comment on the draft plan, which has to be deposited at the local administration for a period of forty days. The park administration and the regional and local governments are then obliged to react to the comments received. Environmental NGOs are involved in the parks' management and incorporated in their Governing Bodies.

Italy, especially the South, benefits from a large share of European Community Structural Funds, the main EU financial instrument aimed at reducing regional, economic and social disparities under the overarching principle of environmental sustainability. The national legal framework implementing EU Regulation 1083/2006 (for the years 2007-2013) provides for public participation mechanisms: environmental NGOs and socio-economic organizations are members (even if without decisional power) of the Monitoring Committees of Operative Programs (national or regional), which meet periodically, led by the National or local Management Authorities. All Operative Programs foresee a socio economic Partenariat roundtable which participate to the implementation of the operative program. More and more regions allow the participation of citizens' organizations and groups in "integrated projects" that focuses on a specific area by implementing various interventions under a shared strategy. National public participation in the programming and management cycle of structural funds to which SEA procedures applies, have been enhanced also though the application of Legislative Decree 152/2006 as modified.

The Italian Competent Body for EMAS has been implementing the step by step approach in giving certification to territorial clusters through a specific procedure managed by a specific Managing Committee, composed both by Public and Private Bodies.

According to the procedure the Managing Committee shall comply with specific requirements and lead single organizations of the cluster to the EMAS Registration. Some examples include: the leather sector in Tuscany, the chemicals sector in the Province of Latina (Lazio), the paper sector in Lucca (Tuscany) and the tourism sector in the Province of Rovigo (Veneto). These schemes have a strong relationship with public participation under Local Agenda 21: the "territorial environmental programme" issued by the procedure needs to be agreed by all involved actors, not only in order to be approved but also to share the commitment. Furthermore, the programme is available for the public to comment.

20. Explain what opportunities there are for public participation in the preparation of policies relating to the environment.

The adoption of policies is not so common and the term “policies” is not usually employed in connection with policy documents. These documents, where they exist, rather take the form of “strategies” or “programmes”, or may even result in legislative acts. Consequently, some of the answers given to the previous question, or in relation to article 7, may also be relevant for this question.

Specific examples of strategic documents are:

- the National Environmental Strategy for Sustainable Development, adopted in 2002 by the Inter-ministerial Committee for Economic Planning. During its preparation, a consultation process was organized by the MoE, consisting of meetings with different stakeholders, such as trade unions, environmental NGOs, business representatives etc., and an online round of comments. The 2007 Implementation Report of the Strategy was also carried out allowing a large public participation.
- the National Energy Strategy, adopted in March 2013 with an Interministerial Decree. The Strategy will allow a gradual but significant evolution of the system toward renewable energies and parallel overcome of the European Targets "20-20-20". It was drafted with extensive stakeholders' and public consultation.
- the draft National Strategy for Adaptation to Climate Change. Public participation, conducted by the MoE, is under way with extensive and repeated consultations of all stakeholders, including public hearings, workshops and the call for written comments.

To improve governance for sustainable development, the MoE created a consultative body, the **Economic and Social Council for Environmental Policies (CESPA)** in August 2004 in order to strengthen the dialogue with social and economic partners; optimize environmental policies; and promote eco-efficiency. Chaired by the Environment Minister, it includes all major national organizations operating in the economic and social spheres (trade unions, national industrial confederations, farmers, retailers, service providers). CESPA shall meet at least once every 3 months and by practice now meets almost once a month.

At the local level (Legislative Decree 267/2000), various regional, provincial and municipal statutes, laws and regulations establish mechanisms for public consultation, including the consultative referendum, procedures for the presentation and early examination of citizens' petitions, proposals and requests. See for example the Local Laws of the Bolzano Province 13/1997 and the 2/2007, related to the public participation to environmental decision and processes.

Consultative referendums are also used often at the national or local level in order to assess popular opinion on important issues and act accordingly. An example of this was the abolition of nuclear energy plants in 1987 following the results of a referendum.

21. Describe any obstacles encountered in the implementation of article 7.

With regards to obstacles in the management of SEA dedicated webpage see response to art.6, point 16.

22. Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.

In 2011-2013 5 SEA national procedures were concluded and 9 initiated, while at the regional level there are many more, for example around 1000 on urban/territorial planning in 2011-2012. At the local level, mechanisms for the involvement of Local Communities in policies for sustainable development, including Local Agenda 21, have been in place for a long time and are

functioning well. Public participation in plans and programmes on sustainable development at the national level is guaranteed through the SEA participative procedure.

By February 2010, 931 Italian municipalities signed the Aalborg Chart of Sustainable European Cities, embracing the model of public participation in the management of local affairs.

The Umbria Region, on the basis of practical experience gained in 2008-2009 on SEA application, has elaborated an Action Programme for public participation in SEA at regional level.

23. Give relevant web site addresses, if available:

www.A21italy.it (Local Agenda 21 coordination)

www.va.minambiente.it (MoE webpage dedicated to EIA and SEA consultations)

<http://www.minambiente.it/notizie/elementi-una-strategia-di-adattamenti-climatici> (draft Strategy on Climate Change Adaptation)

ARTICLE 8

24. Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

An institutionalised 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. 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.

Furthermore, all draft legislation and other information on parliamentary activities are published on Parliament's website (www.parlamento.it) where it is also possible to send emails to members of Parliament.

Law 308/2004 which charged Government with the task of codifying environmental law through legislative decrees, stipulates that modalities for consultation with Trade Unions, Business Organizations, and Environmental NGOs (for the preparation of such decrees) be identified by an *ad hoc* Act of the MoE. At the moment periodic consultations take place through the CESPA (see response to art. 7)

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, even in the case of the preparation of legal acts.

25. Describe any obstacles encountered in the implementation of article 8.

26. Provide further information on the practical application of the provisions on public participation in the field covered by article 8.

27. Give relevant web site addresses, if available:

ARTICLE 9

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

(a) Concerning **article 9, para.1**, access to justice is covered by a law on **access to information** (Leg. Decree 195/2005) and a general law on access to administrative documents (Law 241/1990), stating that in case of refusal or absence of reply by the time scheduled by legislative decree 195/2005, recourse before an Administrative Authority (review procedure) or through an expeditious review procedure before a court (judicial procedure) can be obtained. In the review procedure in cases of refusal or absence of reply, the interested party could refer to the subject detaining the so called “substituting power” recently introduced by Law 35/2012 – Urgent norms on simplification and development-, which is attributed to the Director General or, in his place, to the Director in charge of the Competent Office, or the highest level Official. According to the judicial procedure, the interested party can challenge the decision or omission before the Regional Administrative Tribunal within 30 days. This ruling can, in turn, be challenged on appeal to the Council of State (2nd degree judicial decision) within the following 30 days. Where the interested party has obtained a favourable ruling, the Tribunal orders the delivery of the requested information. All Courts’ decisions are in writing and are binding.

Alternatively, the interested party can request a review in front of the Commission for the access to administrative documents established within the Presidency of the Ministers’ Council (Presidential Decree 184/2006, art.12), in case of acts of the Central Administration of the State, or in front of the local Ombudsman for acts issued by Regions, Provinces or Municipalities. Both the Commission and the Ombudsman have to reply by 30 days otherwise in case of no reply it means the review has been refused. The administrative procedure is preliminary to the judicial one but not mandatory.

Access to a review before the Regional Administrative Tribunal is still available to an interested party that has not been satisfied;

(b) With respect to **article 9, para. 2**, the legal system is based on the protection of legitimate interests. A “legitimate interest” is a direct interest of an individual in a public decision but is not guaranteed as a legal right. The system gives the public “with an interest” in an administrative decision (individuals and associations) the possibility not only to participate in the decision-making, so that their interests are taken into account, but also to challenge before the Public Administration (either the Body that approved the act or the Body that is hierarchically superior to the one that issued the decision; Presidential Decree 1199/1971 on administrative recourses, art. 1-7) or Courts any unlawful decision adopted by a Public Authority (Law 1034/1971 on TAR, L.241/1990). A decision is considered to be unlawful when it is inconsistent with legal provisions regulating the way the discretionary power of the Administration should be exercised, including those on public participation. Individuals and Associations, other than the ones challenging the decision, can also intervene throughout the jurisdictional proceedings. To give an example, the decision on “environmental compatibility” of an activity, following the environmental impact assessment procedure, may be appealed to the Administrative Regional Courts or to the President of the Republic. The Legislative Decree 152/2006, as modified, reaffirms that against decisions, acts or omission related to public participation procedures under the EIA general rules on challenging unlawful administrative acts are always applicable.

The latter remedy (appeal to the President of the Republic- Presidential Decree 1199/1971, art. 8-15) is open to any member of the public with a legitimate interest that wants to challenge an administrative final decision and is free of charge, but is excluded in case of previous appeal before the TAR.

(c) 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. For the criteria for recognition, see answer to question 3. 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). Other members of the public are not allowed to challenge public decisions directly.

In the case of criminal behaviour (the private or public act is punishable by criminal law), any individual or group is entitled to address either the Police or the Judiciary, or the Competent Environmental Agency (if the request appears to have a sound basis, these Authorities are obliged to act).

Furthermore, any person whose **right** has been **breached by another private person** can challenge that act or omission directly before a Court and request both tort compensation for the damage and criminal sanctions.

Specific provisions apply with regard to the restoration of **environmental damage**. The Legislative Decree 152/2006, as modified, charges the State (in particular the MoE) to request compensation for environmental damage both before the administrative or judicial Courts. Environmental Organizations and parties “with an interest” may only request the MoE to seize the Court in matters related to environmental damage and its compensation. These subjects may then act for nullifying administrative decisions and can address their requests for compensation for damages to the court or can act against the MoE in case of inaction.

Recognized environmental associations can always intervene in proceedings on environmental damages. According to a large jurisprudence now also Environmental Associations not recognized are normally admitted to participate in those proceedings. Furthermore, despite this is not provided by law, recent judicial practice tends to grant legal standing also to NGOs in order to claim environmental damages in criminal proceedings. These claims do not refer, though, to the recovery of the environmental damage in the public interest, but to material and non-material damages suffered directly by the Association. These are, for example, the costs of raising public awareness on the environmental damage or the discredit deriving from the failure to pursue the objectives of environmental protection expressed by the statute of the Association itself.

In the case of local damage, NGOs can address their requests for compensation for the damage directly to the court on behalf of the local administration. However, the Municipality remains the addressee for pecuniary compensation (Leg. Decree 267/2000).

The majority of local administrations, such as Regions, Provinces or Municipalities, nominate an **Ombudsman** to assist the public. Its main tasks is to collect citizens complains on bad administration and to provide remedies against denial to access to administrative acts (see above)

ISPRA as well as the Regional Agencies for Environmental Protection and a number of authorities dealing with pollution prevention and control (national or local police, forest guards, environmental police, customs officials) ensure through **inspections** (mainly in polluting

companies and installations) that environmental law, including permit requirements, is properly implemented. Controlling Bodies are alerted by the Public Authority dealing with environmental law enforcement (the national or regional/local administration, as defined by sectoral environmental laws - in most cases Provinces) but can also be directly alerted by claimants or by the judiciary itself.

The Controlling Authorities charged with monitoring have the power to ascertain whether infringement of environmental law or permits has occurred and, if so, to apply administrative penalties (e.g. fines, suspensions of permits), or, where applicable, to initiate criminal proceeding by signalling an infringement to the Judiciary.

Against administrative decisions an injunction may be granted at the request of the claimant. Furthermore, safeguard and preventive administrative measures (e.g. closure of productive sites, confiscation) can be imposed by those Public Authorities charged with environmental control which also have power of ordinance (for instance from the Municipality's Mayor or from the MoE).

Regarding to **art 9. par 5** the Legislative Decree 195/2005 states that in cases of a total or partial refusal of the right of access, the Public Authorities have to inform the party of the review procedures available to counteract the decision. These procedures are described above.

29. Describe any obstacles encountered in the implementation of any of the paragraphs of article 9.

Public access to judicial remedies is guaranteed in principle. However, in practice, there are often cases of long waiting times to go through the judicial process (judicial congestion). The mechanism for inspections is complex and involves many Public Authorities. Furthermore, despite some fragmented initiatives (for instance free legal advice provided by local environmental protection agencies or other institutions), costs still represent an obstacle, especially with regard to lawyers' fees. As the judicial system is regulated in a comprehensive way, it is difficult to foresee specific provisions targeting only "environmental" justice.

30. Provide further information on the practical application of the provisions on access to justice pursuant to article 9, e.g. are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?

Assessment of financial barriers:

Article 24.3 of the Constitution states that "the indigent are assured, by appropriate measures, the means for legal action and defence in all levels 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.

Not only individuals but also Non-profit Entities or Associations are entitled to legal aid, if they have an annual income lower than Euro 10.766,33 (this threshold is periodically updated by a decree of the Ministry of Justice according to the inflation increase).

The costs categories an applicant faces when seeking access to justice in environmental matters are: the court fee; the stamp duties; the lawyer fees; the expert fees (when needed). The appeal

must be introduced in writing to the Administration with stamp duties of around 14,60 €. The lack of a stamp does not render the appeal inadmissible.

Normally, according to the general rules, after the judgment the losing party bears the costs of the proceeding. However, it is a general practice that the TAR declares that each party should bear its own costs. Costs depend on the subject-matter and amount/value in controversy (so called *contributo unificato* or Court fees) and on lawyers' fees which vary from 4,000-5,000 € to 100,000-150,000 €. Other costs are the expenses for notification (which vary from 5 to 10 € each).

Members of *Legambiente* have reported that Environmental NGO costs and lawyers' fees are a major obstacle. An NGO member has expressed worrying for an increase in the *contributo unificato* and for the insufficient level of funds available for parties entitled of State assistance. However, lawyers often provide legal assistance *pro bono*, which may be the case for large and well known associations, since lawyers can count on publicity and prestige deriving from these activities.

31. Give relevant web site addresses, if available:

In 2012-2013 the European Commission, together with the Competent National Authority, has drafted a detailed fact sheet on access to justice in environmental matters in Italy. It will be eventually posted on <https://e-justice.europa.eu/home.do> .

www.giustizia-amministrativa.it (laws on the administrative judgment)

www.giustizia-amministrativa.it/iper/1199-1971.htm (administrative non judicial remedies)

www.andci.it/andci/organi (association of Ombudsmen)

www.giustizia.it/giustizia/it/mg_3_7_2.wp (legal aid)

www.legambiente.it/legambiente/i-centri-di-azione-giuridica-di-legambiente (Legambiente Centers for Judicial Action)

www.codacons.it/servizi.php (legal advice by the Association for the Defense of the Environment and of the Rights of Consumers)

32. If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Article 6 bis and Annex I bis

33. Describe legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms.

The decision-making process on **deliberate release of genetically modified organisms (GMOs)** is regulated under the framework of EU law (Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms and EU Regulation 1829/2003 on genetically modified food and feed), which includes requirements for public information and consultation. EU Directive 2001/18 has been implemented through Legislative Decree 224/2003 that established a National Competent Authority for the release of GMOs within the MoE, which has the duty to inform and consult with the public, while the National Competent Authority for the implementation of EU Regulation 1829/2003 is the Ministry of Health. Consultation with the public at the national level in this context refers only to the experimental release of GMOs, since notification for commercial release is dealt with through a centralised EU procedure, which foresees consultation with the public through the competent EU authorities (i.e. the Commission or the European Food Safety Agency).

Regarding the national procedure, once a notification for experimental release is submitted, the National Competent Authority has a duty to provide the public with all relevant, non/confidential information. Any physical or legal person, institution, organization or association is entitled to submit observations.

A National node linked to the Biosafety Clearing House has been created in order to foster public participation and implement the Biodiversity Convention requirements (ratified by Italy in 1994). The Biosafety Clearing-House (BCH) is a mechanism set up by the Cartagena Protocol on Biosafety to facilitate the exchange of information on Living Modified Organisms (LMOs) and assist the Parties to better comply with their obligations under the Protocol. The national BCH is a dynamic and up-dated tool that provides a variety of information on legislation, permission, licences and capacity building activities on GMO. In the national portal (hosted by the site of the MoE) to facilitate public participation, a mailing list for the consultation has been created, which will comprise all competent institutional actors and relevant stakeholders. Any individual, group or institution will be entitled to request to be included in this mailing list.

Public consultation lasts thirty days, after which the National Competent Authority transmits all observations it has received to an inter-ministerial commission charged with evaluating them and taking into account public opinion.

Legislative Decree 224/2003 establishes two types of GMO public registers: a centralised register for the experimental release of GMOs (managed by the National Competent Authority) and regional registers for the cultivation of GM plants (managed by each regional departments). 13 regional governments that play a leading role in the European network of GM-free regions and many local authorities have deliberated imposing a complete ban on GMO cultivation/production within their territory. These deliberations are mostly based on the

outcome of local public consultation or on public petitions or public initiatives (see answer to article 7 and 8).

Italy has ratified the **2005 Almaty Amendment** on GMO in December 2008. Its implementation has not required modifications to national legislation as described above.

Follow-up on issues of compliance

34. If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.

At the moment there are no cases of non-compliance by Italy.