



## **Ministry of Ecological Transition <sup>1</sup>**

### **Fifth update of the National Report for the implementation of the AARHUS Convention in ITALY 2021**

**The following report is submitted on behalf of Italy in accordance with Decisions I/8, II/10 and IV/4**

**Name of person in charge:** General Director of the Directorate-General for Innovation, Personnel and Participation (IPP) pending the reorganisation of the Ministry and the consequent changes to the responsibilities of the GDs referred to in the decree being approved

**Date: 20 March 2021**

**Implementation of the Report**

**National Focal Point:** General Director of the Directorate-General for Innovation, Personnel and Participation (IPP) pending the reorganisation of the Ministry and the consequent changes to the responsibilities of the GDs referred to in the decree being approved

**Institution name:** Ministry of Ecological Transition (MiTE)

**Name and title of the official:** Roberto Polizzi <sup>2</sup>

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<sup>1</sup> Italian Decree Law no. 22 of 1 March 2021, "Urgent provisions on the reorganisation of the powers of the Ministries", renamed the Ministry of the Environment and the Protection of Land and Sea into the Ministry of Ecological Transition (see art. 2, paragraphs 1 and 3).

<sup>2</sup> officials who have been involved in this report, following the reorganisation of the Ministry under way, the references may change

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**I. Report preparation process: provide a brief description of the process followed to prepare the report, including information on the public authorities consulted or that contributed to its preparation, on the public consultation and on the results of these consultations, in addition to providing information on the material that was used for the preparation of the report**

The 2021 National Report was prepared by the Ministry of Ecological Transition and completed by the Higher Institute for Environmental Protection and Research (ISPRA). In order to receive comments from the public, the provisional version of the fifth update report was released for consultation on 11 June 2021 on the website of the Ministry (<http://www.mite.gov.it/pagina/convenzione-di-aarhus-informazione-partecipazione>). The report submitted therefore takes into account the comments of the public and the additions of the various institutions that sent contributions.

**II. Particular circumstances relevant to the understanding of the report: include elements that help fully understand the Report, for example if there is a federal structure and/or a decentralised decision-making structure, if the provisions of the Convention have a direct effect on its entry into force, or if the economic limits are a significant obstacle to implementation (optional)**

Regions and autonomous provinces have the legislative capacity conferred by national laws. For the sake of brevity, the Report focuses more on measures at a national level.

### **ARTICLE 3**

**III. Legislative, regulatory and other measures implementing Article 3 (paragraphs 2, 3, 4, 7 and 8)**

**(a) With regard to paragraph 2, measures taken to provide assistance and guidance to the public**

In Italy, the Digital Administration Code (CAD) is a single text that brings together and organises the rules regarding the computerisation of the Public Administration in relations with citizens and businesses. Established by Italian Legislative Decree no. 82 of 7 March

2005, it was subsequently amended and supplemented first with Italian Legislative Decree no. 179 of 22 August 2016 and then with Italian Legislative Decree no. 217 of 13 December 2017 to promote digital citizenship rights and render them effective.

With the latest regulatory action, the CAD has been improved both by simplifying the language and by replacing the previous technical rules with guidelines, under the guidance of AgID (Agenzia per l'Italia Digitale [Agency for a Digital Italy]).

To date, the MiTE has updated and increased the content made available on its **portal**, and for this purpose with Directorial Decree prot. no. 668 of 23 July 2020 the inter-directional drafting committee was appointed and provided for the activation of facilitated navigation for the visually impaired. The section dedicated to transparent administration has been implemented and the amount of information made available online has increased. The possibility of interacting with the public has been promoted through the launch of online consultations, newsletters, mailing lists and, in some sections of the portal, the publication of contact details for those in charge of the individual activities carried out by the Ministry. There is a specific section dedicated to the Aarhus Convention as well as on the website of ISPRA and other regional administrations.

Another essential tool for providing assistance and guidance to the public are the **URPs** (Public Relations Offices), established by Italian Legislative Decree no. 29/1993 and governed by Italian Law 150/2000 (more details in the following chapters).

**(b) With regard to paragraph 3, measures to promote education and environmental awareness**

An important step forward was taken with Italian Law no. 92 of 20 August 2019, which made the transversal teaching of civic education – including environmental education – compulsory from the 2020/2021 school year in schools of all levels in the national system. Moreover, the adoption of the National Strategy for Sustainable Development has allowed the inclusion of education in the system of so-called sustainability vectors. Furthermore, as part of the process of implementing the National Sustainable Development Strategy at a local level, environmental education centres have been strengthened and local policies for sustainability education have been relaunched.

The Sustainable Development Forum, which has the function of ensuring the active involvement of civil society in the implementation of the Strategy, also has a specific working group on education for sustainable development.

In implementation of the national environmental education plan resulting from the agreement between the Ministry of Education and the MiTE stipulated on 6 December 2018, environmental education initiatives were financed consistent with the principles and commitments expressed in the **Environmental Education Charter** and with the **Plastic Free Strategy**.

Moreover, Article 1 ter of Italian Legislative Decree no. 111 of 14 October 2019, converted into Italian Law no. 141 of 2019, provided for a specific environmental education and information programme for students, setting up the Fund called "#iosonoAmbiente

Programma” (#IamtheEnvironment Programme) at the MiTE with a budget of €2 million for each of the years 2020, 2021 and 2022 for the financing of projects.

**Through programme agreements** stipulated with the Forestry Carabinieri, the Harbourmasters and the Coast Guard Environmental Communication Campaigns have been organised in order to spread "participatory" environmental safety.

A Cooperation Agreement on Environmental Education and Sustainability was stipulated with ISPRA in order to support the process of relaunching the national **INFEA** system (information, training and environmental education) through an agreed plan of integrated actions, also through the involvement of the Agencies (ARPA-APPA) of the National System for the Protection of the Environment.

With the Cooperation Agreement on Environmental Education and Sustainability, which ISPRA stipulated with MiTE (2018-2020), an important project has been developed for the training of environmental and sustainability educators, aimed at regional structures dedicated to environmental education and education for sustainable development, such as the Environmental Education Centres or Laboratories (CEA/LEA) and the SNPA Environmental Agencies themselves. The training course "Environmental education and sustainability: skills learned, skills used", held using a blended learning method, involved more than 100 environmental educators, referents, coordinators of structures and projects and officials of administrations and regional bodies. The main learning was dedicated to the study and experimentation of a model of specific skills for environmental educators and sustainability, developed according to the UNECE document "Learning for the future" (2012) by the Italian Association for Sustainability Science (IASS) within the Erasmus+ project "A rounder sense of purpose".

The SNPA, together with the MiTE and the MIUR, the Regions and the Associations, contributes to the national strategy for environmental education. In fact, it promotes environmental education and sustainability based on the mandate contained in Article 3 g) in Italian Law 132/2016, which established the SNPA itself. Regional and Provincial Agencies for the Protection of the Environment that among other things promote the collection, processing and monitoring of technical-scientific data relating to air, water and soil and manage training and environmental education initiatives, **also with the involvement of citizens**. In 2019, with the involvement of 15 Regional Agencies for the Protection of the Environment of the SNPA, with the sponsorship of the MiTE and the collaboration of ANCI, ISPRA launched the European initiative of the EPA Network (the network of European environmental agencies) CleanAir@School in Italy, coordinated by the European Environment Agency. CleanAir@School is a Citizen Science and environmental education project for monitoring air quality in schools. The CleanAir@School initiative, focused mainly on air quality, sustainable cities and sustainable mobility, has involved students from primary and secondary schools and was also included among MIUR's Pathways for Transversal Skills and Orientation.

As part of the Pathways for Transversal Skills and Orientation, in January 2020 ISPRA participated in environmental education activities on **CIVIC EDUCATION** and **EUROPEAN OPPORTUNITIES** whose main topics were the concept of the environment

and its protection in history and from a legal point of view, the various definitions of the environment in the different approaches and subjects and the international context with data and information on the 2015 Paris Agreements, the 2020 SOER Report and the Green Deal.

ISPRA is also engaged in environmental education in partnership with **“Libraries of Rome”**.

- and techniques for the protection of the environment, also promoting new knowledge. In addition to institutional training initiatives, the training programmes are also developed within the framework of European projects, agreements between bodies and national networks. ISPRA, which includes among its priority institutional tasks the promotion, growth and sharing of knowledge and specialised skills on environmental issues, has been planning and providing training courses since 2017 using a work-study learning model. This didactic model, organised for students of the last three years of high school, introduced by Italian Law 107/2015 (so-called “Good School”) was then changed to Pathways for Transversal Skills and Orientation (PCTO) with Article 57, paragraph 18 of the 2019 Budget Law. Organised as part of a work-study programme, the training courses promote direct knowledge of the professional world by dealing with the most varied and current environmental issues, increasing awareness and stimulating the adoption of increasingly environmentally friendly lifestyles.

Based on the activities carried out in the previous years, in December 2020 the new Budget Law (Italian Law no. 178 of 2020) identified resources – €8 million for the two-year period 2021-2022 – to support pilot environmental education projects for primary and secondary schools located in the municipalities of the Biosphere Reserves and in the UNESCO World Natural Heritage sites, as well as in the national terrestrial and marine protected areas (in whose territory the so-called environmental economic zones - ZEAs are located).

In 2018, on the final deadline of 31 May 2018 for the registration of substances pursuant to Regulation (EC) no. 1907/2006 (REACH regulation), the Ministry of Ecological Transition launched the communication campaign “ID of chemical substances: 2018 final deadline”. The objective of the campaign was to raise awareness among businesses (especially SMEs) and citizens/consumers about the obligations related to the application of the REACH regulation. The campaign included television and radio spots as well as information disseminated on the platforms of Facebook and Twitter (<https://www.mite.gov.it/pagina/campagna-di-informazione-reach-2018>).

, MiTE and MIUR promoted the “Village for environmental education” event in May 2019, which took place in Piazza del Campidoglio with the participation of hundreds of students.

As part of the Action for Climate Empowerment (ACE) envisaged by the United Nations Framework Convention on Climate Change (UNFCCC), in October 2018, in cooperation with the UNFCCC Secretariat, Italy organised a training workshop that was held in La Spezia and aimed at national ACE focal points from EU countries and those in the Mediterranean area.

In parallel (3 October 2018), the Ministry also organised a public event open to civil society and the private sector at La Spezia entitled “Achieving the objectives of the Paris Agreement: a global challenge that passes through a local commitment”, open to delegates

participating in the workshop and to Italian civil society, involving representatives of both the private sector and subnational governments, with the aim of reasoning about what the country is doing in terms of climate action with particular reference to the voluntary actions of non-state actors and their essential contribution to achieving the objectives of the Paris Agreement. The event was an occasion for the presentation of a report made for the Italian context by the CDP (Carbon Disclosure Project), an international organisation with which the Ministry has signed a protocol to increase the number of companies that actively monitor and manage their climate-related risks and their impact, inviting 100 of the largest companies and major cities in Italy to respond to the CDP questionnaires.

Also to promote awareness of climate change in view of PreCop26, MiTE promoted the communication campaign "All4Climate-Italy2021", in partnership with the World Bank's Connect4Climate communication programme on climate change, together with the Lombardy Region and the Municipality of Milan, in order to establish a discussion and dialogue on challenges and good practices related to the issue of climate change and the objectives of the Paris Agreement. Public and private subjects, non-governmental organisations, foundations and associations, companies, public administrations, international organisations were therefore invited to submit applications for events and initiatives on the subject of climate change to be held both in person and virtually, which will be included in a calendar of activities throughout 2021 and which will culminate in Milan for PreCop 26 and the Youth 4 Climate event: DrivingAmbition, an event dedicated to young people.

With regard to education and awareness-raising, MiTE continues to work with national and international NGOs, for example with the European Environmental Bureau (EEB), the umbrella organisation of European NGOs, allocating funds and cooperating on various issues.

**c) With regard to paragraph 4, measures taken to ensure appropriate recognition of environmental associations**

With regard to the recognition and support of groups/associations, it is the Constitution of the Italian Republic itself that recognises the value of citizens' associations. The protection of legitimate interests (Italian Law 241/1990) establishes that the same possibilities to participate in the decision-making process are provided both to the individuals concerned and to associations representing collective interests, where such interests may be prejudiced by the decision in question.

Specifically, the Italian legal system promotes the environmental protection efforts of associations and provides for their recognition pursuant to Article 13 of Italian Law no. 349 of 8 July 1986. Therefore, associations established for at least three years that operate in the field of environmental protection can submit an application to MiTE to obtain recognition as an "environmental protection association" if they meet the requirements. In addition to being included in the list published on MiTE's institutional website (<https://www.mite.gov.it/pagina/elenco-delle-associazioni-di-protezione-ambientale-coneconciliate>), recognition gives the Association the right to act in court both as a civil party in criminal proceedings and through the filing of appeals before administrative courts in relation to unlawful acts or measures that have relevance from the point of view of the protection of the environment and the ecosystem (pursuant to Article 18, paragraph 5 of

Italian Law 349/86). Moreover, note that the Ministry has prepared a specific institutional website dedicated to such Associations (<https://associazioni.mite.gov.it/>) in order to streamline the submission and acquisition of requests, introducing greater transparency and efficiency in the administrative procedure.

**d) With regard to paragraph 7, measures taken to promote the principles of the Convention at an international level**

(i) **Italy regularly promotes intra- and inter-ministerial coordination to align its position within the framework of the international forums it participates in. On these occasions, the principles of the Aarhus Convention and the Almaty Guidelines are considered.** Periodically conferences called "General Assemblies" are organised with the aim of listening to civil society on hot topics such as climate change. **Information about international forums is increasingly circulated through electronic channels,** specifically social media (especially Twitter and Facebook) and portals managed by public administrations, civil society and private sector organisations.

Particularly noteworthy is the activation of a Twitter account in view of the Pre-COP and the youth event. (see below).

(ii) There have also been several **initiatives to promote public participation in international forums.** As part of the **UNFCCC climate negotiations**, Italy continues its practice of accrediting at least one NGO representative in the official delegation. Moreover, in order to facilitate broad participation in COPs, where possible Italy also accredits representatives of the press and other governmental and non-governmental actors who have requested it as "overflow".

For the Conference of the Parties to the United Nations Convention on Climate Change (COP25) that took place in Madrid on 2-13 December 2019, MiTE made available a room of the Italian pavilion within the COP space for the organisation of an intense calendar of meetings, seminars and presentations. Universities, public administrations, international organisations, civil society and the private sector responded to the invitation, offering two full weeks of widely and heterogeneously attended events. Many of these events were proposed by young people, NGOs and universities. Of particular note is a public discussion on "The de-carbonisation of the Italian system: challenges and opportunities". Finally, the Minister of Ecological Transition and the Minister of Education met bilaterally with delegations of NGOs and youth associations.

Italy is also a member of the **Initiative for Climate Action Transparency (ICAT)**, whose donors are both governments and non-governmental institutions/philanthropic associations. At the request of the Italian delegation, the representative of an environmental NGO sits on the ICAT Advisory Committee.

In May 2018, for the 20th anniversary of the Aarhus Convention, Italy – MiTE in collaboration with the Secretariat of the Convention and with the European Environmental Bureau (EEB) – organised a celebratory event involving representatives of all 47 Parties to the Convention, some key actors in the history of the Convention from the negotiation phase to today, representatives of Convention bodies, government representatives, international organisations, non-governmental organisations and academic institutions.

Organised with three topical round tables – i) evolution of the Aarhus Convention and definition of a vision for the future; ii) future challenges: critical issues and proposals; iii) snapshot of the experiences of the region – the event provided a forum for discussion of the main results achieved over the last 20 years as well as a reflection on the current critical issues and objectives to be pursued, helping to raise awareness of the main issues related to the implementation of the Aarhus Convention.

For this event, MiTE, in partnership with the Secretariat of the Convention and the European Environmental Bureau (EEB), together with the World Bank's Connect4Climate communication programme on climate change, produced the video *Environmental Democracy* on the right to information, the right to public participation and the right to justice in environmental matters. The video was presented at the celebration and made available on the ministry's website.

(iii) **The Ministry of Ecological Transition has promoted the principles of the Convention in other international forums and settings.** MiTE funded the project "Building bridges between regions - Interregional cooperation on the implementation of Principle 10 of the Rio Declaration and Article 6 of the United Nations Framework Convention on Climate Change in the Caribbean Region, 2016-2018" (Building Bridges III), aimed at facilitating interregional cooperation on Principle 10 between UNECE and UN ECLAC regions, and the Caribbean subregion in particular, to support the development of a regional instrument on access to information, public participation and access to justice on environmental issues in some Caribbean countries

- e) **With regard to paragraph 8, measures taken to ensure that persons exercising their rights under the Convention are not penalised, prosecuted or harassed.** The protection of legitimate rights and interests is guaranteed through access to judicial remedies that provide for two degrees of judgement. Inspections, sanctions, and other restrictive measures are allowed only to the extent envisaged by law and in compliance with constitutionally guaranteed rights of freedom and fairness.

#### **IV. Issues encountered in the implementation of each paragraph of Article 3**

With regard to assistance to the public, there has been significant progress on the part of the public authorities in setting up Public Relations Offices (URPs) or other services and offices dealing with information and contact with citizens. There were some delays due to staff shortages or lack of sufficient financial resources, but action is also being taken to increase the digitisation of public offices. Repeated budget cuts (due to the economic crisis) have made it potentially difficult to maintain constant financial support for environmental NGOs.



With regard to Article 3, paragraph 7, the promotion of the principles of the Convention in international forums sometimes remains hampered by the fact that each international institution/process has its own rules and characteristics, which are difficult to modify, and the result is often influenced by the position of other relevant partners (States and organisations) not bound by the Convention. With the adoption of regional conventions mirroring that of Aarhus, such as the Escazu Convention for Latin America, this problem is being mitigated.

**V. Provide further information on a case study taking into account the general provisions of the Convention.**

**MILAN “YOUTH4CLIMATE: DRIVING AMBITION”**

In the partnership agreement signed with the United Kingdom, for the 26th Conference of the Parties (COP26) to the United Nations Framework Convention on Climate Change (UNFCCC) Italy has not only undertaken to organise the preparatory event for the PreCOP, but has also decided to organise an original event entirely dedicated to young people entitled “Youth4Climate: Driving Ambition”.

Almost 400 young people mainly between the ages of 15 and 29 from 197 countries (maximum two per country) will meet in Milan on 28-30 September 2021 to develop concrete proposals to be included in the negotiation process of Pre-COP26 in Milan (30 September-2 October 2021) and COP26 in Glasgow (1-12 November 2021).

The first two days will be dedicated to working groups, while on the last day there will be a discussion between the young delegates and the ministers participating in Pre-COP26. In preparation for the event, in cooperation with the Office of the United Nations Secretary-General's Youth Envoy and the World Bank's Connect4Climate programme, MiTE organised a programme of nine virtual events entitled **Youth4Climate Live Series**.

. The topics of the meetings are: green and sustainable recovery, climate ambition, adaptation and resilience, innovation and local action. The programme recorded an average participation of 400 people per episode, without considering the repeats; connections from 117 different countries; an audience consisting of 80% of people under the age of 35; average number of interactions on social channels (managed by the three partners of the series) totalling over 166 M.

An **Educational Toolkit** based on the programme was also developed: an interactive summary document providing useful references to further study and understand the issues related to climate change that were addressed in the Youth4Climate Live Series Programme.

**Participation in the OECD project for Belarus in the context of "Implementation of the Aarhus Convention - Experience of the National Portal for Environmental Assessments”**

In 2018, MiTE contributed financially to the project promoted by the OECD for the preparation of a roadmap for the development of an Environmental Information Portal (EIP) for the public based on the national experience of the Environmental Assessment Portal and ensured the necessary technical assistance by Italian experts. Objective of the project: creation of a web-based environmental information portal to make information available in a clear and direct format to the public and to promote and facilitate effective public participation in environmental decision-making,

#### **“Get Informed and Participate” Communication Campaign**

In 2018, MiTE implemented the "Get Informed and Participate" awareness campaign aimed at disseminating citizens' rights to information and participation in decision-making processes on environmental matters, deriving from the principles of the Aarhus Convention and the tools made available by the Ministry that allow them to exercise such rights, with particular attention to the Environmental Assessments portal ([www.va.mite.gov.it](http://www.va.mite.gov.it)). Thanks to the portal, citizens can easily learn about the characteristics and location of projects/plans/programmes and their environmental effects through the consultation of documents and interactive maps.

#### **VI. Relevant websites**

ISPRA pages dedicated to training and information on the environment:

- ✓ 2020 urban waste report  
<https://www.isprambiente.gov.it/it/pubblicazioni/rapporti/rapporto-rifiuti-urbani-edizione-2020>
- ✓ 2020 special waste report
  - <https://www.isprambiente.gov.it/it/pubblicazioni/rapporti/rapporto-rifiuti-speciali-edizione-2020>
- ✓ Environmental inspection activities
  - <https://www.isprambiente.gov.it/it/attivita/controlli-e-ispezioni-ambientali/relazioni-controlli-ambientali-ispezioni-e-sostanze-pericolose>
  - ISPRA data and indicators <https://www.isprambiente.gov.it/it/banche-dati>
- ✓ National Biodiversity Network
  - <http://www.nnb.isprambiente.it/it/il-network>
- ✓ The Youth Climate Summit:
  - <https://www.mite.gov.it/pagina/il-summit-dei-giovani> and preparatory event website: <https://youth4climate.live/>
- ✓ Educational Toolkit:
  - [https://www.connect4climate.org/sites/default/files/files/publications/Y4C%20Educational%20Toolkit%20-%20FINAL\\_revised-2\\_compressed.pdf](https://www.connect4climate.org/sites/default/files/files/publications/Y4C%20Educational%20Toolkit%20-%20FINAL_revised-2_compressed.pdf)

## ARTICLE 4

### VII. Legislative, regulatory and other measures put in place to implement Article 4

In the Italian legal system there are three forms of access to documents and information held by PAs:

- **Access to administrative documents, regulated by Italian Law 241/90**, which gives the right to view and extract copies of administrative documents only to those who are able to demonstrate the existence of a concrete, direct and current interest corresponding to a legally protected situation and connected to the document being displayed.
- **Civic access envisaged by Italian Legislative Decree no. 33/2013**, understood as the right of anyone to request the publication of documents, information and data on the institutional website that are required to be published but instead have not been.
- **FOIA-type civic access (Freedom of Information Act) introduced by Italian Legislative Decree no. 97/2016** that provides for the right of anyone to access data and documents held by PAs, in addition to those subject to mandatory publication, limited solely by the protection of legally relevant public and private interests. The protection of public interests – with resulting deferral or refusal of access to documents – coincides with public security, national security, defence and military matters, international relations, data on financial stability, conduct of investigations on crimes, regular performance of inspections. The protection of private interests is linked to the protection of personal data, the need to ensure the secrecy of the correspondence, and the guarantee of economic and commercial interests. Access is also prevented in the case of State secrets and in the other cases envisaged in Article 24 of Italian Law 241/90.

Regarding the **determination of the costs envisaged for civic access**, it is noted that Article 5, paragraph 4, of Italian Legislative Decree no. 33 of 2013 provides that *"The release of data or documents in electronic or paper form is free, except for the reimbursement of the cost actually incurred and documented by the administration for reproduction on physical media"*. With circular no. 1 of 2019, the Minister of Civil Service intervened by detailing the costs related to civic access, and in particular regulating what is to be understood by *"reproduction on physical media"*.

With regard to access to administrative documents, pursuant to Italian Law no. 241 of 1990, Article 25, paragraph 1 provides that *"The right of access is exercised by examining and extracting copies of administrative documents.... The examination of documents is free. The issue of a copy is subject only to reimbursement of the cost of reproduction, without prejudice to current provisions on stamp duty, as well as research and viewing rights"*. To this end, with Italian Ministerial Decree no. 121 of 28/06/2012, the Ministry regulated the costs relating to the exercise of the right of access via extraction of a copy.

Finally, access to environmental information is generally free of charge, as envisaged in Article 6 of Italian Legislative Decree no. 195 of 2005. The public administration can *"charge a fee to make environmental information available, determined by it on the basis of the actual cost of the service. In such cases, the public shall be adequately informed of the amount of the fee and the circumstances in which it may be charged"*.

Therefore, all costs should be known in advance and shown to the public.

#### **VIII. Obstacles encountered in the implementation of Article 4**

To date there is no comprehensive information available at a national level on the state of implementation of the legislation on access to environmental information. One issue is the large number of public authorities present in the country and the inconsistent methods and procedures put in place at a local level. The drive towards the digitisation of the public administration confirmed by the recent establishment of a specific Ministry, i.e. the Ministry for Technological Innovation and Digital Transition, for this purpose should certainly help improve the situation.

#### **IX. Further information on practical cases concerning the provisions on access to information. For example, are there statistical data available on the number of requests made, the number of refusals and the reasons for them?**

### **ARTICLE 5**

#### **XI. List the legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information put in place to implement Article 5**

**a) Measures taken to ensure that public authorities possess and update environmental information, that there is an adequate flow of information to public authorities, in the event of an emergency appropriate information is disseminated immediately and without delay.**

Regarding the collection and monitoring of environmental information, the main hub is the SINA (National Environmental Information System), established by the MiTE at the end of the 1990s and coordinated and managed by ISPRA since 2001. SINA uses territorial hubs consisting of regional focal points (PFRs), which are supported by the regional environmental information systems (SIRA) whose management, pursuant to Italian Law no. 132 of 28 June 2016, is entrusted to the local Agencies for the protection of the environment (ARPA/APPA). SINA, the PFRs and SIRA constitute the national environmental information network called SINAnet:

Access to the SINAnet network data is guaranteed to all citizens regardless of the existence of a legally relevant interest (<https://www.isprambiente.gov.it/it/banche-dati> and <https://www.snambiente.it/dati/>)

Specifically, information relating to water, in the standard formats established by pertinent regulations, is contained in the Information System for the Protection of Water in Italy (SINTAI). The information and official data concerning water are submitted to ISPRA by the competent local authorities in compliance with the obligations of the European Union and international agreements on reporting (<http://www.sintai.isprambiente.it/>)

Finally, note that Italian Law 132/2016, which establishes the National System for the Protection of the Environment (SNPA), which includes ISPRA and the Regional and Provincial Agencies for the protection of the environment, in Article 1 defines the purpose of the SNPA which is to “*ensure uniformity and effectiveness in the exercise of the assessment and public control of the quality of the environment in support of environmental sustainability and health prevention policies to protect public health*”. To this end, SNPA performs important functions such as: monitoring the state of the environment, controlling the sources and factors of pollution of environmental areas and the pressures on the environment deriving from phenomena of anthropogenic or natural origin, the public dissemination of technical-scientific data and official knowledge on the state of the environment and its evolution, partnerships with schools and universities for the preparation of environmental dissemination and education programmes, the evaluation of structures, functions and services. The law also establishes the essential levels of environmental technical performance (Lepta) and the national network of accredited laboratories (art. 12). ISPRA is assigned a role of direction and coordination.

As far as **emergencies** are concerned, the Civil Protection Service, as reorganised in accordance with Italian Law 225/1992 and subsequent amendments, up to the regulatory reorganisation measure, which took place organically with the enactment of the *Civil Protection Code* in 2018 (Italian Legislative Decree no. 1 of 2 January 2018), aims to protect the population and the environment in the event of emergencies and other disasters, both natural and man-made. Civil protection legislation provides for the obligation to take all possible measures, especially in the context of the provincial emergency plans, to prevent and deal with such events, including the dissemination of any useful information by all public authorities (Italian Legislative Decree 195/2005). Moreover, the MiTE and ISPRA websites are used as official information dissemination tools for the scientific community, the media and the public.

**(b) With regard to paragraph 2, describe the measures taken to ensure that public authorities make information available and accessible to the public**

Institutional websites currently represent the main tool for the dissemination of environmental legislation and data (publications, reports, databases).

For the implementation of correct and transparent information to the public, MiTE drew up the **2021 Communication Plan**, whose operational objectives are:

- Provide complete, fully accessible information on environmental priorities and key issues.
- Make people aware of the importance of environmental policies as tools for improvement not only for the environment but also for society and the economy, and of the fact that failure to implement them and the worsening of environmental threats pose a serious risk to well-being, health and economic development.
- Involve a diverse public, highlighting the role of individual citizens, in order to make them more responsible and engaged in a process that aims to spread the culture of sustainability throughout the country.

It has also reworked **the institutional website** <https://www.mite.gov.it>, and considering its centrality in the communication and information processes with respect to the general public, stakeholders and other Administrations, a technological and content review is under way in order to make it more usable, accessible and consistent with the Guidelines on accessibility and the design of IT tools disseminated by AGID.

To properly promote the content relating to projects and topics of particular importance, specific web initiatives (platforms, portals, newsletters, etc.) linked to the institutional website have been launched, offering important information tools managed by the individual organisations.

Below are the **main web platforms related to the institutional website that allow greater transparency and access to information by the public.**

CReIAMO PA Project website - <https://creiamopa.mite.gov.it/>: this is the tool used to inform the public about the project with a collection of documents, development of training content, and information.

Mettiamoci in RIGA Project website - <https://mettiamociinriga.mite.gov.it/>: The website is organised into sections and subsections dedicated to the collection of documents, the development of information content, and the further study of the training and informative materials produced within each project line.

Knowledge Platform (PDC) - Good practices for the environment and the climate - <http://www.pdc.mite.gov.it/>: a knowledge management platform that collects, systematises and makes available to the public the technical knowledge achieved in the context of the projects financed in Italy by the direct management programmes of the European Commission such as LIFE and Horizon 2020. The platform is updated daily with news on national and Community calls for funding and new regulations and environmental policy and ensures integrated multimedia and multichannel communication and an immediacy and ease of use that allows direct access to the technical content of good practices (about 140 projects) related to eight environmental issues (waste, resource efficiency, soil, urban environment, water, nature and biodiversity, climate and energy).

ETS Portal - <https://www.ets.mite.gov.it/>: portal for the implementation of the European Union Emissions Trading System (EU ETS). The Portal allows for an interactive connection between MiTE/ETS Committee and the parties interested in the issuing of authorisations to emit greenhouse gases pursuant to Italian Legislative Decree no. 216/2006

Monitorpiani Portal <https://www.monitorpiani.it/>: collects the documentation and data of the waste management planning of Regions and autonomous provinces, allowing these bodies to fulfil legal obligations automatically and digitally. This tool has the advantage of allowing the Regions and the Autonomous Provinces to adapt their Plans to the standard necessary for them to comply with the regulatory requirements and allows the Ministry to analyse and process the information provided by the local authorities.

SEA - EIA - IEA environmental assessments and authorisations portal - <https://va.mite.gov.it/it-IT>: represents the single point of access to all environmental assessment and authorisation procedures relating to plans, programmes, projects and installations of state competence governed by Part Two of Italian Legislative Decree 152/2006. The Portal guarantees transparency and total accessibility of the data and

documents held by the Directorate in order to protect citizens' rights, promote the participation of interested parties in administrative activities and procedures relating to environmental assessment.

Sapori dei Parchi Portal - <http://www.saporideiparchi.mite.gov.it>: a collector of information on the production of high-quality agri-foods in the 24 national parks and offers a systemic vision of the tourism services offered.

Parks Tourism Portal - <http://turismoneiparchi.mite.gov.it/>: a mapping of the cultural capital available in national parks. Project developed with the support of the Foundation for Sustainable Development to provide support for the possible launch of initiatives to make the most of protected areas, able to offer new prospects for employment and sustainable development.

"Strategy for the marine environment" Portal - <http://www.strategiamarina.isprambiente.it/>: dedicated to the implementation in Italy of Framework Directive 2008/56/EC on the Strategy for the marine environment, transposed by Italian Legislative Decree 190/2010. This information tool has the function of providing details on national actions concerning the Marine Strategy, in accordance with the provisions of Art. 16 of the aforementioned decree, which requires that MiTE ensure suitable tools for informing the public. In fact, it is possible to access the Public Consultation through this website.

**Open data sets on specific environmental issues**, such as those listed below, are also accessible through the Ministry's website.

Nature Database 2000 - <https://www.mite.gov.it/pagina/schede-e-cartografie>: contains the maps and standard forms of the SIC/ZSC and the ZPS designated pursuant to Directives 92/43/EEC "Habitat" and 2009/147/EC "Birds".

National Biodiversity Network - <http://www.nnb.isprambiente.it/it/il-network>: a shared data management system aimed at ensuring consultation and the efficient integration of information and maps on biodiversity at a national level. It is a strategic tool for making informed political decisions that can guarantee a sustainable use of natural resources.

Database of banned (restricted or authorised) substances - <http://bancasostanze.mite.gov.it>: collects information on more than 1,400 substances subject to bans, restrictions and authorisation obligations under the REACH Regulation, Regulation (EC) no. 850/2004 on persistent organic pollutants (POPs) and Regulation (EC) no. 1005/2009 on substances that reduce the ozone layer and subsequent amendments and additions. The objective is to facilitate access to public information on chemicals of particular concern such as Carcinogenic, Mutagenic and toxic for Reproduction (CMR), Persistent, Bioaccumulative and Toxic (PBT), very Persistent and very Bioaccumulative (vPvB) substances, substances with endocrine disrupting properties, substances considered as persistent organic pollutants (POPs) and substances harmful to the ozone layer.

REACH portal - Chemicals: informing citizens - [www.reach.gov.it](http://www.reach.gov.it): created with the aim of coordinating and making available to the public information on chemical substances in implementation of Regulation (EC) no. 1907/2006 on the registration, evaluation, authorisation and restriction of chemical substances (REACH regulation). The Administrations that are part of the drafting committee include, in addition to MiTE, the

Ministry of Health (REACH competent authority), the Ministry of Economic Development, the Higher Institute for Environmental Protection and Research – ISPRA, Higher Institute of Health - ISS and the Regions: a coordination between Administrations that constitutes a unique experience at a European level.

Centralised Information System (SIC) on MSFD monitoring data - <http://www.db-strategiamarina.isprambiente.it/app/#/>: has as its objective the collection, management and sharing at a national and Community level of data from the Monitoring Programmes under the Marine Strategy Framework Directive (2008/56/EC). SIC makes the information standards, methods and data uploading flows – including formal quality controls – available to ARPAs and monitoring actuators. The reports envisaged by the Marine Strategy Framework Directive and the associated monitoring data are also freely accessible from the SIC home page and are divided into the different sections on the platform.

Information portal called "Portal of contaminated sites under reclamation – Sites of national interest (SIN)": makes available the documentation relating to the individual reclamation procedures under way (maps, degree of contamination, etc.). With regard to the provision of environmental data pursuant to Article 6 of Decree-Law no. 111 of 14 October 2019 (converted into Italian Law no. 141 of 12 December 2019, so-called “Climate Law”), in October 2020 the General Directorate of Innovation, Personnel and Participation Policies signed the **"Informambiente" Convention** with ISPRA, active until December 2022 for the implementation of the following activities:

1. Acquisition and systematisation of the data referred to in Article 6, paragraphs 1 and 2 of Italian Law 141/2019, as well as any further environmental data.
2. Provision of services for the interoperability of the data referred to in point 1 with the National Geoportal (NG) in compliance with Italian Legislative Decree no. 32/2010;
3. Publication of the data in the "Informambiente" section available from the institutional website.

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Over the years the offer of multimedia content has grown considerably: live streaming of institutional events, scientific documentaries on the YouTube channel Ispravideo and video interviews published on IspraTV. Moreover, in 2016 a new section was created for the dissemination of open data on the environment (Linked Open Data). Available in Italian and English (the English content recorded around 1.5 million visits in 2015), the information complies with the guidelines for content accessibility.

Also worth mentioning is the MiTE **Naturaitalia Portal** (<https://www.naturaitalia.it/>), a website both for specialists and non-experts whose objective is the dissemination of content relating to protected areas, the enormous heritage of natural resources of our country, and more generally the policies and initiatives carried out at the institutional level for the protection of biodiversity.

A direct connection between the public and the Administration is guaranteed by the **Public Relations Office (URP)**, a structure that is able to provide information to users on:



- Organisational structure, offices and access times, and on how services are provided.
- Administrative procedures falling within the competence of the Ministry, those responsible, the progress and timing of the conclusion of proceedings.
- Access to administrative documents under the administrative transparency law.

The office responds to citizens' requests received at the email address [urp@mite.gov.it](mailto:urp@mite.gov.it). If it is not possible to respond directly, the URP will forward the request for information to the competent office, notifying the interested party.

In this context, the ISPRA initiative that has given new life to the SI-URP project with a structured involvement of all the URPs of the regional and provincial environmental agencies that are all part of the new National System for the Protection of the Environment (Italian Legislative Decree 132/2016) has developed and launched a section in the **SNPA Portal** (<https://www.snpambiente.it/si-urp/>) dedicated to access to environmental records, documents and information that, through a single national electronic gateway, facilitates users in the use of the services offered to them and operates as a one-stop information desk, offering the user (citizen/company/associations/institutions) systematic, coherent and authoritative dissemination of the environmental information held.

With regard to **accessibility to international laws, decrees and regulations on environmental issues**, both MiTE and ISPRA have given wide access to these documents on their websites (see for example the MiTE archive on environmental legislation at <http://www.mite.gov.it/archivio-normative>). Other sources of information for public authorities are the various institutes and bodies that perform studies and collect data, such as CNR (National Research Council), ENEA (National Agency for New Technologies, Energy and Economics for Sustainable Development), ISTAT (National Institute of Statistics), ISS (Higher Institute of Health) and universities.

**(c) With regard to paragraph 3, measures taken to ensure that environmental information becomes progressively available through electronic databases easily accessible to the public through digital tools**

Among the databases managed by ISPRA, the GELSO database on good local sustainable development practices is recognised as a case study among the IT tools for accessing environmental information because of its cross-sectoral approach (<https://unece.org/electronic-information-tools-case-studies>). The database contains numerous good practices on public participation in climate-neutral transition processes as well as examples of the application of circular economy models at a local level.

ISPRA created the National Section electronically ([www.catasto-rifiuti.isprambiente.it](http://www.catasto-rifiuti.isprambiente.it)) for a constantly updated and accessible source of knowledge on waste for the public.

The website was developed to allow navigation both with traditional systems (desktop and laptop computers) and with the most modern devices (smartphones, tablets, etc.) – responsive website.

The website contains complete databases, freely available and downloadable, on Urban and Special Waste and the National List of companies authorised to manage waste in a simplified and ordinary procedure.

The registry also includes a section on "Questionnaires and data requests".

Between February 2020 and February 2021 the registry website recorded 668,311 accesses with a daily average of 1,816 visitors. In total, 1,609,275 pages were visited during that same period. The majority of accesses (45.4%) concerned data relating to the production and separate collection of municipalities.

Also worth mentioning is the **"REACH.gov institutional portal - Chemicals: informing citizens"**, a tool shared by the organisations involved in the implementation of Regulation (EC) no. 1907/2006 on the registration, evaluation, authorisation and restriction of chemical substances - REACH regulation (Ministries of Health, Ecological Transition and Economic Development, ISS, ISPRA and Regions), also mentioned above, which has the purpose of providing timely, uniform and detailed information on chemical substances. To date, the **Database of banned (restricted or authorised) substances**, designed to facilitate the consultation of information even by a non-specialist public, contains data on about 1,500 substances of concern for the environment and human health. The database is constantly updated according to the latest regulations (<http://bancasostanze.mite.gov.it/>).

Of particular interest is also the experience promoted by MiTE with the **National Biodiversity Network (NNB)**, already mentioned above. It is a shared data management system created as a tool to support the National Biodiversity Strategy. <http://www.nnb.isprambiente.it/it/il-network>

**(d, e) With regard to Chapter 4, measures taken to publish and disseminate national reports on the state of the environment and to disseminate the information referred to in paragraph 5**, many reports are published every year on the state of the environment.

On its website, ISPRA offers access to more than 100 publications. One of the most relevant is the **Environmental Data Yearbook**, which is a comprehensive and complete official publication of national environmental data and information. The publication outlines the conditions of the environment in Italy, describing 20 topics using a consistent set of indicators, detailed information and rigorous statistical data of high scientific value. The Yearbook provides the official environmental data for Italy, which are also included in the reports prepared by the European Environment Agency. Furthermore, it is the information used by MiTE for the report on the state of the environment, which is presented to parliament every two years. It is the result of the synergistic cooperation of the environmental agencies. The latest edition, published in 2020 (<https://www.snpambiente.it/2020/06/03/rapporto-ambiente-snpa-edizione-2019/>)

**Other ISPRA reports** are: the climate report, the report on the national inventory of greenhouse gases, the report on the national inventory of air pollutants, the report on the quality of the urban environment.

The ISPRA Library, UNI EN ISO 9001 certified, open to the public and aimed at supporting the study and research of internal and external users, specialises in environmental issues. The material is queried through an online catalogue, available at the following link: <http://opac.isprambiente.it/SebinaOpac/Opac>, also structured for the search of maps of various kinds held by the Library, some of which can be downloaded by users. Services are available to the public during extensive opening hours, and qualified personnel can also help perform complex, customised bibliographic searches that include document delivery and interlibrary loan services for materials not available on site thanks both to its membership in the major interlibrary cooperation networks, which the Library of the Institute has been involved in since their inception (SBN, ACNP, NILDE), and its participation in the recent National System for the Protection of the Environment (SNPA).

Among the **reports edited directly by MiTE**, worthy of mention are the State of the Environment Report, **the last of which was published in 2020**, and the biennial reports on the implementation of the National Biodiversity Strategy (2015-2016, 2017-2018 and 2019-2020). Note that the fifth report concludes the decade of implementation of the SNB, and thanks to the assessments of that experience not only during the last two years 2019-2020 but throughout the entire decade 2011-2020, it contains food for thought with useful suggestions for the drafting of the new Strategy for 2030.

Also of interest is the "**Normattiva**" project in implementation of Article 107 of Italian Law no. 388 of 2000 which had provided for the establishment of a fund for the financing of "initiatives aimed at promoting the computerisation and classification of current legislation in order to facilitate its search and free consultation by the public, as well as to provide tools for the activity of regulatory reorganisation", and had entrusted this task to the Presidency of the Council of Ministers, the Senate of the Republic and the Chamber of Deputies. <https://www.normattiva.it>

Other ISPRA websites relevant for the implementation of Article 5:

#### **Pesticide portal**

(<https://sinacloud.isprambiente.it/portal/apps/sites/#/portalepesticidi>)

The Pesticide Portal provides information on the national monitoring of pesticides in surface and underground water. The portal includes maps with levels of contamination collected to be compared with the legal limits (Environmental Quality Standard, abbr. SQA). Each monitoring point includes geographical information, the level of contamination, the pesticides searched and found with statistical data on the monitoring of the Yearbook.

**Environment in Italy - Trends and Regulations** - provides an overview of the environmental situation in Italy over the last two decades through two views: indicators with time series and composite indexes. To assess the status and trend of the phenomena described, time series of the most significant environmental variables are chosen. <https://annuario.isprambiente.it/sites/default/files/pdf/2019/Ambiente-in-Italia.pdf> (Italian version)

<https://annuario.isprambiente.it/sites/default/files/pdf/2019/Italian-Environment.pdf> (English version).

**Summarising the environment** - Concisely describes some environmental issues considered of primary interest or topicality for the public and for political decision makers. Comparisons with European data are presented and highlighted. The document also includes: summary tables composed of a brief definition of the topic and pieces of information accompanied by images or illustrative drawings and infographics used to illustrate the subject matter and represent the data. The infographics help to understand the main environmental information derived from the data and to communicate the message quickly.

<https://annuario.isprambiente.it/sites/default/files/pdf/2019/Ricapitolando-ambiente.pdf>.

<https://annuario.isprambiente.it/sites/default/files/pdf/2019/Infografiche.pdf>

**Yearbook in figures** – Drafted for the public, technicians, scholars and political decision-makers, this is a statistical document that provides a brief and more informative selection of the most significant contents and indicators for the areas covered by the Yearbook. For each indicator chosen, the document presents the most representative time series accompanied by brief comments, information or particularly relevant data. It is available in both paper and digital (PDF) formats from the website <https://annuario.isprambiente.it/sites/default/files/pdf/2019/Annuario-in-cifre.pdf>.

**Comic strip** - This initiative aims to tell a story by disseminating important information relating to a single environmental topic or a particular aspect. For this edition the subject is "Waste". "The cleaning of the seagull and the unsustainable garbage of the human being" is the title of this story represented with images of high environmental communication. The captivating language of the comic strip is the strategic choice that allows reaching a younger target.

**Multimedia** - Using images, sounds and animations, the video presents the salient contents of the state of the environment and illustrates the priority issues of greatest interest to a non-specialised audience, stimulating the search for more in-depth information. <https://www.youtube.com/watch?v=29iUlhedycQ&feature=youtu.be>

**Urban waste report** - The document provides a fairly exhaustive snapshot of the urban waste management cycle in Italy, from collection to disposal, now in its 22nd edition, (<https://www.isprambiente.gov.it/it/pubblicazioni/rapporti/rapporto-rifiuti-speciali-edizione-2020>).

**Special waste report:** The Special Waste Report has reached its 19th edition and is the result of a complex collection, analysis and processing of data by the National Waste Centre and the Circular Economy of ISPRA, with the contribution of the regional and provincial Agencies for the Protection of the Environment, in implementation of a specific institutional task envisaged by Article 189 of Italian Legislative Decree no. 152/2006. <http://www.isprambiente.gov.it/it/pubblicazioni/rapporti/rapporto-rifiuti-urbani-edizione-2020>

**Report on urban areas.** Over the years, the "Quality of the urban environment" Report produced by the National System of Agencies (SNPA) has become a national reference for the public and administrators thanks to the great amount of data presented and its assessments

relating to the most important environmental issues of contemporary cities. The 2019 edition updates a rich set of environmental quality indicators for 124 of the most populous cities in Italy and for the 14 metropolitan cities.

<https://www.snpambiente.it/2020/09/10/xv-rapporto-sulla-qualita-dellambiente-urbano-edizione-2019/>

**Climate report** The 15th report of the "Climate indicators in Italy" series illustrates climate trends during 2019 and updates the estimate of climate variations in recent decades in Italy. The report is largely based on data, indices and climate indicators derived from the National System for the collection, processing and dissemination of Climatological Data of Environmental Interest (SCIA), carried out by ISPRA in partnership with and with the data of the bodies that run the main observation networks in Italy. (<https://www.isprambiente.gov.it/resolveuid/d3c1cad493324d0ebff778d6fc12b237> )

**The report on the national gas inventory.** The document describes itself as the official Italian communication of the inventory of greenhouse gas emissions in accordance with the provisions of the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and the European Union's Greenhouse Gas Monitoring Mechanism. (<https://www.isprambiente.gov.it/it/pubblicazioni/rapporti/inventario-nazionale-delle-emissioni-in-atmosfera-1990-2018.-informative-inventory-report-2020>).

**Land use, territorial dynamics and ecosystem services report:** The report is a product of the National System for the Protection of the Environment (SNPA), Taken together with the maps and databases of attached indicators, the report provides an updated framework of the transformation processes of the soil cover and allows evaluating the impact of land consumption on the landscape and ecosystem services. <https://www.snpambiente.it/2020/07/22/consumo-di-suolo-dinamiche-territoriali-e-servizi-ecosistemici-edizione-2020/>

**(f, g) With regard to paragraph 6, measures taken to encourage operators whose activities have a significant impact on the environment to regularly inform the public about the environmental impact of their products and activities; measures taken to provide information referred to in paragraph 7**

Since 2010, MiTE has been promoting the **National Environmental Impact Assessment Programme** to measure and improve the environmental performance of the private and public sectors. The program is aimed at Italy's top companies as well as small and medium-sized companies belonging to the main sectors of the Italian production sector and public bodies including municipalities. The programme, which certifies both products (goods and services) and organisations, during its experimental phase focused mostly on an analysis of the carbon footprint of all the various environmental indicators due to its dual nature as an environmental driver closely linked to climate change and added value to the competitiveness of Italian companies in international markets.

**VIVA - The Sustainability of viticulture in Italy** is the program of MiTE that since 2011 has promoted the sustainability of the Italian wine sector and represents the public standard

for the measurement and improvement of the sustainability performance of viticulture in Italy. VIVA provides both a product and organisational analysis based on the use of four indicators: Air (climatic footprint), Water (water footprint), Territory (social and economic sustainability) and Vineyard (agronomic management of the vineyard), accompanied by the relevant technical specifications. The results obtained, certified by an independent third party, are accessible to the public thanks to the **VIVA label** issued by the Ministry that bears a QR code linking to a web page, ensuring communication with the consumer. More than 100 companies participate in the programme. In order to facilitate the sharing of knowledge and to promote the issue of sustainability throughout the wine chain, an intense information campaign has been organised complete with a website, newsletters, sustainability education initiatives for schools, etc.

**EU Ecolabel** is the ecological label of the European Union created with the aim of promoting products that have a lower impact on the environment during the entire life cycle and offering consumers accurate, non-deceptive and scientifically based information on the environmental impact of products. In 2016 MiTE launched an information campaign with the aim of promoting the dissemination of correct information to the public/consumers, institutions and companies regarding the EU Ecolabel.

The competent Italian national body entrusted with the task of applying the Community initiatives is the Ecolabel and Ecoaudit Committee, established at the MiTE and composed of representatives of MiTE and the ministries of Economic Development, Health and Economy and Finance. It consists of two sections, Ecolabel and EMAS Italy. In addition to issuing certifications and participating in working groups of the European Commission, the Committee is entrusted with the important task of organising working groups with trade associations and implementing initiatives for the information and promotion of the two systems.

To meet the needs of the business world, EMAS and Ecolabel schools have also been established in Italy dedicated to the training of professionals, especially to support SMEs that want to adhere to the EMAS Regulation and/or brand their products and services with the EU Ecolabel.

With Italian Law no. 132 of 28 June 2016, SNPA was assigned an oversight function, with sampling, analysis, measurements, site visits and inspections of the sources and factors of environmental pollution and the pressures thereon deriving from man-made or natural causes, and the related impacts.

In its checks of the compliance of an industrial plant under IEA, ISPRA verifies not only general compliance with the law, but also with specific requirements established in specific administrative records: the authorisations.

Since Italian Legislative Decree no. 33/2013 on the *"Reorganisation of the rules on disclosure, transparency and dissemination of information by public administrations"* has greatly increased transparency, guaranteeing public access to environmental information, ISPRA, also pursuant to Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information, constantly publishes environmental information in periodic reports for the purpose of an active and systematic

dissemination to the public of data obtained from its monitoring and the aforementioned oversight of IEA installations that have an impact on the environment, including the most critical plants.

In January 2021, ISPRA stipulated a Cooperation Agreement with MiTE and ANCI on the dissemination to the public of information on the safety of plants at risk of a major accident through the new Seveso Query digital portal.

[Seveso Query](#) contains the information on industrial plants submitted by the operators, together with the results of the evaluation of the safety reports and inspections. The data collected are already available by territory to all the administrations that need them through access to a reserved area. Those of a public nature are also now available, updated in real time. The Agreement also constitutes an important contribution to the principle of transparency of the PA, providing accessibility to data and documents managed by public administrations.

**(h) With regard to paragraph 8, measures taken to promote mechanisms to ensure that sufficient product information is made available to the public**

In order to increase sensitivity and collective propensity towards more ecological and sustainable consumption, the Ministry has also invested in **communications for the dissemination of the GPP** through the distribution of a monthly newsletter and a quarterly magazine and through the production and dissemination of an **informative video on the Ecolabel** (the links are noted in chapter 14).

**(i) With regard to paragraph 9, measures to establish pollution registers at a national level**

Italy signed the PRTR (Pollutant Release and Transfer Register) protocol in 2003 and ratified it with Italian Law no. 91 of 17 July 2020. And before the signing of that protocol there was the INES national register (National Inventory of Emissions and their Sources) established by Italian Legislative Decree 372/1999 (subsequently amended and replaced by Italian Legislative Decree 59/2005). In order to implement European Regulation (EC) no. 166/2006 on the establishment of a European Emissions and Transfers Register (E-PRTR) in Italy, the INES data collection procedure was reformulated and the National PRTR Register replaced the INES register starting in 2008.

**XII. Obstacles encountered in the implementation of each paragraph of Article 5**

The implementation of EU Regulation 166/2006 concerning the establishment of a European Emissions and Transfers Register involved critical issues as it extends the number of industrial activities subject to reporting and requires an assessment of the quality of the data submitted. These changes led to the identification of new competent authorities and the creation of a procedure for the assessment of data quality by the competent authorities at national and local levels.

**XIII. Further information on the practical application of the provisions of Article 5**

**XIV. Relevant websites**



- ISTAT Environment and Energy Archive: <http://www.istat.it/it/archivio/ambiente-ed-energia>
- Civil Protection Department: [www.protezionecivile.it](http://www.protezionecivile.it)
- National Geoportal: <http://www.pcn.mite.gov.it>
- National Biodiversity Network: [http://193.206.192.106/portalino/home\\_it/dati.php](http://193.206.192.106/portalino/home_it/dati.php)
- GPP Newsletter and Magazine: <http://www.mite.gov.it/pagina/newsletter-gpp>
- Knowledge platform: <http://www.pdc.mite.gov.it/>
- Naturaitalia portal: [www.naturaitalia.it](http://www.naturaitalia.it)
- Legambiente Italian environment report: <http://www.legambiente.it/contenuti/dossier/rapportoambiente-italia-2016>
- REACH: [www.reach.gov.it](http://www.reach.gov.it); <http://www.reach.gov.it/banche-dati-sostanze>; <https://www.mite.gov.it/pagina/reach-e-sostanze-chimiche> □ Report on the state of the environment in Piedmont:

### **Some ISPRA websites relevant for the implementation of Article 5:**

- ISPRA environmental data yearbook: <http://annuario.isprambiente.it/>
- ISPRA database: <http://www.isprambiente.gov.it/it/banche-dati>
- ISPRA Library: <http://www.isprambiente.gov.it/it/biblioteca>
- ISPRA: [www.isprambiente.gov.it](http://www.isprambiente.gov.it)
- ISPRA Report "Quality of the urban environment": <http://www.areeurbane.isprambiente.it>  
Network of the ISPRA national environmental information system:  
<http://www.sinanet.isprambiente.it/it/sia-ispra>
- National Information System for the Protection of Italian Waters (SINTAI):  
<http://www.sintai.isprambiente.it/>

### **Databases**

- Inventory of establishments at risk of major accidents related to dangerous substances (Italian Legislative Decree no. 105 of 26 June 2015 – Transposition Directive 2012/18/EU "Seveso Ter") called Seveso Query (see 1).
- Pesticide portal  
(<https://sinacloud.isprambiente.it/portal/apps/sites/#/portalepesticidi>)  
The Pesticide Portal provides information on the national monitoring of pesticides in surface and underground water.



## ARTICLE 6

### **XV. Legislative, regulatory and other measures implementing the provisions on public participation with respect to specific activities put in place to implement Article 6**

(a) With regard to paragraph 1, measures taken to ensure that the provisions of Article 6 are applied for (i) permits concerning the activities listed in Annex I to the Convention and (ii) permits not concerning the activities listed in Annex I but having a significant environmental impact

Article 6, which ensures public participation in the authorisation procedure for certain specific activities, is mainly implemented in **Italian Legislative Decree no. 152/2006** as amended by Italian Legislative Decree no 91/2014 (converted into **Italian Law 116/2014**) and **Italian Ministerial Decree 30/03/2015** (regarding projects under the responsibility of the Regions and Autonomous Provinces). In fact, in part II Italian Legislative Decree 152/2006 regulates the procedures for the **Strategic Environmental Assessment (SEA)**, the **Environmental Impact Assessment (EIA)** and the **Integrated Environmental Authorisation (IEA)** providing for consultation mechanisms with all social stakeholders.

The **REACH regulation** (EC no. 1907/2006) concerning the registration, evaluation, authorisation and restriction of chemical substances also establishes that citizens of the European Union can participate in the decision-making processes on chemical substances. This participation is guaranteed through the public consultation procedure followed by the ECHA (European Chemicals Agency) with an invitation to interested parties to express observations, opinions, proposals and comments at certain stages of the required procedure. Notices on current consultations (translated into Italian) are available on the portal [www.reach.gov.it](http://www.reach.gov.it).

Furthermore, in order to broaden the awareness and involvement of citizens and stakeholders, starting in 2019 MiTE launched public consultations on the final ECHA opinions on restrictions and recommendations for the inclusion of substances of very high concern (SVHC) in Annex XIV of the REACH Regulation (substances requiring authorisation). These consultations are aimed at acquiring further useful elements for the definition of a national position on measures concerning bans and limitations of chemical substances (<http://consultazionireach.mite.gov.it/>).

In the case of plans or projects that may have a significant impact on a Natura 2000 site, the **Impact Assessment** procedure introduced by Article 6 of Directive 92/43/EEC (Habitats Directive) applies. Impact assessment is a prevention tool that analyses the effects of interventions in a dynamic ecological setting such as that of Natura 2000 sites. With the adoption of the National Guidelines for Impact Assessments (OJ 303 of 28.12.2019), the methods of public participation and access to environmental information regarding the procedures referred to in art. 6, paragraphs 3 and 4 of the Habitats Directive were clarified.

**(b) Measures to ensure that the public concerned are adequately, promptly and effectively informed of decision-making on environmental issues as envisaged in paragraph 2**

Article 3-*sexies* of Italian Legislative Decree no. 152/2006 allows "access to information relating to the state of the nation's environment and countryside" **regardless of the demonstration of a legally relevant interest** and ensures public participation in the process of drawing up, modifying and reviewing proposals for plans or programmes related to the environment before decisions are taken on them.

**Public awareness of Environmental Assessment procedures** is ensured by the **competent authority** (MiTE or regional competent authorities), which for the duration of the public consultation phase envisaged by the regulation publishes on its website:

- For the SEA procedure: announcement of commencement of the procedure, the proposal of the plan or programme and the environmental report.
- For the EIA procedure: the main documents filed (preliminary project, preliminary environmental study), and the notice published in the press by the proposer in national newspapers and in a regional newspaper (for projects under state responsibility) or a regional or provincial newspaper for projects administered regionally).
- For both procedures: the possibility of submitting observations.

The **authority** is responsible for publishing a notice in the Official Journal of the Italian Republic or in the Official Journal of the region or autonomous province concerned.

**Public awareness of Strategic Environmental Assessment (SEA) procedures is ensured** by the **competent authority** (MiTE or regional competent authorities), which for the duration of the public consultation phase envisaged by the regulation publishes on its website:

- Announcement of commencement of the procedure, the proposal of the plan or programme and the environmental report.
- The procedure for submitting observations.

The competent authority is responsible for publishing a notice in the Official Journal of the Italian Republic or in the Official Journal of the region or autonomous province concerned.

**(c, d) Measures to ensure that the timing of public participation procedures complies with paragraph 3; with regard to paragraph 4, measures to ensure that public participation takes place at an early stage of the decision-making process**

The timing for submitting observations changes based on the specific evaluation procedure, but is never less than 30 days:

MiTE, or the competent regional authorities, may acquire and evaluate any observations received after the terms set by the law, consistent with the timing envisaged by Italian Legislative Decree no. 152/2006 and subsequent amendments for the performance of technical and structural activities and for the expression of the final measure.

**(e) With regard to paragraph 5, measures to encourage the prospective permit applicant to identify and involve the public, providing information on the objectives of its application prior to submission**

In Italy, the evaluation processes for Community programmes in the 2014-2020 programming period presented an opportunity to develop procedures, methods of participation and, above all, forms of inter-institutional cooperation (surveys, questionnaires, meetings) that now constitute a solid foundation for administrations and that are also of great help for evaluation processes in other planning areas.

**(f, g) With regard to paragraph 6, measures to ensure that competent authorities provide the public concerned with all information relevant to the decision-making process referred to in Article 6; with regard to paragraph 7, measures to allow the public to submit comments, information, analyses or opinions relevant to the proposed activity.**

The availability of technical and administrative documentation relating to environmental assessment procedures by the relevant competent authorities ensures public participation in decision-making processes. The participation procedures allow the public to present any **observations** or requests for information, analysis or opinions deemed relevant not just *"in writing or, as the case may be, during hearings or public investigations in the presence of the applicant"* as envisaged by the current text of Article 6 of the Convention, but also **"electronically"**, in the manner established by Italian Legislative Decree no. 82/2005 as amended.

**(h) With regard to paragraph 8, measures taken to ensure that the results of public participation are taken into due consideration in decision-making**

The results of the consultations must be duly taken into account and form an integral part of the plan, programme or project documentation. In fact, in accordance with the methods of the various procedures, the documentation must provide evidence of how such considerations have been taken into account. The comments presented by the public are made available online by MiTE and many Regions.

**(i) With regard to paragraph 9, measures taken to ensure that the public is promptly informed of the decision**

The provision of the Environmental Impact Assessment process by the EIA/SEA Commission and the Decree on environmental compatibility is published in newspapers, in the Official Journal, or in the Official Journal of the Region and on the website of the competent authority.

**(j) With regard to paragraph 10, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1 the provisions laid down in paragraphs 2 to 9 shall be applied, with appropriate amendments and where appropriate**

Public participation is also envisaged in the screening procedure aimed at defining whether or not the project or plan presented – or modifications and extensions thereto – may have a

significant environmental impact, and therefore should be subject to an additional EIA/SEA procedure. Monitoring ensures a control of significant impacts on the environment deriving from the implementation of the approved projects, the implementation of the approved plans and programmes and the verification of the achievement of the sustainability objectives established, and therefore makes it possible to identify any need for application of the provisions of para. 2-9.

Monitoring is carried out by the relevant Authority in cooperation with the competent Authority, also working with environmental agencies and ISPRA.

**(k) With regard to paragraph 11, measures taken to apply the provisions of Article 6 to decisions concerning the release of Genetically Modified Organisms (GMOs) into the environment**

In 2005, MiTE established the web platform called Italian Biosafety Clearing House (BCH) with the following goals:

- Implement the obligations set out in the Cartagena Protocol on Biosafety, ratified by Italian Law no. 27 of 14 January 2004 on public awareness and participation (Article 20 of the Cartagena Protocol).
- Implement the Aarhus Convention and the Almaty Amendment on GMOs; comply with European Union legislation (Directive 2001/18/EC) and Italian legislation (Legislative Decree no. 224 of 8 July 2003) on information and public consultation on GMOs.

**XVI. Issues encountered in the implementation of each paragraph of Article 6**

While public participation is envisaged and regulated at a legislative level, there are still weaknesses relating to the actual participation of the public in these decision-making processes. Above all there is a need for:

- An increased propensity to participate and cooperate.
- National guidelines on participation, partnership and consultation.

**XVII. Provide further information on the practical application of the provisions on public participation in decisions relating to specific activities referred to in Article 6**

**XVIII. Relevant websites**

- Page on the MiTE website on EIAs and SEAs: [www.va.mite.gov.it](http://www.va.mite.gov.it)
- MiTE page dedicated to IEAs: [www.aia.mite.gov.it](http://www.aia.mite.gov.it)

**ARTICLE 7**

**XIX. Practical or other provisions envisaging public participation in the preparation of plans and programmes of an environmental nature. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, paragraph 9.**

The text of Article 7 calls for the application not only of paragraphs 3, 4 and 8 of Article 6, but also of paragraph 7 of Article 6 (thus ensuring that the participation procedure allows

the public to present any observations on plans, programmes and policies of an environmental nature in the same forms as those already envisaged in the previous Article 6 with respect to participation in decisions relating to specific activities).

**Italian Legislative Decree no. 152/2006** and subsequent amendments (see in particular Italian Legislative Decree no. 128/2010) "Environmental regulations" transposes EU Directive 2001/42 and reorganises the Italian legislation on the environment, updating it with the regulations deriving from the relevant European directives. Part Two, Title II regulates the **Strategic Environmental Assessment (SEA)**, which can be considered the primary instrument for public participation in decision-making processes.

At the local level, public participation is also promoted through numerous **legislative and/or statutory provisions**. One example is the Regional Law of Emilia Romagna no. 3/2010, art. 6 which establishes various instruments for promoting participation, for example through “a special annual session on the participation of the Legislative Assembly” and a “report on participation in the territory of the region”.

## **XX. Opportunities for public participation in the preparation of environmental policies**

The term "policies" incorporates plans, programmes, strategic and regulatory documents that contribute to defining an orientation. Public participation in the preparation of environmental policies is promoted using the methods enumerated in the previous section and through **online public consultations**.

Between 2018 and 2021, MiTE launched numerous online consultations on **strategies, programmes and action plans**, such as the National Climate Change Adaptation Plan (PNACC), the Integrated National Energy and Climate Plan (PNIEC) (2019), the Long-term Strategy on Reducing Greenhouse Gas Emissions (2019) and the National Strategy on Sustainable Development.

### **PNIEC, an example of extensive consultations**

At the end of 2019, Italy sent the European Commission the **Integrated National Plan for Energy and Climate (PNIEC)** for the period 2021-2030 aimed at identifying national policies and measures to comply with European objectives on climate change and renewable energies.

Preparation of the PNIEC involved the following:

- Online public consultation: started on 20 March 2019 using a dedicated online portal and ended on 5 May 2019. Expert consultation: outside experts such as independent authorities, concessionaires like TSO (TERNA, SNAM), distributors, research bodies and universities, independent experts and trade and workers' associations were invited to participate with 49 questions.
- Discussions with regions and local authorities: the PNIEC proposal was the subject of talks with the Regions and local authorities during the conference of state-regions-cities and local governments.
- Recommendations from the European Commission: Italy took an active part in

all meetings of the technical group held between 2018 and 2019.

- Strategic environmental assessment: the two phases of consultation were carried out.
- Discussions with other member states: in 2019 consultations were launched with the neighbouring/interested countries – Slovenia, Hungary, Croatia, Austria and Malta – and continued afterwards.

**National Strategy on Sustainable Development:** in accordance with the provisions of Article 3 of Italian Law 221/2015, MiTE updates the Strategy after consulting with the recognised environmental associations. To update the National Strategy, the Ministry has already started consulting civil society during the preliminary phase of this work, consisting of an initial analysis and assessment of Italy's positioning with respect to the 17 objectives (SDGs) and the 169 targets of the 2030 Agenda.

The Italian **Long-Term Strategy for decarbonisation (LTS)**, developed in cooperation with the Ministry of Economic Development, the Ministry of Infrastructure and Transport and the Ministry of Agriculture, Food and Forestry Policies, outlines the direction that Italy will have to follow for the next 30 years to ensure the decarbonisation of the economic and social system, seeking to arrive at "climate neutrality" by 2050. It was adopted in February 2021. The Strategy will have a profound and wide-ranging impact on the national socio-economic system, therefore several consultations have been organised:

- October 2019: online public consultation in the form of a multiple-choice questionnaire, concluded in November 2019. Section 2 is addressed to civil society in order to learn about respondents' propensity to change their lifestyle and how they think their habits may be influenced by the transition to a low-carbon economy. Section 3 is aimed at experts working in the fields of industry, transport, agriculture and land use, sectors that will play an important role in the decarbonisation process. 61 completed questionnaires were collected, of which 28 came from citizens and 33 from private associations/companies. The sector of greatest public interest was transportation.
- Sectoral technical meetings with trade associations, key players, environmental associations, trade unions, consumers and think tanks, in order to collect information, especially on technologies with greater potential for decarbonisation.

In 2016 the development of the **National Plan for Adaptation to Climate Change (PNACC)** was launched, and during 2017 and 2018 the contents of the draft PNACC were shared with state public administrations, regional and local institutions, research bodies and various stakeholders. Two electronic public consultations and a scientific review were carried out during the same period. After an examination by the Conference of Regions and Autonomous Provinces, a structured participatory process for the PNACC was initiated, like the one for the SEA procedure, and in June 2020 the request for the start of the verification of eligibility for the SEA of the PNACC was submitted to the competent Authority, thus resulting in a consultation with the Parties Competent in Environmental matters (PCE). The evaluation phase of the preliminary Report has now been launched and consultation on this phase is still open to PCEs. The public will be involved in the next phase of evaluating the Environmental Report.

Several **Round tables** are also planned to promote a discussion on environmental issues, such as the coastal erosion round table coordinated by ISPRA with CNR and the university network; the information and consultation round table with consumer associations on the REACH Regulation (see chapter III); the consultation round table on the National Biodiversity Strategy.

Also worthy of note is Directorial Decree no. 86 of 16/06/2015 that adopts the **National Strategy for adaptation to climate change** which in Art. 2, paragraph 2 calls for the establishment at MiTE of a “**Permanent Forum** for the promotion of information, training and decision-making capacity of the public and stakeholders” and a “**National Observatory** composed of local and regional representatives for the identification of territorial and sectoral priorities, as well as for the subsequent monitoring of the effectiveness of adaptation actions”.

Similarly, the governance structure of the **National Biodiversity Strategy** calls for the establishment of a **Joint Biodiversity Committee** composed of representatives of central administrations and autonomous regions and provinces, supported for technical and scientific aspects by the **National Biodiversity Observatory** composed of representatives of institutions, research bodies, protected areas of national and regional importance and scientific companies. Finally, the last body of the governance structure is the **Consultation Round Table** comprised of representatives of the main economic, production and environmental associations, thus ensuring the full and constant involvement of stakeholders in the process of implementing and reviewing the strategy.

## **XXI. Obstacles encountered in the implementation of Article 7**

In some cases, there was a delay in starting the evaluation process with respect to the planning phase. Furthermore, information on public consultations is not always adequately disseminated by administrations and there may not be clear feedback on the concrete impact determined by public participation on the decision-making process.

## **XXII. Further information on the practical application of the provisions of Article 7**

### **XXIII. Relevant websites**

- Long-term Italian strategy on the reduction of greenhouse gas emissions: <https://www.mite.gov.it/notizie/cambiamenti-climatici-trasmessa-bruxelles-la-strategia-nazionale-di-lungo-periodo> and consultations: <https://www.mite.gov.it/comunicati/clima-al-oggi-la-consultazione-pubblica-sulla-strategia-di-lungo-termine>
- Integrated energy and climate plan: <https://www.mite.gov.it/comunicati/pubblicato-il-testo-definitivo-del-piano-energia-e-clima-pniec#:~:text=Roma,%2021%20gennaio%202020%20-%20E'%20stato%20pubblicato,Sviluppo%20Economico,%20dell'Ambiente%20e%20del le%20Infrastrutture%20e%20Trasporti> and MiTE page dedicated to PNACC SEA

consultations: <https://www.mite.gov.it/pagina/valutazione-ambientale-strategica-del-piano-nazionale-di-adattamento-ai-cambiamenti-climatici>

- Coordination of 21 local agendas: [www.A21italy.it](http://www.A21italy.it)
- Page on the MiTE website on EIAs and SEAs: [www.va.mite.gov.it](http://www.va.mite.gov.it)
- Sustainable Development Strategy: <http://www.mite.gov.it/pagina/la-strategia-nazionale>

## ARTICLE 8

### **XXIV. Efforts to promote public participation in the preparation of regulations and rules that may have a significant effect on the environment, in accordance with Article 8**

Currently there is no institutional procedure governing public participation in the preparation of legislative acts at a national level, but mechanisms have been established that allow public involvement in legislative activities (e.g. during "parliamentary hearings" representatives of the public/associations are invited to comment on draft legislation under discussion at the level of the parliamentary committee, interested parties can also submit their comments "electronically", in the manner envisaged by Italian Legislative Decree 82/2005 and subsequent amendments).

Another tool used for public consultations, according to Italian Law 352/70, is that of "**petitions**" (in the form of a bill or complaint of common needs). These can be submitted by at least 50,000 citizens and are analysed directly by the relevant parliamentary committee or submitted to the government. Petitions can also be submitted at the local government level.

Moreover, all legislative proposals and information on ongoing parliamentary activities are published on the parliament's website ([www.parlamento.it](http://www.parlamento.it)). It is then possible to contact the members of parliament by email.

The direct democracy tool of the "**referendum**" is also widely used, usually to repeal a law. At the regional level, the founding by-laws of the regions and the autonomous provinces affirm the principle of public participation (both by individuals and by associations) in the legislative, administrative and governmental activities of the regional institutions (see for example the by-laws of the regions of Umbria and Bolzano). Finally, note that in the preparation of legislative measures, especially draft laws based on government initiatives, the impact analysis of the measure (introduced by Italian Law no. 246 of 2005) must specify the categories and the parties – public and private – addressed by the regulatory intervention, and, most importantly, the proposals and considerations of such parties must be taken into account through appropriate consultation procedures. An estimate of the information costs and related administrative costs to citizens and businesses that are introduced or eliminated must also be presented.

### **XXV. Describe the difficulties encountered in the implementation of Article 8**



It is sometimes difficult for administrations to systematically activate direct participation processes that follow predictable and structured rules throughout the regulatory process. The fragmentation of associations – not always aggregated in second-level networks – multiplies the number of interlocutors and therefore reduces their representativeness.

**XXVI. Provide any information on the practical application of the provisions on public participation in the area covered by Article 8**

River Contracts (RCs) and the establishment of the National Observatory of River Contracts
<p>River Contracts or contracts for lakes, water tables, coasts and so on are instruments for the definition and implementation of action programmes shared between public and private entities through the signing of an agreement – <i>the contract</i> – that establishes the decisions taken through a participatory process.</p> <p>Italian RCs started in early 2000s in Lombardy and then spread to Piedmont. Since 2007 they have extended to the rest of the country thanks also to the National Round Table of RCs (TNCdF) launched as part of the activities of the Coordination of 21 Local Italian Agendas, with the aim of promoting the knowledge and dissemination of this tool. In 2015 a working group coordinated by MiTE with ISPRA produced a methodological reference document "Definition and basic qualitative requirements of the RC". Pursuant to Article 68 bis of Italian Legislative Decree no. 152 of 3 April 2006, RCs "contribute to the definition and implementation of district planning tools at the basin and sub-basin level, such as voluntary strategic and negotiated planning tools that pursue the protection, correct management of water resources and the promotion of river territories, together with the protection against water risks, contributing to the local development of these areas". Given the considerable spread of RCs throughout the country, MiTE established a National Observatory of RCs (ONCdF) (referred to in the Decree of the Minister of the Environment and Protection of Land and Sea no. 77 of 8 March 2018) in order to monitor their dissemination, helping to connect the various experiences and perform guiding and coordinating functions for the harmonisation of their application at a national level.</p> <p>The ONCdF carries out training, support and communication on the subject and makes use of a National RC Platform (PNCdF) in order to ensure an ever-increasing monitoring of the processes, as well as a continuous exchange of good practices and information on the subject.</p> <p>The RC is a good practice capable of contextualising public policies at the local level through a participatory and integrated management of water resources, with a "bottom-up" approach and the direct involvement of stakeholders who become active partners.</p>

As part of the transposition of the EU directives on the "Circular Economy Package", the Ministry ensured participation of the public (stakeholders) through the publication of the preparatory documents and the comments submitted in this regard. To this end, a special email address was created for the submission of contributions, and a deadline was also set for their receipt.

In 2018 the Ministry also organised a General Assembly of the Consortia, an initiative aimed at starting a process of strategic-programmatic development open to stakeholders in order to define an adequate model of waste/resource management with a view to a circular economy.

## ARTICLE 9

### **XXVIII. List the legislative, regulatory and other measures put in place to implement Article 9**

**(a) With regard to paragraph 1, measures to ensure that: (i) any person who considers that his request for information has not been handled in accordance with the provisions of Article 4 of the Convention may lodge an appeal; (ii) the procedure is rapid and free of charge; that the final decision is binding on the public authority and that any refusal is justified in writing**

National legislation has been introduced to regulate the matter by means of the following legislative measures:

- **Italian Law 241/1990** (articles 22-28): dictates the general regulations for access to administrative documents, in article 25 establishing the methods for exercising the right of access and lodging appeals. The aforementioned article states that in the event of express or tacit refusal of access, the applicant may lodge an appeal with the competent Regional Administrative Court, or request an administrative review of the Determination (review procedure), respectively by the Commission for access to administrative documents established by the Presidency of the Council of Ministers for the acts of the central and peripheral administrations of the State, and by the local Ombudsman for the acts of local administrations (municipal, provincial and regional). During the review procedure, in the event of inaction by the person in charge of the procedure, the interested party may appeal to the "substitute power" attributed to the General Director or, in his/her place, to the Director in charge of the competent office (Italian Law 35/2012 - urgent provisions on simplification and development).
- **Italian Legislative Decree no. 104/2010 (art. 116)**: regulates judicial appeals against decisions and inaction related to requests for access to administrative documents. It is a special proceeding, with deadlines to appeal that are halved (30 days), the applicant may intervene in court without a lawyer, and the use of chamber proceedings. An appeal against the regional administrative court's decision may be lodged with the council of state (second instance) within the following 30 days. If the proceeding is concluded in a favourable manner, the regional administrative court or the council of state directly provides access to the information by means of a binding judgement.
- **Italian Legislative Decree no. 195/2005**: regulates the right of access to environmental information held by public authorities, to ensure that this information is made available to anyone who requests it and is disseminated in forms and formats that can be easily consulted. Article 7 of the decree regulates the protection of the right of access, providing for the possibility of the applicant to act against the decisions of the public authority within the terms and in the manner specified above (appeal in court and review of decisions by the Ombudsman and the Commission for access).

- **Italian Legislative Decree no. 152/2006:** the Consolidated Environmental Law regulates the "right of access to environmental information and participation for collaborative purposes", establishing in Article 3 *sexies* that anyone, without being required to demonstrate the existence of a legally binding interest, can access information related to the state of the environment and the countryside in the national territory.
- **Italian Legislative Decree no. 33/2013:** Article 5 provides for the possibility for the applicant to take action against the decisions of the public authority within the terms and conditions governed by the law (review by the person responsible for transparency and preventing corruption, appeal to the Ombudsman, judicial appeal).

**(b) Measures to ensure that, within the framework of national legislation, the public concerned who meet the criteria set out in paragraph 2 of the Convention have access to appeal procedures to oppose decisions, acts or omissions concerning the provisions of Article 6 of the Convention**

The Italian legislative system allows the "interested public", including non-governmental organisations that promote the protection of the environment, to participate in the decision-making process, so that the decision taken takes due account of these interests. In fact, a decision is considered unlawful if it violates the rules governing the exercise of the discretionary power of the Public Administration, including those relating to the consultation of interested parties. An administrative appeal may be lodged against a decision that is deemed to be unlawful (Italian Presidential Decree 1199/1971 "Simplification of procedures relating to administrative appeals"). Judicial appeal is also possible, pursuant to TAR Law 1034/71 and the aforementioned Italian Legislative Decree no. 104/2010.

Note that the principles of the Convention are contained in the general rules for participation in the administrative procedure enumerated in Italian Law 241/1990 and subsequent amendments, and implemented in the provisions governing participation in specific environmental procedures, such as the EIA, SEA and IEA procedures.

Italian Legislative Decree no. 152/2006 (Consolidated Environmental Law) establishes that according to the general rules on appeals against unlawful administrative acts it is always possible to challenge **decisions, acts or omissions** subject to the provisions on public participation **with respect to EIAs**.

Important climate and energy policy acts were subjected to SEAs in the years 2018-2021, namely the National Climate Change Adaptation Plan (PNACC) and the Integrated National Plan for Energy and Climate (PNIEC) (see paragraph XX).

**A decree of environmental compatibility** of a project subject to EIA can be appealed at the local regional administrative court or the President of the Republic. Moreover, Article 3-*sexies* of Italian Legislative Decree no. 152/2006 establishes that in the case of plans or programmes to be drawn up pursuant to the provisions of Annex 1 of Directive 2003/35/EC, the Authority responsible for drawing up and approving the aforementioned plans or programmes must ensure public participation in the procedure through the submission of

observations or opinions, which the relevant Authority must take adequately into account when adopting the plan or programme.

**(c) With regard to paragraph 3, measures to ensure that the public has access to administrative or judicial proceedings against acts or omissions of private persons or public authorities that contravene the provisions of national environmental legislation**

Any individual or group of individuals may take legal action against a decision or omission of the public authority that infringes their legitimate right or interest. Furthermore, Italian Law 349/1986 gives **environmental protection associations**, recognised by MiTE according to the criteria established by Article 13 of the same law, the right to file appeals with administrative courts for the annulment of administrative acts harmful to the environment, and to intervene in proceedings for environmental damages. Established case law also gives environmental protection associations that are not recognised pursuant to Article 13 of the aforementioned law standing to bring suit based on an actual and non-occasional commitment to environmental protection as an institutional task of the association.

Specific rules apply for the **compensation of environmental damages**. Italian Legislative Decree no. 152/2006 and subsequent amendments attributes the right to act for compensation for environmental damages to MiTE. Local authorities, natural or legal persons and environmental protection associations are recognised as having standing to submit complaints and observations to the Minister of Ecological Transition – through the Prefectures – accompanied by documents and information concerning cases of environmental damages in order to request State intervention to protect the environment (Article 309 of Italian Legislative Decree 152/2006). The following Art. 310 gives these parties standing to appeal for the annulment of acts and measures adopted in violation of the provisions on precaution, prevention or containment of environmental damages.

ISPRA, the Regional Agencies for the Protection of the Environment and law enforcement (police, forestry corps, environment Carabinieri, Italian finance and customs police) are assigned the task of carrying out checks through inspections in order to verify any violations of environmental standards or authorisations issued. In the event of infractions, the penalty procedure is initiated with the imposition of sanctions of an administrative (fine, suspension of the authorisation) or criminal nature. Finally, safeguards and preventive measures such as the suspension of a business, plant closures and seizures can be implemented by order of a public authority, the mayor or the Minister of Ecological Transition.

**(d) With regard to paragraph 4, measures to ensure that the procedures referred to in paragraphs 1 to 3 provide appropriate and effective remedies**

For paragraph 4, court decisions are public, being filed with the clerk of the court or published on the court's institutional website.

**(e) With regard to paragraph 5, measures ensuring that information on access to administrative and judicial appeals is provided to the public**

Italian Legislative Decree no. 195/2005 provides that in cases of total or partial refusal of the right of access, the public authority must inform the applicant of the procedures to appeal the decision.

#### **XXIX. Obstacles encountered in the implementation of Article 9**

Access to justice in Italy is guaranteed according to the criteria established by legislation and case law. With regard to acts/omissions of individuals that violate environmental laws, the inspection mechanism is quite expansive, providing for the involvement of several public authorities in the process.

#### **XXX. Further information on the practical application of the provisions on access to justice with regard to Article 9**

##### **Evaluation of financial barriers**

Article 24 of the Constitution states that “Anyone may bring cases before a court of law in order to protect their rights under civil and administrative law. Defence is an inviolable right at every stage and instance of legal proceedings. The poor are entitled by law to proper means for action or defence in all courts”.

Free legal aid, already granted in criminal proceedings and labour disputes, was extended to civil and administrative proceedings by Italian Presidential Decree 115/2002 “Consolidated law on costs of justice”.

Article 119 of the aforementioned Decree **also extends the right to free legal aid to non-profit entities or associations that are not engaged in business** (both criteria must be met) **and in compliance with the conditions for admission to legal aid envisaged by Article 76 and the taxable income limits set by the aforementioned Decree.**

Below are the main costs incurred when seeking justice in environmental matters, aside from fees for lawyers and experts (if required in court).

First, the fee to initiate the judicial proceeding – *Unified registration fee* – the amount of which is established by Article 13 of the aforementioned Italian Presidential Decree 115/2002. This fee must be paid again if additional grounds are filed and in the event of an appeal. Environmental protection associations must also pay this fee since such bodies can resort to legal aid at the expense of the State if they meet the legal requirements.

Payment of the unified fee is also required for appeals filed with the administrative court and the council of state, pursuant to Article 13, paragraph 6 bis of the Consolidated law on costs of justice. The regulatory system limits favourable tax treatments to a highly circumscribed area, also with a view to reducing litigation. Article 8 of Italian Presidential Decree 115/2002 establishes that the costs of justice shall be borne by the party that is called upon to pay them by law. If the party qualifies for free legal aid, the advance is paid by the tax authorities. In essence, the general rule provides for the payment of expenses by those who request access to justice, which can then be claimed against the losing party in the event of a victory.

At the conclusion of the process, Italian Legislative Decree no. 104/2010, extending the rules of civil proceedings relating to the losing party to the administrative process, establishes that the losing party in the proceedings must bear the costs of judgement of the other, in the amount established by the judge. The court may also order that the losing party

in the proceedings pay the successful party a sum not exceeding twice the amount of the costs of the proceedings in the event of a reckless lawsuit.

The Italian legal system provides for an exemption from the payment of the unified fee for certain proceedings in the environmental field: for example, the appeals envisaged by Article 25 of Italian Law 241/90 against the denial of access to the information referred to in Italian Legislative Decree no. 195/2005 on public access to environmental information (Italian Presidential Decree no. 115/2002, Art. 13, para. 6 bis. letter a); civil actions for compensation for environmental damages proposed in the criminal proceedings, when only the sentencing of the responsible party is requested (Italian Presidential Decree 115/2002, Art. 12).

### **XXXI. Relevant websites**

- National Association of Italian Ombudsmen: [www.andci.it/andci/organi](http://www.andci.it/andci/organi)
- Legambiente Legal Action Centres: [www.legambiente.it/legambiente/i-centri-di-azionegiuridica-di-legambiente](http://www.legambiente.it/legambiente/i-centri-di-azionegiuridica-di-legambiente)
- Codacons - Coordination of associations for the protection of the environment and the rights of users and consumers: [www.codacons.it/servizi.php](http://www.codacons.it/servizi.php)
- Ministry of Justice: [www.giustizia.it/giustizia/it/mg\\_3\\_7\\_2.wp](http://www.giustizia.it/giustizia/it/mg_3_7_2.wp)
- Administrative Justice pages: [www.giustizia-amministrativa.it](http://www.giustizia-amministrativa.it)

## **ARTICLE 6 BIS AND ANNEX I BIS**

### **XXXIII. Legislative, regulatory and other measures implementing the provisions on Genetically Modified Organisms (GMOs) on the basis of Article 6 bis and Annex I bis**

The authorisation procedures for the deliberate release of genetically modified organisms (GMOs) into the environment for experimental purposes and for placement on the market are regulated at the level of the European Union by **Directive 2001/18/EC** on the deliberate release into the environment of genetically modified organisms and by **Regulation (EC) No 1829/2003** on genetically modified food and feed.

Directive 2001/18/EC was transposed into Italian law by **Legislative Decree no. 224 of 8 July 2003**.

The competent national authority (CNA) for the implementation of the provisions of Italian Legislative Decree no. 224/2003 is the Minister of Ecological Transition.

Article 12 of Italian Legislative Decree no. 224/2003 assigns the CNA the task of organising the **public consultation** and ensuring **access to information** through a specially created website listing applications for authorisation (notifications) to place GMOs on the market and for the deliberate release of GMOs into the environment for experimental purposes.

To comply with the obligations envisaged by current legislation on information and public participation in decision-making processes regarding GMOs, MiTE has created a **web platform called Biosafety Clearing House (BCH)**. The Italian BCH contains sections relating to public information and public consultation that are constantly being updated.

The **section on public information** describes the authorisation procedures at the European Union and national level for the deliberate release of GMOs into the environment for experimental purposes and for placement on the market. Moreover, all authorisation measures that have been issued are made available.

**The section dedicated to public consultation.** The following are subject to public consultation for each notification:

- A summary of the technical file containing the information necessary for the assessment of the environmental risk associated with the deliberate release of the GMO into the environment.
- An environmental risk assessment.
- Any new information on risks to human, animal and environmental health.

To facilitate participation in public consultation procedures, a **consultation list** has been drawn up (Italian Legislative Decree no. 224/2003) that includes the competent institutional entities at the central and local levels, trade associations, non-governmental environmental and consumer protection organisations and the competent departments of Italian public universities. The subjects on the list are notified at the start of each public consultation. Any natural or legal person, institution, organisation or association that so requests may be added to the list by entering the required data in the appropriate registration form, thus becoming entitled to access the documents and information regarding each new notification received. Registered entities may submit comments on the notification during the 30-day public consultation phase.

**Directive (EU) 2015/412**, amending Directive 2001/18/EC, provides for a two-step mechanism through which Member States may limit or prohibit the cultivation of GMOs on their territory. At the first stage, during the authorisation procedure for a GMO, the Member State which intends to restrict or prohibit its cultivation may request the applicant to restrict the geographical scope of the cultivation of the GMO. In the second stage, after the authorisation of the GMO at the level of the European Union, if the adaptation of the geographical scope has not been agreed to or has not been requested, the Member State can still adopt measures to limit or prohibit the cultivation of the GMO on grounds that must not conflict with the risk assessment for the environment and human health performed during the authorisation procedure. Directive (EU) 2015/412 was transposed into Italian law by Legislative Decree no. 227 of 14 November 2016. Public information on the measures to limit or prohibit the cultivation of GMOs on the national territory is provided through the institutional websites of the Ministries (Ecological Transition, Agricultural Policies and Health) and the Regions and Autonomous Provinces of Trento and Bolzano.

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#### **XXXVI. Web addresses relevant for the implementation of Article 6 bis**

- Biosafety Clearing House: <http://bch.mite.gov.it/index.php/it/>
- MiTE page on GMOs and Biosafety: <http://www.mite.gov.it/pagina/ogm-ebiosicurezza>

### **XXXVII. Update on compliance cases**

An environmental association has lodged a complaint with the Compliance Committee regarding the onerous costs that non-profit associations must bear in order to bring an action before the Italian Environmental Judicial Authority.

After considering the issue raised to be admissible and not irrelevant (ACCC/C/2015/130 of 3.7.2015), the Compliance Committee proceeded with a series of requests for clarification, documentation and direct discussion with the parties to reach the final findings and recommendations.

In our system the problems related to procedural costs can essentially be traced back to three points:

- The unified registration fee, which is a fee to be paid to start a trial.
- The legal costs that the Party that has initiated a legal dispute must reimburse to the other party, the winner in the proceedings.
- The recognition of free legal aid only to entities and individuals with an income not exceeding about €11,000.

The issue of reducing procedural costs is under consideration by this Ministry, which is seeking to coordinate with other competent administrations in the field (Ministry of Justice and Ministry of Economy and Finance). Note that this is a problem that is not easy to resolve in the short term due to the economic repercussions and the delicate legal issues involved.