

# **The Legislation in the environment protection field - Italy**

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The awareness of the enormity of environmental problems lead to a big development in the environment field, “a green knowledge” that made humanity becomes more careful at the risk evaluation and surer of the necessity of introducing a new way of production and consumption.

The necessity of changing is based on the conviction that the environment problem must involve all with the idea to share a major responsibility. As the European Community said in 1992, the policy of environment must “act together” and reflect the idea that the production and industrial world is not only a part of the environment problem but also a solution to the same. Also the ecological messages must not be general and not true but have qualification of clearness, concreteness and veracity such as can produce always a uniform environment political trend in the whole Europe. Italy in compliance with the Community Legislation fixed objectives to attain taking an act program for the environment proposed by The European Community “Environment 2010: Our future, our choice” that turns around four important aspects: climatologic change, environment and health, nature and biodiversity, management of the natural recourses.

The Legislation remains the most important element to answer the environment challenge and the complete and correct the application of presents Laws. In Italy the legislation of environment about the various environment problems is subdivided in seven sectors: Water, Air, Ecology management, V.I.A (Valuation Environment Impact), Energy, waste, security field.

Such application fields are all brought up at the Legislation of the European Community.

In our country the “legal power” in the environment area belongs only to the Central Government, as it is an “exclusive Subject” except delegation at the Region. So about all this the Italian State delegated the Government to provide a Law for the reorganization, the coordination and the integration of the Legislation in environment Subject through compiling of Testi Unici (Unique Texts).

In subject of WATER the European Community had almost made laws in 1975 with the directive on the water quality until the last one at 27/05/2004.

The Italy receiving the Community Legislation issued the Low L.319 of 10/05/1976.

Law for the wastewater protection now on force and principal law for all the problems connected with it.

One of the most important problems in Italy is certainly the Waste Emergency.

The waste definition has always been a source of interpretations discussed particularly for their reuse.

The Justice Court with numerous sentences established that in the waste concept must be included all the substances that can be reused as an economic source.

In the sentences of 15/06/2000 at civil suits C-418/1997 and C-419/1997 the Justice Court had confirmed the waste concept is always connected at the finality of the Main Lines N. 75/442.

And also the waste concept must not be interpreted in a restrictive way, but making a valuation “case for case” for the qualification of a substance as a waste, considering all the kind of cases and holding the finality of the Directive in order not to prejudice its efficacy.

As there are no specific community dispositions, that could prove the waste existence, the European Court established that there must be a National Judge for the application of the laws by the own juridical system without compromise with the finality and the efficacy of the Directive.

The problem of waste remains one of the environment problems most urgent and still to resolve in Italy but mostly in our region, Campania.

In the annual report of Carabinieri of NOE (Ecological Operative Nucleus) of the 22/12/2004 in Italy the emergency of toxic waste is a phenomenon that touches all Italy. There are a lot of toxic substances that often contaminate the soil, the water and the air of our country, in particular the regions of South Italy. A great amount of the waste dumped away has had harmful impact on the environment and people's health.

We have always looked for more complicity and the support of the local authorities and civil services, and there have been cases of fines and punishment for abusive discharge and even arrests.

Waste traffic, as the police forces (NOE) said, is similar to the drugs traffic, the arms traffic and the contraband - an illicit business turnover of various milliards of Euro in the last ten years.

Even the Parliament Committee working on the cycle of waste, and the alleged illegal activities related to it, has given much attention to the situation of the Campania Region, as far as setting up a delegation, in September 2004, to enquire about the emergency created by the regional crisis of the urban, solid waste, its disposal and the criminal activities involved in the industry. Such controls have shown a positive attitude on the part of local governing bodies (townships most of all), and some initiatives undertaken towards a correct management of the solid waste. These however are weak signals, as in fact it is way too evident an almost total resort to the condemned waste sites. Throughout the region (Campania), the absence of waste-recycling plants is a foremost stumbling block for those Townships who would like to manage the problem in a modern and efficient way.

In our Province there are three operating Consortia, each one including a number of townships and a waste-site (where waste gets destroyed). For one of them, the data show that some Townships use their own waste sites, whereas others use illegal sites. On the basis of such information and further to the issuing of the Law No. 22 of 1997 (decreto Ronchi), the Commissioner has produced a new Regional Emergency Plan, in which he has destined optimal territorial sites, as per the Law national prescriptions.

Other local authorities have been involved, and still are, in environmental issues. One of them is LEGAMBIENTE, which have made of the legal action their favourite weapon for the safeguard of the territory. Formed in 1980, it produced soon after a spin-off called Centro di Azione Giuridica di Legambiente (Legambiente Legal Action Centre), the “legal arm” of the association. Made of forefront lawyers and judges, they established through legal action the right to the protection of health and to a healthy environment; thus contributing and applying the Environment Law establishment. The activities of these centres are several; they go from the fight against pollution in its various forms (environmental, atmospheric, acoustic, etc.), to the protection of individual rights (privacy, transparency of Government red-tape, etc.), consumer rights, personal health, etc. Legambiente Legal Action Centres have been in the last years at the head of many environmental battles but, most of all, of many victories.

Such actions have involved more and more industrial sectors of the economy, at the point that the Government, in order to obtain a change in the enterprises attitude, has produced even stricter environment laws, based on the regulation of every single aspect of pollution, with consequent heavy fines applied to any company not abiding by the rules. As a result, an increasing number of enterprises are introducing internal procedures, in order to obtain certified approval for the ongoing environment impact schemes, for both continuous improvement and public information. Such principles have been formalized in the two environment approval schemes EMAS (Eco Management and Audit Scheme) and ECOLABEL, respectively disciplined by the Regulation CE 761/2001 and 1980/2000. They are instruments of a high level of credibility, especially in Italy, as they have been released by public organisms of the Ministry of Environment and Territory Protection, which in turn it avails itself of the technical support of APAT and ARPA. The first five years of implementation of such regulations in Europe have proved to be powerful instruments of prevention, of environment betterment and of communication, insofar as the Sixth Action Programme of the European Union has been set to accrue its diffusion in all Member Countries, in addition to the promotion of the GREEN PROCUREMENT, to enhance a series of initiatives: the “green purchases” policy; the Product Environment Declaration (EDP); the improvement of environment information from enterprises to consumers; the Integrated Product Policy (IPP); the activation of synergism between voluntary and compulsory instruments.

To this date, there are many enterprises' projects aiming at the solution of the problem but, above all, to a cost-efficient waste disposal and at the same time to the environment protection. Among all, the most important of them is called "Econave Multiservizi", who is preparing the construction of a so called "eating-waste" ship, which is an ecological ship supposed to be carrying out functions similar to those of a thermovaluer, thus eliminating and burning almost all the waste at zero costs. Thanks to a careful waste-cycle policy, not only are we able to significantly reduce costs, but we can also create social benefits. Through this system, costs can be reduced of about 400%, thus conforming to the European Norms. The benefits of having a mobile solution, like a ship that gathers waste on river banks and close to ports, allows to reduce costs, to reduce pollution on the territory and to reduce the use of the National Health Service (areas close to waste sites are known to be conducive to the development of many diseases, among them for instance dermatitis).

Nowadays nobody can remain indifferent to such a problem; in fact, both enterprises and private citizens have, and must have, the possibility/opportunity to have a real-time up-to-date point on the environment innovations. Many are the events held on the big themes of the environment industry; amongst them, one is the Ecomondo Exhibition, hosted in Rimini (Italy). That is the appointment (foremost in importance) for the entire waste-cycle, sustainable energy, water cycles, recoveries, air quality and the prevention and management of natural and industrial risks.

It is with the best auspices that the European Union above all, and the Italian legislators, through the contribution local authorities and territorial associations, will continue to monitor the environment quality of the Italian territory and that of the member states, thus trying to maintain stable in time the set parameters, and possibly coupling also subjective indices, standardly gathered, used to highlight the perceptions and the expectations of citizens on the quality of the environment in which they live.