

Questionnaire for the report of ITALY on the implementation of the Protocol on Strategic Environmental Assessment in the period 2013–2015

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Part one

Current legal and administrative framework for the implementation of the Protocol

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.

Article 3

General provisions

I.1. Please provide the main legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (more than one option may apply):

- (a) Law on SEA (please indicate number/year/name): **Legislative Decree no.152 of 6 April 2006 (Environmental Code) as amended and supplemented by Legislative Decree no.4 of 16 January 2008 and by Legislative Decree no.128 of 29 June 2010**
- (b) SEA provisions are transposed into another law(s) (please specify): **National SEA provisions (Environmental Code) have been transposed by Regions into regional laws.**
- (c) Regulation (please indicate number/year/name): -
- (d) Administrative rule (please indicate number/year/name): -
- (e) Other (please specify): -

Your comments:-

Article 4

Field of application concerning plans and programmes

I.2. List the types of plans and programmes that require SEA in your legislation:

SEA procedure is mandatory for all plans and programmes:

- (a) **which are prepared for ambient air quality assessment and management; for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which set the framework for the approval, development consent, location area or otherwise for the implementation on the projects listed in Annexes II, III and IV to Legislative Decree no.152 of 6 April 2006 as amended and supplemented.**
- (b) **which, in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 5 of Decree No 357 of the President of the Republic of 8 September 1997 as amended.**

I.3. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2):

Art. 6 para. 2.a of the Environmental Code specifies that: “... *setting the framework for the approval, development consent, location area or otherwise for the implementation of the projects*”

listed in Annexes II, III, and IV of the present decree”, without providing additional details for interpretation.

I.4. Explain how the terms “plans and programmes ... which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation:

Art.4, para 4 of the Protocol, has been transposed almost literally by art.6 para.3 of the Environmental Code. No concrete definition of the term “use of small areas at local level” as well as for the term “minor modification” has been laid down in the Italian legislation. However, in addition to the provisions of art.4, para 4 some details are provided in art. 6 para.3 of the Environmental Code as the following words have been added “...and taking into account of the different environmental sensibility of the intervention area”.

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4):

See previous answer.

Article 5 Screening

I.6. How do you determine which other plans and programmes should be subject to a SEA as set out in article 4, paragraphs 3 and 4, in accordance with article 5, paragraph 1? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes
- (c) By using a combination of (a) and (b)
- (d) Other (please specify): -

Your comments: -

I.7. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)?:

No

Yes (please specify (more than one option may apply)):

- (a) By sending written comments to the competent authority
- (b) By sending written comments to the local municipality
- (c) By providing answers to a questionnaire
- (d) By taking part in a public hearing
- (e) By sending written comments to the consultants/SEA experts or persons preparing the plans and programmes
- (f) Other (please specify): -

Your comments: -

Article 6 Scoping

I.8. How do you determine what is the relevant information to be included in the environmental report, in accordance with article 7, paragraph 2 (art. 6, para. 1)?:

The planning authority must draw up a 'preliminary environmental report' on the potential significant environmental impacts deriving from the implementation of the plan/programme as well as a list of the environmental authorities to be involved. Upon approval of the list of authorities to be involved, a consultation phase is launched with the competent authority and the environmental authorities to define the goals and the level of detail of the information to be included in the environmental report (art.13, para.3 of the Environmental Code)

The environmental report shall contain such information which are specified in Annex VI of the Environmental Code.

The environmental report must identify, describe and assess the significant impacts that the implementation of the plan or program may have on the environment and on cultural heritage, as well as reasonable alternatives that can be adopted taking into account the objectives and the territories interested by the implementation of the plan or programme.

Article 7 Environmental report

I.9. How do you determine "reasonable alternatives" in the context of the environmental report (art. 7, para. 2)? Please specify:

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):
- (c) By using a combination of (a) and (b)
- (d) Other (please specify): -

Your comments: "Do nothing" alternative is always taken into account, even though it is not expressly provided for by Environmental Code for SEA procedure but only for EIA procedure.

I.10. How do you ensure sufficient quality of the reports? Please specify:

- (a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments
- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify): -

Your comments: -

Article 8

Public participation

I.11. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (more than one option may apply):

- (a) Through public notices **X**
- (b) Through electronic media **X**
- (c) Through other means (please specify): -

Your comments: **Public notice is published on the national/regional Official Journal.**

Draft plan or programme and the environmental report are published on the websites of SEA competent authority as well as of the planning authority.

I.12. How do you identify the public concerned (art. 8, para. 3)? Please specify (more than one option may apply):

- (a) Based on the geographical location of the plans and programmes
- (b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes
- (c) By making the information available to all members of the public and letting them identify themselves as the public concerned **X**
- (d) By other means (please specify): -

Your comments:

The definition of “public concerned” is provided for in art. 5 para. 1.v) of the Environmental Code. The “relevant non-governmental organisations” are included in the definition of “public concerned”; national non-governmental organizations promoting environmental protection are defined by the Law n.349 of 1986.

I.13. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (more than one option may apply):

- (a) By sending comments to the relevant authority/focal point **X**
- (b) By providing answers to a questionnaire
- (c) Orally
- (d) By taking part in a public hearing
- (e) Other (please specify): -

Your comments: -

I.14. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify:

- (a) No, the time frame is determined by the number of days fixed for each commenting period **X**
- (b) No, it is defined case by case
- (c) Yes (please provide the definition):
- (d) Other (please specify): -

Your comments: **Timeframe for the consultation is fixed in 60 days by the Environmental Code for all SEA procedures.**

Article 9

Consultation with environmental and health authorities

I.15. How are the environmental and health authorities identified (art. 9, para. 1):

- (a) On a case-by-case basis: **X**
- (b) As defined in the national legislation:
- (c) Other (please specify) -

Your comments: -

I.16. How are the arrangements for informing and consulting the environmental and health authorities determined (art. 9, para. 4):

- (a) On a case-by-case basis:
- (b) As defined in the national legislation: **X**
- (c) Other (please specify): -

Your comments: **Italian legislation defines the same arrangement for informing and consulting public, public concerned and environmental authorities. See the previous answers I.11, I.13, I.14**

I.17. How can the environmental and health authorities express their opinion (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 3):

- (a) By sending comments **X**
- (b) By providing answers to a questionnaire
- (c) In a meeting
- (d) By other means (please specify)

Your comments:

Article 10

Transboundary consultations

I.18. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify:

- (a) During scoping
- (b) When the draft plan or programme and the environmental report have been prepared **X**
- (c) At other times (please specify):

Your comments: -

I.19. As a Party of origin, what information do you include in the notification (art. 10, para. 2)? Please specify:

- (a) The information required by article 10, paragraph 2 **X**

(b) The information required by article 10, paragraph 2, plus additional information (please specify):

Your comments: [using format available on the UNECE website http://www.unece.org/environmental-policy/conventions/environmental-assessment/contacts/format-for-notification-under-the-protocol.html](http://www.unece.org/environmental-policy/conventions/environmental-assessment/contacts/format-for-notification-under-the-protocol.html)

I.20. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify:

- (a) No
- (b) Yes (please indicate how long): **The transmission of comments must take place within 90 days starting from the notification of the declaration of interest to participate in the procedure; Party of origin and affected Party can define together another timings and the ways for the submission of comments. (see art. 32 para.2 of the Environmental Code).**

Your comments: -

I.21. If the affected Party has indicated that it wishes to enter into consultations, how are the detailed arrangements, including the time frame for consultations, agreed (art. 10, paras. 3 and 4)? Please specify:

- (a) Following those of the Party of origin
- (b) Following those of the affected Party
- (c) Other (please specify): **Art. 32 para.2 of the Environmental Code specifies that: "Public and environmental Authorities in the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable timeframe", without providing additional detailed arrangements.**

Your comments: -

Article 11 Decision

I.22. When a plan or programme is adopted, explain how your country ensures, in accordance with article 11, paragraph 1, that due account is taken of:

- (a) The conclusions of the environmental report **X**
- (b) Mitigation measures **X**
- (c) Comments received in accordance with articles 8 to 10 **X**

Your comments: **(see following answer I.23)**

I.23. How and when do you inform your own public and authorities (art. 11, para. 2)?:

When a plan or programme is adopted, public and environmental authorities are informed. Plan/programme adopted is published on the national/regional Official Journal with information on the access to all administrative and technical documentation.

The plan/programme is also made available on the websites of the planning authority and of the SEA competent authority together with the SEA opinion, the statement summarizing (that shows how the environmental considerations have been integrated into it, how the comments have been taken into account and the reasons for adopting it in the light of the reasonable alternatives considered) and the monitoring measures.

I.24. How do you inform the public and authorities of the affected Party (art. 11, para. 2)? Please specify:

- (a) By informing the point of contact
 - (b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public
 - (c) By informing all the authorities involved in the assessment and letting them inform their own public
 - (d) Other (please specify): -
- Your comments: -

Article 12 Monitoring

I.25. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2):

Article 18 of the Environmental Code specifies that: *The monitoring ensures the control of the significant environmental effects of the implementation of the plans and programmes and the achievement of SDGs, and the identification, at an early stage, of unforeseen adverse effects to be able to undertake appropriate remedial action... The monitoring is implemented by the planning authority in cooperation with the SEA competent authority and with the support provided by National Institute for Environmental Protection and Research (ISPRA).... The results and ways of the monitoring undertaken shall be available to the public by websites of planning authority as well as of the SEA competent authority.*

Part two Practical application during the period 2013–2015

In this part, please report on your country's practical experiences in applying the Protocol (and not your country's procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.

II.1. Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate "yes" if you object):

- (a) Yes

(b) No **X**

Your comments: -

1. Consideration of health effects

II.2. Does your SEA documentation always include specific information on health effects? Please specify:

(a) Yes

(b) No, only when potential health effects are identified **X**

2. Domestic and transboundary implementation in the period 2013–2015

II.3. Does your SEA documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

(a) Yes

(b) No, only when potential transboundary effects are identified **X**

3. Cases during the period 2013–2015

II.4. Please provide the (approximate) number of transboundary SEA procedures initiated during the period 2013–2015 and list them, grouped by the sectors listed in article 4, paragraph 2:

Transboundary consultations as Party of origin

Year	No. Transboundary consultations	Sector of planning or programming	Plan/Programme
2013	6	1 Water management	Management Plan of the hydrographic district of the Eastern Alps
		1 Land use	Quarry Plan of the Varese Province
		1 Waste management	Regional Waste Management Plan – Lombardy Region
		1 Transport	Regional Plan of the cycling mobility - Lombardy Region
		1 Agriculture	Rural Development programme 2014-2020 - Lombardy Region
		1 ERDF	European Regional Development Fund (ERDF) 2014-2020 - Lombardy Region
2014	3	1 ERDF	European Regional Development Fund (ERDF) 2014-2020 - Friuli Venezia Giulia Region
		1 Energy	Regional Plan for Energy - Friuli Venezia Giulia Region
		1 Telecommunication	Recovery plan for radio electrical equipment - Friuli Venezia Giulia Region

Year	No. Transboundary consultations	Sector of planning or programming	Plan/Programme
2015	4	1 Transport	Infrastructures Appendix ("Allegato Infrastrutture") to the Economic and Financial Document
		3 Water management	Flood Risk Management Plan of the hydrographic district of the River Po
			Management Plan of the hydrographic district of the River Po
			Flood risk Management Plan of the Eastern Alps river basin district

Transboundary consultations as affected Party

Year	No. Transboundary consultations	Sector of planning or programming	Plan/Programme
2013	3	1 Energy	Gas transmission pipeline M10 (Slovenia)
		2 Water management	Management Plan of the hydrographic basin of the River Rhone - France
			Management Plan of the hydrographic basin - Republic of Croatia
2014	2	2 Transport	Transport development strategy of the Republic of Slovenia
			Transport development strategy of the Republic of Croatia
2015	2	1 Energy	Framework Plan and Programme for Exploration and Production of Hydrocarbons in the Adriatic of the Republic of Croatia
		1 Water management	Flood risk Management Plan of Rhone - Mediterranean basin 2016-2021 - France

4. Experience with the strategic impact assessment procedure in 2013–2015

II.5. Has your country experienced substantial difficulties in interpreting particular terms (or particular articles) in the Protocol?:

(a) No

(b) Yes (please indicate which ones):

- Definition/interpretation of concepts such as: "small areas at local level, minor modifications (art.4 para.4 of SEA Protocol).
- Monitoring ways and tools (art.12 of SEA Protocol)

II.6. How does your country overcome the(se) problem(s), if any, for example by working with other Parties to find solutions? Please provide examples:

- providing guidelines, studies and sharing best practices.

- jurisprudential sentences can provide guidance for some cases (e.g. “small areas at local level”)

II.7. With regard your country’s experience with domestic procedures, in response to each of the questions below, either provide one or two practical examples or describe your country’s general experience. You might also include examples of lessons learned in order to help others. Please detail:

Monitoring tools: There is no official list of environmental indicators provided at the national level, even though a catalogue of environmental indicators has been set up by ISPRA (<http://www.isprambiente.gov.it/it/temi/autorizzazioni-e-valutazioni-ambientali/valutazione-ambientale-strategica-vas/il-catalogo-obiettivi-indicatori-2011>) and provides fact sheets for each environmental topic, including the source/availability of the relevant data.

Practical example: National Operative Programme “Networks and mobility”. Planning authority (Ministry of Infrastructures and Transports) defined a monitoring programme using environmental indicators above mentioned.

(a) Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes (cite good practice cases or good practice elements (e.g., consultation or public participation), if available)?:

See the previous answer (practical example) regarding the definition of monitoring programme. No mature experiences concerning the implementation of monitoring have been carried out.

(b) Would your country like to present a case to be published on the website of the Convention and its Protocol as a “case study fact sheet”?:

(i) No

(ii) Yes (please indicate which ones):

II.8. With regard your country’s experience with transboundary procedures, in response to each of the questions below, either provide one or two practical examples or describe your country’s general experience. You might also include examples of lessons learned in order to help others. Please detail:

(a) What difficulties has your country experienced in relation to translation and interpretation, and what solutions has your country applied?: see following answer (b)

(b) What does your country usually translate as a Party of origin?: Italy usually translates the environmental report into English language and the Non Technical Summary into the language of the affected Party.

(c) Has your country carried out transboundary public participation according to article 10, paragraph 4?:

(i) No

(ii) Yes (please indicate how): See the previous answers of points I.18, I.19, I.20, I.21

(d) What has been your country’s experience of the effectiveness of public participation?: The availability of information on SEA procedures and of the related documentation (Plan/Programme, Environmental Report) on the website of SEA competent authority increases the quantity and quality of comments submitted as well as the awareness of the public in the decision making process.

(e) Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes?:

- (i) No **X**
- (ii) Yes (please describe):

5. Experience regarding guidance in 2013–2015

II.9. Are you aware of any use in your country of the online *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/17)*?¹:

- (a) No: **X**
- (b) Part of it (Please specify):
- (c) Yes (please describe your experience):

Your comments on how the Guidance might be improved or supplemented: -

6. Awareness of the protocol

II.10. Does your country see a need to improve the application of the Protocol in your country?:

- (a) No:
- (b) Yes **X** Please describe how your country intends to improve application of the Protocol:

7. Suggested improvements to the report

II.11. Please provide suggestions for how this report may be improved: -

¹ Available from http://www.unece.org/env/eia/pubs/sea_manual.html.