

Environment & Climate Change - Italy

Draft law transposes EU Seveso III Directive

Contributed by **B&P Avvocati**

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The risk of accidents involving substances that are harmful to human health and the environment has been placed under tighter control in Italy.

On June 23 2015 the government approved a draft law (Act 154/2015) that transposes the EU Seveso III Directive (2012/18/EC) on the control of major accident hazards involving harmful substances. The new directive replaces the EU Seveso II Directive (96/82/EC) and takes into account changes in EU legislation regarding the classification of chemicals (EU Regulation 1272/2008) and increased rights for citizens to access information and justice.

While the new law makes no substantive changes to the obligations on industrial operations and the related control system managed by public authorities, it lays down new rules that mirror the innovative elements that the European legislature has introduced:

- The Ministry of the Environment's role in ensuring the uniform application of norms at a national level is strengthened through the establishment of a national coordinating body composed of representatives of central and local administrations, as well as high-level technical institutions (Article 11).
- A standardised electronic form is available for operators to comply with the requirement to notify public authorities of relevant information concerning establishments under their control and the harmful substances present therein (Annex 5).
- A new mechanism has been introduced that allows the Ministry of the Environment to assess whether it is possible for a particular harmful substance to cause a major accident under normal or abnormal conditions which can reasonably be foreseen. The assessment is carried out at the request of the operator or another interested party and the Ministry of the Environment must inform the European Commission if the decision produces a positive result (Article 4).
- A new inspection system has been introduced to allow for a planned and systematic inspection of the technical, organisational and managerial systems employed at industrial establishments. The inspections are now based on an annual plan drawn up by public authorities (Article 27).
- The public's right to access information and justice is strengthened by involving citizens in the planning and implementation phases of the decision-making processes that concern the site where the industrial establishment is located (Articles 23 and 24).

The new law faithfully transposes the primary changes put forward by EU law. In doing so, it makes a significant contribution to providing a high level of protection for citizens, communities and the environment throughout the European Union.

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