

Environment - Italy

Implementing the EU Industrial Emissions Directive: an Italian perspective

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Introduction

New and improved obligations for the prevention and reduction of industrial emissions now weigh on industrial operators in Italy.

In light of the recent transposition of the EU Industrial Emissions Directive (2010/75/EC) into domestic law, Italian legislation regulating the environmental effects of industrial installations has incorporated a number of noteworthy changes reflecting the latest EU standards on industrial pollution arising from industrial activities.

Implementation in Italy

The directive was implemented in Italy on March 4 2014 – more than a year after the original transposition deadline of January 7 2013 – through Decree-Law 46/2014, which entered into force on April 11 2014 and whose content subsequently integrated the provisions of the Environmental Code (Decree-Law 152/06).

Previous EU norms on industrial pollution were implemented in Italy through the establishment of an integrated environmental authorisation system, which Decree-Law 46/2014 has now updated in light of the directive.

By upholding the newly established centrality of best available techniques (for further details please see "[Full environmental compliance requires best practices implementation](#)") – now regarded as the reference point for setting industrial permit conditions – the Environmental Code obliges the relevant authorities to determine emission limit values for operators accordingly (Article 29*sexies*, para 4*bis*). Notwithstanding this obligation, the Environmental Code also incorporates the flexibilities afforded by the Industrial Emissions Directive in that it recognises a number of significant exceptions, which may come into effect solely at the request of the operator (Article 29*sexies*, para 9*bis*, 9*ter*).

The directive's obligation to produce a baseline report on soil and water quality has also found accommodation within the Environmental Code (Article 5, para 1, v-*bis*). As a consequence, legal status has been granted to a series of strengthened obligations borne by operators to conduct specific assessments and adequate monitoring of potential soil and underground water contamination on a periodic basis.

Furthermore, the baseline report is now included within the content of the application requesting an integrated environmental authorisation (Article 29*ter*, para 1, m), provided that the activity involves the use, production or release of relevant hazardous substances, as well the possibility of soil and groundwater contamination. Notably in this regard, national authorities are now expected to release domestic guidelines illustrating the methodology for the compilation of the baseline report (Article 7, para 9*sexies* of Decree-Law 46/2014).

Finally, Decree 46/2014 has also enriched the Environmental Code with the content of previous legislative provisions regarding the regulation of waste incineration and co-incineration installations, as well as those producing titanium dioxide. This evidences the actualisation of the integrated approach endorsed by the directive.

Comment

The delayed transposition of the Industrial Emissions Directive into Italian law is a welcome step towards a harmonised and integrated EU-wide approach to the regulation of environmental pollution arising from industrial activities. A steady and punctual implementation of Decree-Law 46/2014 by interested actors at the national and regional levels is thus envisaged as instrumental to the ultimate achievement of that goal.

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