

Environment - Italy

New unified environmental licence introduced for non-IPPC plants

Contributed by **B&P Avvocati**

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Italian environmental law contains separate regulations for plants that are subject to the EU Integrated Pollution Prevention and Control (IPPC) Directive (2008/1/EC) and those that are not. Under Decree-law 152/2006 (the Environmental Code), plants subject to the directive must fulfil two basic requirements. First, they must comply with the "best available techniques". According to the directive, this entails:

"the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole."

The term 'techniques' refers to both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned; in other words, both the 'hardware' and 'software' of environmental protection are considered. In order for such techniques to be mandatory, they must be available and consequently developed on a scale that allows for implementation in the relevant industrial sector under economically and technically viable conditions, while also taking into consideration the costs and benefits.

Second, plants subject to the directive must obtain an integrated environmental licence from their local authorities, which covers all potential environmental impacts.

Annex 1 of the directive lists the categories of industrial activity that are subject to it. These categories cover large-scale industries (eg, energy, metal, chemical and food production and processing) and the most important waste management activities (eg, disposal of hazardous and non-hazardous waste and landfills). In order to be subject to the directive, most of these activities must surpass a specific size threshold. Consequently, industries that are not mentioned in Annex 1 of the directive, or that are mentioned but do not exceed the specified threshold, are not subject to the IPPC legal regime in Italy.

Until recently, these non-IPPC plants had to request different environmental licences for their various potential environmental impacts (eg, emissions, wastewater discharges and noise). However, in February 2013 the Italian government issued a new decree – in the process of being published in the *Official Legal Bulletin* – that introduces a unified authorisation procedure, even for 'minor' installations. This implies that the different sectorial licences will be replaced by a single licence, which the plant owner will request from a specific office in the relevant municipality.

Further developments in this area are likely with the adoption of the EU Industrial Emission Directive (2010/75/EC), which is the successor to the IPPC Directive. It focuses on minimising pollution from various industrial sources throughout the European Union and covers new activities, which could make the number of applicable installations rise slightly. However, this directive is yet to be implemented in Italy.

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