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The EU compendium of spatial planning systems and policies Italy

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Preface

Each year, the Regional Policy Directorate-General of the European Commission launches a number of studies in the field of regional policy and regional planning. These studies mainly aim at providing a basis for policy formulation internally, as well as the preparation of programmes and initiatives and a basis for analysing the impact of current or planned activities. The most interesting or innovative of these are published in a series entitled 'Regional development studies'.

With this series, the Directorate-General hopes to stimulate discussion and action in a wider sphere on the research results received. The publication of the studies is addressed to politicians and decision-makers at European, regional and local level, as well as to academics and experts in the broad fields of issues covered.

It is hoped that by publicising research results the Commission will enrich and stimulate public debate and promote a further exchange of knowledge and opinions on the issues which are considered important for the economic and social cohesion of the Union and therefore for the future of Europe.

Readers should bear in mind that the study reports do not necessarily reflect the official position of the Commission but first and foremost express the opinion of those responsible for carrying out the study.

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Compendium's objectives

The compendium is made up of numerous documents. The main volume is the Comparative review of systems and policies (Regional development studies — Study 28) which provides a summary of the characteristics of each system and illustrates the principal similarities and differences in approach across the EU. This was prepared from information supplied by subcontractors in each Member State which is also published in individual country volumes (Regional development studies — Study 28A to Study 28P). There are also volumes which consider the operation of planning in practice through examination of case studies on topics of particular interest to the EU

The Informal Council of Ministers for Regional Policy and Planning confirmed in 1992 the need for a compendium of spatial planning systems and policies in the EU. The increasing need for cooperation between planners in different Member States at national, regional and local levels and the impact of EU policies within the changing economic, political and social context requires a better knowledge of the various mechanisms of spatial planning in other Member States.

The compendium is intended to provide an authoritative and comparable source of information on planning systems and policies, but is not intended to evaluate the relative merits or shortcomings of different approaches. It is recognised that the very different economic, social and cultural conditions across the EU can have a determining effect on the operation of spatial planning. The overriding objective of the compendium is to provide information in order to improve understanding of the variety of approaches.

Form and content

The principles that have guided the preparation of the compendium are that it should:

- provide an authoritative first source of information, but avoid unnecessary detail and should not reproduce material readily available in the Member State;
- enable comparison of the systems and policies across different countries and regions, enabling the reader to cross-reference one section with similar material in other volumes;
- respond to the different needs of the many potential audiences, especially with regard to the foreign reader who will require an uncomplicated and comprehensible explanation;
- be built up step by step and allow for regular updating and expansion;
- be produced in hard copy and computer formats.

Level of detail

These considerations have given rise to inevitable compromises in the production of the material, especially in balancing the need for an authoritative account whilst not overloading the text with unnecessary detail. The panel of experts have been most helpful in determining where more or less (or

clearer) explanation is required. The compendium is designed to provide summary descriptions of the main features of the system and thus explain how the system works. Obviously there is some variation in the complexity of the systems, especially where the law concerning spatial planning is extensive and complex, and thus the depth of understanding provided by the compendium for Member States will vary. The compendium is certainly not intended to be a manual for operating within a particular system and does not replicate or reproduce extensive extracts of law or procedural guidance that is available in the Member State. The accounts are necessarily general. The categories used for the main structure are also very general because they need to apply to 15 different countries and an even larger number of systems. They are unlikely to be ideal categories or headings for a particular country, but all contributors have had to make a best fit for their system within these headings. The great benefit is that this gives considerable scope for very worthwhile comparisons. Sources of further information are given for those who need to explore in more depth.

Regional variations

The complexity of a 'planning system' will be great where federal or regionalised structures of government give rise to major variations within the Member State. In these cases to avoid unnecessary complexity and research, the approach agreed with the subcontractors and Commission was to provide a full explanation of one of the regions (where possible the most typical or widely applied system) and to note the major variations to this 'typical system' elsewhere. This approach is more easily adopted for some countries than others. Inevitably some important and interesting variations are not covered fully, and it is hoped that this can be addressed in future updating.

Structure

The compendium is published in two parts. The first comprises a country volume for each Member State on systems and policies. The second part comprises topic volumes where case studies of spatial planning in practice from different countries are grouped together.

The country volumes of the compendium covering systems and policies include four main sections.

A. Overview

This is intended to give a brief explanation of the main features of the system, a description of the main factors that surround and shape it, current trends and a summary of the policy themes pursued at transnational, national regional and local levels.

B. Making and reviewing plans and policies

This is an explanation of the instruments which are used to guide spatial planning and national, regional and local levels, and the procedures which are used in their formulation.

C. Regulation and permits

This section provides an explanation of the types of regulation and permit systems predominantly used to control land-use change, and the procedures by which they are sought, granted and enforced.

D. Agencies and mechanisms for development and conservation

There are many other ways in which governments engage in spatial planning outside the preparation of plans and regulation, and this section provides a summary of the many organisations and mechanisms which are employed both in implementing development and in protecting the natural and built heritage. Each volume on systems and policies for the Member States follows the same format. Each Member

State volume includes other subheadings which help to structure the content relevant to that particular country and these are in ordinary type.

Language and terminology

One of the great difficulties of comparative work is the complications and ambiguity arising from translation from one language to another. The approach taken in the compendium has been to ensure that all names of elements of the planning system which are specific to that country (or region) are given in the 'home language', and these are in italiques in the text. When first used these terms should be accompanied by a very brief explanation of the meaning of the term (if this isn't evident from the text). The explanation is repeated if necessary at the first mention of later main sections of the text. A glossary of home language terms is provided in each volume.

Literal translations of terms has been avoided because this gives rise to considerable ambiguity. For example the Danish term *lokalplaner* can be literally translated into English as 'local plan', but the UK *local plan* is a very different type of instrument to its namesake in Denmark. Contributors and editors have been sensitive as far as possible to the needs of the foreign reader, who is unlikely to be familiar with the system or the language, so undue repetition of complicated home language terms is avoided as far as possible.

Scope and content

The content of the compendium is focused on discussion of the policies, agencies and mechanisms which are primarily designed to promote 'land-use and development issues which have spatial implications'. In the words of the brief the compendium is concerned with

spatial planning and development in the widest sense (strategic, regional and physical land-use planning). It will have to deal not only with physical planning acts (or their equivalents) but also with other legislation and procedures directly affecting the spatial distribution of development at national regional and local levels of government. Other closely related areas (such as sectoral policies for transport, environment and energy) must be looked at in terms of their relationship with the (land-use) planning system.

Spatial planning does not mean any particular form of planning adopted by a Member State. It is a neutral term which describes the arrangements used by governments to influence the future distribution of activities in space. It is undertaken with the aim of producing a more rational organisation of activities and their linkages, and to balance competing demands on the environment. Spatial planning also incorporates those activities undertaken to achieve a more balanced distribution of economic development than would arise from market forces alone. Spatial planning is important to the Community's policies of social and economic cohesion and the need to maximise the potential of the single European market.

However, the definition of what constitutes spatial planning in each Member State is no easy task. There is considerable difference in what is considered as part of the spatial planning system in different Member States. One benefit of the compendium is that it helps us to understand these differences.

Benchmark date

Because of the need for the compendium to provide comparative information in a rapidly changing world, a benchmark date was set of 1 January 1994. This relatively early date (close to the start of the project) was chosen because information on the various elements of systems and policies would be available. The operation of the system would be clear, especially in relation to the impact and significance of particular elements. There would be no need to speculate as to the relevance of more recent change. However, change is a central feature of planning systems and policies, and some countries are undergoing significant restructuring in one or both areas.

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A. Overview of planning system

Overview

A1. The legal basis of the Italian planning system is still Law No 1150 of 1942. This was drawn up and has been put into effect by central and local government. At the centre of the system is the *piano regolatore generale (PRG)*, the basic planning instrument for the whole country. It is based on the concept of zoning and allocates particular uses and characteristics to all areas of land that it covers. It is comprehensive in its proposals and prescriptions and once approved, is of no fixed duration.

A2. During the 1970s the debate about the incapacity of planning systems to foresee and manage the process of urban growth was evident throughout Europe, but in Italy there has been no concrete outcome, due to the inertia and rigidity of the planning system. In other countries there has been a tendency to make a clear distinction between the policies of strategic promotion of development, from those of the detailed regulation of land-use. In Italy the *PRG* has continued to pursue both these objectives. It covers both strategic policy and the management of small-scale land-use transformation.

A3. *Regioni* were created in 1970 and there was a corresponding decentralisation of responsibilities (particularly with regard to urban planning). However, central government has never issued any framework legislation on urban planning and thus not provided the opportunity for the reform of planning instruments as the regional level. The *comuni* have only been able to express modest intentions in plans and have abandoned large-scale comprehensive planning. Only one major variation to the 1942 Law has been introduced,

which is in respect of the duration of the validity of plans which nearly all *regioni* have reduced to 10 years.

A4. During the second half of the 1970s some new and important planning initiatives were approved. The first addressed a gap in the 1942 law and established the principle of temporary planning and identification of parts of the *PRG* which to be implemented within a specific period of time (three to five years). The second classifies and regulates the most important categories of urban renewal (routine maintenance, extraordinary maintenance, restoration building and urban redevelopment) through Law No 457 of 1978, and also introduced a new planning instrument, the *piano di recupero* which is intended to address the management of the transformation of existing built-up areas. These initiatives indicate the strong reaction against uncontrolled urban growth and change, the preparation of over ambitious plans which were of limited use, and the need to pay more attention to urban renewal.

A5. During the 1980s, the legislative framework is being amended with the approval of new laws regarding the safeguarding of the environment: Law No 431 of 1985 with the introduction of *Piani Paesistici*, and Law No 183 of 1989 for the protection and the management of catchment water basins. Finally, during the last years, some important legislation has brought in new and more effective procedures, to enable the restoration and renewal of existing towns and their degraded suburbs. Law No 179 of 1991 and Law No 493 of 1993 bring in the *Programmi integrati* and the *Programmi di recupero urbano*. These represent the first example, still in an experimental form, of the change from a planning system based on rigid zoning plans and regulations, to a

more flexible planning based on the collaboration between public and private sector.

A6. Finally, in the current planning system, it is relevant to mention the 1990 reform of local autonomous authorities, with the setting up of *città metropolitana*. This law proposes that in the 11 urban areas with the largest populations in the country, the relevant regional authorities mark out an administrative border wide enough to contain the whole metropolitan city. A new elected authority will be created and assigned all the responsibility for planning and the running of the services connected with the territory, while the metropolitan *comuni*, which are still part of the metropolitan area, will be given authority over local management (see Fig. A.1). This radical revision of local autonomous bodies, will be accompanied by modification of the instruments of urban planning and that it should be the duty of the *città metropolitana* to devise a *piano territoriale di coordinamento* (that is a more strategic plan), while the *comuni* should have the responsibility of producing the more traditional urban development plans.

A7. It is clear that in Italy spatial planning is based on an approach typical of urban and physical land-use planning. The concept of economic planning and its relations with urban planning is present only in debate so far and not in legislation practice. During the 1960s there was an attempt of urban planning reform based on making a close relation between economic programming and sectoral policies. But it was an unsuccessful attempt. The Italian system, therefore, appears to have a substantial separation between decision-making and the implementation of sectoral policies on one hand (each one autonomous and dependent from a Ministry) and urban planning instruments, particularly those at municipal level, on the other. It follows that each sectoral policy area (energy railway plan, roads planning) even if approved by the central government, also has to be verified both with the regional and municipal authorities chiefly as regards locational details and urban and environmental impact on the territory. The financial programming is sectoral and is the responsibility of the central government. The territorial specification of sectoral policy is responsibility of the urban planning authorities both at regional and municipal level.

Sources:

Law 17.8.1942, No 1150, (basic planning Law that introduces the master plan).

Law 28.1.1977, No 10, (regulations for the use of soils, introduces the building permit).

Law 5.8.1978, No 457, (introduces the *Piano di Recupero*).

Law 8.8.1985, No 431, (landscape planning).

Law 8.7.1986, No 349, (institution of Ministry of Environment).

Law of 1989, No 183, (introduces the Basin plan).

Law of 1990, No 142, (local autonomy regulations) P. Falcone (ed.) (1994).

Codice dell'edilizia e dell'urbanistica annotato con la giurisprudenza, UTET, Torino.

Indovina (ed.), *Enciclopedia di urbanistica e pianificazione territoriale*, Angeli, Milano (seven volumes with different years of publication).

Salzano (ed.) (1993), *Cinquanta anni di urbanistica in Italia*, Laterza, Roma-Bari.

The unlawful building problem

A8. It is not possible to give a complete overview of the Italian transformations over the territory without taking into account the illegal building problem. The unlawful building phenomenon is one of the most dramatic aspects of territorial change in Italy, particularly in central and southern large cities and territories. At first it was generated by immigration during the 1950s and 1960s, and later in the 1970s unlawful building and 1980s, it developed into a parallel market to lawful building. Other factors are the fragmented ownership of agricultural land, and the practice of selling land in lots. Most buyers erected buildings without permission. Today we are confronted with buildings three or four stories high sold or rented on the market, at a similar cost to the buildings erected legally. The main advantage offered by unlawful housing was the short time necessary to build them and to move in compared with the long waiting list offered by those erected by the public sector. The three- or four-storey apartment created also a better and more inviting habitat compared to the high-rise solution offered by the State. In this period 30 % to 50 % of new settlement were built unlawfully,

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graph TD; A[Planning documents] --> B[Land-use plan  
Indication of spatial framework concerning land-use pattern, main roads, equipment and services]; B --> C[Statutory plan  
Specific proposals for locational and development control]; C --> D[Subject plan  
Detailed indication of land-use and design objectives];
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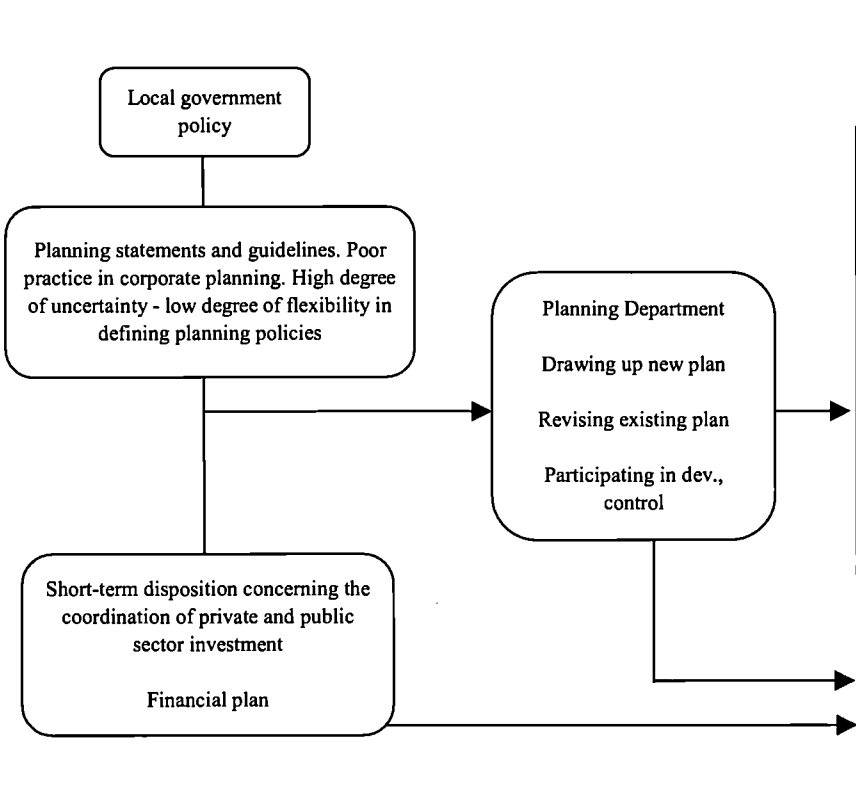
The flowchart illustrates the hierarchy of planning documents in India. It starts with 'Planning documents' at the top, which leads to the 'Land-use plan'. The 'Land-use plan' provides an indication of the spatial framework concerning land-use pattern, main roads, equipment, and services. This leads to the 'Statutory plan', which contains specific proposals for locational and development control. Finally, the 'Statutory plan' leads to the 'Subject plan', which provides a detailed indication of land-use and design objectives.

Planning documents

Land-use plan
Indication of spatial framework concerning land-use pattern, main roads, equipment and services

Statutory plan
Specific proposals for locational and development control

Subject plan
Detailed indication of land-use and design objectives



and much of it without any primary or secondary infrastructure. In the 1970s this phenomenon became a real productive and speculative process and partially solved the social tensions and problems created by the lack of housing, which the State in spite of its strong efforts, could not totally provide. The size of these developments was left to grow out of control to the point where it was impossible for political and social forces to stop it, even with drastic measures, after entire neighbourhoods were created.

A9. From this situation of 'powerlessness' came the legislation of the so-called *Condonò*: in the face of the impossibility of demolishing the unlawful buildings, the decision was to legalise them (except for some particular areas). In this way it was made possible to obtain both a fiscal yield and right conditions for a urbanised recovery, and at least the realisation of the infrastructure works. In fact, the *Condonò* law makes it possible to legalise the abuse by the payment of a sum of money. One part of this payment goes to the State as financial income, and one part goes to the municipality as a contribution for urbanisation works. Central government started this process with the intent of obtaining income. The result was a failure: the yield has been lower than estimated and at the same time the contribution to the municipalities has been so much lower than the costs of urbanisation that very little has been achieved. In spite of this first failure, a second *Condonò* was approved in 1994 (the legal ordinance is actually in discussion) exactly with the same motivations and the same problems. It is clear that just the hope of a *Condonò* incites the unlawful buildings to grow, unless there is proper regulation and enforcement.

Source:

Law 28.2.1985, No 47, (regulations for unauthorised constructions).

Context and principles

Constitution, legislation and judicial system

A10. The general legal context, in the Italian Republic provides for the protection of private property (even as to its social character), by the Constitution. The Constitution gives the *regioni* responsibility for urban planning matters (Article 117).

Central government has only responsibility for general guidelines and coordination. The process of transferring the competences to the *regioni* began in 1970 and lasted until 1977 (DPR 616).

A11. Urban planning legislation is based on the national Law No 1150 of 1942, which provides for the different levels and contents of plans. This law defines a very rigid system of programming and implementation of physical transformations of the territory. At the centre of this system there is the *comune* and the *piano regolatore generale*. At a higher level central government holds all the general programming and controlling instruments, although the national level plans are not compulsory.

The proposals of the *piano regolatore generale* are implemented through executive plans of private or public initiatives before building licences are granted.

During the last 40 years this law has been integrated with other measures. The legislative framework is not based on a general code in a unified text, but on different laws which must be related one to another each time. The main innovations are as follows: Law No 167/1962 *Piano per l'edilizia economica* (see section B) compulsory observance of the minimum urban planning standards (Decree dated 2 April 1968); new regulations for *Indennizzo espropriativo* (Law No 865/1971 and No 10/1977); *Piano di Recupero* instrument (Law No 457/1978, see section B); *Piano per gli impianti produttivi* (Law No 865/1971, see section B); the distribution of the responsibilities of the regions on urban planning matter (1971-77); *Programmi pluriennali di attuazione* (see section B).

A12 Two new laws (Law No 179/1991 and No 493/1993) have recently been introduced: *Programmi Integrati* (see section B) and *Programmi di Recupero urbano* as a first attempt at public-private partnerships in the field of urban planning renewal.

To the national laws (to which must be added all the related regional laws) we must include the laws issued during the 1980s on environmental protection and improvement: Law No 431 of 1985 for the protection of the environment at regional and subregional level and *Piani Territoriali Paesistici* (see B); Law No 183 of 1989 which set regulations for planning water infrastructures and introduces *Piano di Bacino*. Finally, the recent laws for local government reform (Law No

142/1990) introduces *città metropolitana* and *piani territoriali di coordinamento* (see section B) as instrument of strategic planning.

A13. Sectoral legislation is a completely autonomous area and deals with all the criteria for financial resources used in the different fields (railways, motorways, ports, airports, waste disposal, etc.). The distribution of resources to particular localities and the relations with urban planning instruments, regional and municipal, is defined through agreements between central governments, *regioni* and *comuni*.

A14. The judicial framework is characterised by two different aspects. The first aspect concerns the separation of competencies between the legislative activity of the government at several levels and the interpretive activity of the legal system, which is the exclusive domain of the judiciary. In other words, the various governmental institutions can only issue laws, but their interpretation is the competence of the legal authority. It is important to bear in mind that the Italian political system (at least until the recent changes made to the electoral rules) has been based over the past 20 years on a variety of Government coalitions (made up of 5 to 6 political parties) and as a result, the body of legislation which has been produced reflects an intense amount of compromise. Every law is therefore extremely unclear and open to different interpretations. The conflict arising from how the law should be interpreted thus produces a large degree of uncertainty about procedures.

A15. The second aspect is more specifically concerned with how the law has developed in the area of the so-called Land Development Act, in other words, defining the contents of real estate. As far as planning instruments are concerned, the 1942 urban development law remains the fundamental point of reference; as regards the relationship between public and private use of land the reference law is still the No 2359 of 1865, general law on public works. This law affirms that land's indemnity value in the event of expropriation for public use and is given by its market value without taking into account the added value that public interventions may bring about. An interpretation of the full ownership of land has arisen and been reinforced over more than a 100 years, which has become ever closer to market value in terms of the value of usable building land. Land ownership and its value have been the determining factor in determining the pattern of urban

growth. The entire history of Italian urban development from the end of the Second World War to the present has been marked by the attempt to approve new legislation to strike a blow at land revenues and to provide for a law in which *comuni* can purchase land at lower than market rates. The judicial contest is therefore ambiguous and contradictory; both because of the out-of-date urban planning instruments and the unclear legislative system. Private and public interest have never developed a direct form of collaboration. This explains the lack in Italy of partnership between public and private sectors, which recently have started to develop in an experimental form.

A16. With regard to the relations between the citizen and the decisions of the different administrative levels, the right of appeal for administrative acts related to urban development plans is only possible if one of them interfere with a legitimate interest of the citizen. Within a 30-day period, which begins after the plan has been made public for 30 days by the municipal council, the citizen can submit observations to the *comune* which must give a reply. After this phase the plan must be approved by the *regione* and then it is made public in the *bollettino ufficiale della regione* (Official Regional Bulletin). Within 60 days of the approval decree made public, anyone is able to appeal to the *Tribunale Amministrativo Regionale (TAR)* (Regional Administrative Court) and in the last instance to the *Consiglio di Stato* (Council of State) which makes the final decision. All the proceedings of the local administrations must be verified within 30 days by the Coreco, which establishes their legality and conformity with current law.

Sources:

Law 25.6.1865, No 2359, (expropriation for public use).

For Fig. 1: F. Malusardi, M. Talia Italy, Isocarp, International manual of Planning, Practice, The Hague, 1992.

Law 18.4.1962, No 167, (introduces the zone plans for public housing programme).

Law 6.8.1967, No 765, (bridging Law revision of Law n.1150).-Law 22.10.1971, No 865, (reform of housing).

Development process and market circumstances

A17. After the Second World War Italy experienced a particularly fast-growing development of

its urban areas. This was a very important phenomenon concentrated in a period of only 10 years, which has deeply modified the social and economic geography of the country. In the regions most affected (in the north) there was a strong demand for land to be used for production activities, residential development and infrastructure. The areas which were abandoned gradually fell into decay. The rapid process of transformation was carried out without any proper programmes and was completely at the will of market forces. The consequences of this were: the rise in the cost of the land, unlawful building, lack of services and infrastructures.

A18. Today, the population growth has stopped together with less immigration, increasing stability of the population, the start of proper urban planning. The gaining awareness of environmental issues and values has, in recent years, created the possibility of making development process more sensitive to promote the renewal of the city with protection of the environment. The large number of empty dwellings not offered on the market, is the most significant sign of the lack of proper programming in housing policy. Also non-residential buildings (mostly offices) the private sector is over-providing and there is a large stock of empty buildings. The prevalence of supply area demand without any reflection on the prices typical of the Italian system. This is caused principally by the monopolistic control of the land by the owners. The development process and market conditions in land and property are now undergoing structural change as the country responds to the new demands of the European urban hierarchy. The trend is now for an upturn in infrastructure provision to meet the existing deficit, and to improve the quality of life. The physical and spatial planning system is having to respond to these new demands in its procedures. Those who exercise economic power in the land and property market are having to adjust their strategies. Italy has been deeply involved in these fundamental changes over recent years.

Economic development

A19. In comparison with the international crisis of the 1970s, the main characteristic of the Italian economy is the development of small and medium-sized firms (the so-called Made in Italy) located, mostly, in north-east and central-Adriatic Italy, and in small and medium-sized towns. This productive structure, which is

financially independent from the decisions of national economic policy, has been the strong point of the Italian economy. Economic growth has been located principally in smaller towns rather than in the big cities.

A20. The second characteristic of Italian economic development is the strong difference between the northern and the southern regions. The northern areas are highly industrialised. For many years there has been high migration of people from the south. Despite the industrialisation policies, the incomes of the southern regions are much lower than the northern ones. Today, this difference is more marked due to the new economic crisis. In the last 10 years, some of the southern regions, particularly those on the Adriatic coast, are highly developed following the model of decentralised concentration.

A21. Following a period of intense growth, during which the urban development process was the main territorial manifestation of modernisation in Italian society, the Italian economic system is currently undergoing a protracted period of restructuring and stagnation. The activities of the service sector are no longer a driving force, at least not as far as employment is concerned, and it is difficult to find credible replacements to offset the gradual departure from the scene of technologically mature industries. As is often the case in times of economic difficulty, regional differences in the services offered by the country's various productive areas tend to be accentuated, with more negative performances recorded in the *regioni* of southern Italy, in districts surrounding seaports and old industrial areas, and in large proportions of Italy's metropolitan areas. A stronger capacity to cope with decline has emerged in areas populated by small and medium-sized industries, and in those production districts which have maintained close relations with European and world markets. It is on these areas of the Italian service sector, and on tourism, arts and leisure activities that the strategy for escaping from the crisis should be based.

Environmental policy

A22. Current policies of environmental protection were launched with the approval of Law No 431 of 1985, with the setting up of the Ministry for the Environment in 1986 and finally with the issue of Law No 183 of 1989 bearing regulations for protecting land. Also the *regioni* played an important role, with the setting up and planning regional

parks, or implementing policies of active defense of the territory. As regards large-scale planning, the identification of environmental policies underpinning the identification of sites for development and protection has brought about significant progress in the discipline of local planning. This has been made possible also thanks to the introduction of the VIA procedure (see the Glossary) as regards all public works. In contrast, progress has not been made yet in the area of managing urban areas. The problems of congestion and decay have only slowly been addressed, and in the absence of an adequate awareness of the need to ensure a high degree of compatibility between urban planning measures and environmental protection.

A23. It should be also pointed out that urgent environmental recovery policies are now evident in a large part of the country's coastal development, and in all those situations where illegal building threatens the quality of significant areas. More information on this and many other themes is given in the *Rapporto sullo stato dell'ambiente* (Report on the state of the environment), published by the Ministry for the Environment every two years, after consulting a very large number of researchers and experts.

Sources:

Aa. Vv. (1991), *I piani di bacino per la difesa del suolo, la gestione delle acque e la tutela dell'ambiente* (National Seminar at Taormina, November 23-24, 1990), Catania.

Maglia, M. Santoloci (eds.) (1994), *'Il codice dell'ambiente'*, La Tribuna, Piacenza (5th ed.).

Ruffolo (ed.) (1992), *'Relazione sullo stato dell'ambiente'*, Camera dei Deputati, Roma.

European Union

A24. Since the Treaty of Rome, in 1957, Italy has participated centrally in the development of European integration and has been updating its territorial policy according to Community guidelines. After a first long phase in which the only visible progress was in the economic field (i.e. agreement on agricultural prices, industrial policies, etc.) the completion of the process of unification of the European market has also been influential on the territorial planning strategies. This begins with the review of the regional policies which had been traditionally assigned the task containing the structural differences between the two Italian macro-regions (central-northern Italy and south-

ern Italy). The abolition of the *Cassa del Mezzogiorno* (1984) coincided with the slow but progressive adjustment of the intervention policies adopted by the Italian Government and its regions. The new policies have tried to balance the lack of initiative due to the abolition of the extraordinary interventions, and have made use of European funding, including the Structural Funds (1, 2, 9, 5b). With regard to Objective 1, the State and the regions concerned, have arranged in 1989 a global development plan for the regions involved, which has been extended to southern Italy; Objective 2, the regions concerned have been: *Lazio, Liguria, Lombardia, Piemonte, Toscana, Umbria, Valle d'Aosta, Veneto*. With regard to Objective 5b, the regions concerned have been *Lazio, Toscana, Umbria, Marche, Veneto, Piemonte, Trento e Bolzano*.

With the Structural Funding reform of 1988 (introducing the subsidiary principle and the Community support frameworks) the single regions have started to deal directly with the Community bodies in order to obtain funds for specific projects. The absence of policies at national level has created delays in obtaining the objectives foreseen in the initial model.

A25. Despite this lack of strategy, the recent Community initiatives aimed at the elaboration of European area development scheme seem nevertheless to offer Italy the chance to think about national planning objectives. Some big infrastructural choices are part of this informal project. These are the General Transportation Plan and the State Railways Investment Plan 1993/98. These concentrate on improving connections with the big European networks (high speed railway transit, the improvement of Rome and Milan international airports, the Alpine tunnels under the Moncenisio and S. Gottardo) and even the big environmental recovery programmes (Venice lagoon recovery) which reflects the continental scale of the ecological problem.

Source:

Camera dei Deputati (1984), *Gli interventi comunitari per le regioni italiane*, Roma.

Flexibility/certainty

A26. The current Italian planning system has serious limitations, especially with regard to the ability to adapt to the rapid changes which occur over the territory. The principal causes of this

rigidity are to be found in the characteristics of urban planning instruments and in the restricted way in which they are set out. This rigidity in planning instruments brought about the wide use of amendments, which is a long and complex procedure. During the 1980s, the necessity of creating a more flexible plan brought about the introduction of new extraordinary procedures, based on agreements between *stato-regione-comune* on specific projects with the possibility of introducing automatic variations to the regulations.

Source:

Law Decree, D.p.r. 24.7.1977, No 616, (administrative functions about urban planning).

Government structure and powers

A27. The Government structure is articulated at four different levels: central government, the *regioni* (20), the *province* (103) and the *comuni* (8 102). The *regioni* were formed in 1970 and their responsibilities were defined between 1970 and 1977. Five of the 20 *regioni* (the so-called *regioni* with special status) other functions and particular powers given because of their characteristic of being island regions (Sicilia, Sardegna) or borderline regions (Valle d'Aosta, Friuli Venezia-Giulia, Trentino Alto-Adige). The planning of the territory is the responsibility of the *Regioni*. The distribution of powers can be summarised thus:

- (a) central government has power for general programming and definition of sectoral policies; the distribution of funds to the *regioni*, the location of works of national interest; and the formulation of framework legislation. These activities are implemented through the various ministries and through coordination bodies: the CIPE (multi-ministerial committee for economic programming) and the CIPI (multi-ministerial committee for industrial policy).
- (b) The *regioni* have full self-governing power for programming and planning their territory, and full power to legislate. They organise the regional implementation of sectoral policies, they distribute funds to the *comuni*, manage some programmes directly and control all the activities of the *comuni*. They establish the PTC and the *Piani Paesistici*.
- (c) The *province* (or provinces) have very little competence on the subject of territorial planning except for the maintenance of roads and some levels of school education.
- (d) The *comuni* are the central point in the definition of programmes for development and transformation of land. They do not have ruling autonomy. All their programmes are dependent on the transfer of resources from the central State to the *regioni* and finally to the *comuni*.

A28. Recently, the system of local self-governing authorities has changed with the direct election of the mayor. He nominates his councillors directly so they are not elected (the number of councillors varies from four to eight depending on the town size). Every action of the Mayor must be approved by the *Consiglio Comunale*. Every action from the municipality must be approved by the *Coreco* (Regional Control Committee) which verifies its legality.

With the reform law regarding local authorities, a new level of government was established the *Area Metropolitana*. At present the process of selecting the *comuni* to be included in this category and the definition of their boundaries is underway. Subsequently, it will be necessary to proceed to the election of the mayor and the metropolitan government. The English model was used as reference. The relationship between territorial planning and the different sectoral policies, is coordinated by the *piano territoriale di coordinamento* at regional level. This should be the point at which sectoral policies and their effects on the territory are made. The *PRG* must take into account all the indications of the *piano territoriale di coordinamento*.

Source:

Camera dei Deputati (1991), *Problemi concernenti l'applicazione della legge 8 giugno 1990, No 142 sull'Ordinamento delle Autonomie Locali, 2 voll., Roma*.

Land policy and land/building quality

A29. The urban planning law of 1942 allows *comuni* to create municipal estates. Actually, the total lack of financial resources and the scarce political will of the *comuni* does not allow this to be carried out. It can be said that in Italy a land policy has not existed. The only mechanism for acquiring land is through expropriation for public use.

A30. In the mid 1970s a strong policy for the expropriation of certain areas was devised. Its purpose was the implementation of public residential

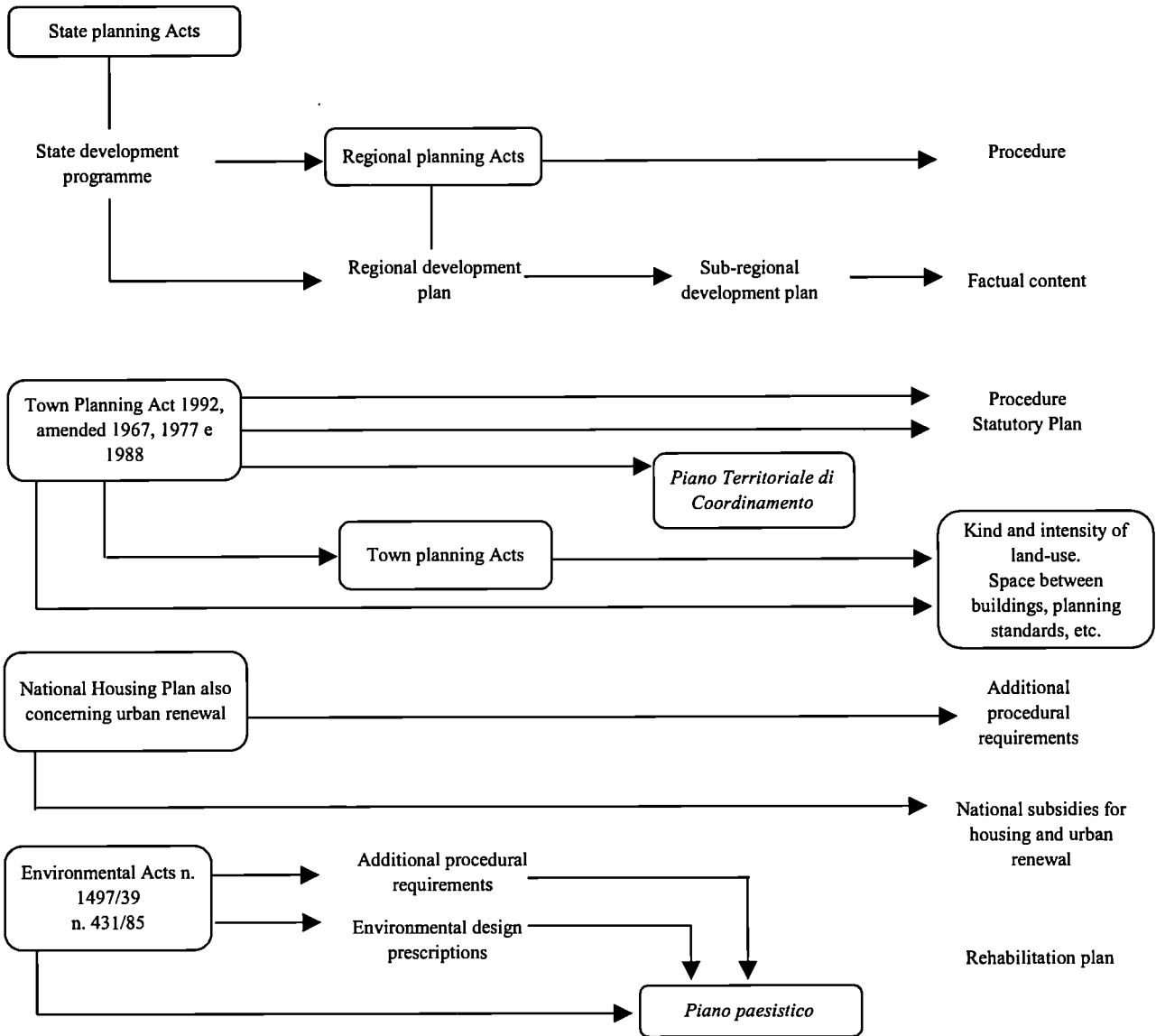


Figure A2. Urban planning authorities and their tasks at various levels of the plan

housing (executed by the State or the private sector on public land). This policy was made possible both because a special financial plan for expropriation was instituted and because the cost for the *indennizzo espropriativo* was very low (Law No 865/1971). At the beginning of the 1980s the *Corte Costituzionale* declared obsolete this cost of indemnity. Thus the land policy of the *comuni* came to a stop. More recently the cost of indemnity has fallen below the market values, but financial resources are not available.

A31. As regards primary urban development requirements (ground works, sewers, water-works, electricity, roads, etc.) the fundamental source is made up of *oneri concessori* (see Glossary) that the operator must pay. This payment (which covers the 80 % of total cost of the works) is determined by the characteristics of the area, the density, the *destinazione d'uso* and the type of building proposal (new building, refurbishment/remodeling, etc.).

A32. The *PRG* and the zoning are the basis on which land and building quality are determined. The *PRG* determines restrictions and the degrees of acceptable transformations. For instance, agricultural areas were previously defined in a generic way by the *PRG*; these were considered as areas. Where building was not acceptable today, all *PRG* define a meticulous zoning for agricultural areas. The degrees of the transformation, the maintenance of agricultural activities, the historical and environmental values and the type of operators allowed are specified in a wide number of sub-areas. The zoning of *PRG* also controls already built-up areas and determines those areas where relevant physical changes are not possible (only maintenance and restoration) or more radical changes (demolition and reconstruction).

A33. In addition to the requirement of the *PRG* is the national framework to the *PRG* indications must be added those of the national framework. The *Ministero dei Beni Culturali ed Ambientali*, through the *Sovrintendenze ai Monumenti*, on the basis of the law of 1939 draws up the list of those assets which have to be protected: for all these buildings it is necessary to obtain a specific permission from the *Sovrintendenze* in order to carry out any alterations or maintenance. The same procedure is applied to open areas through *piani paesistici regionali* which provides for environmental restrictions; in this case any transformation needs a specific and initial permission.

However in Italy special sectoral directives which make some areas more attractive than others do not exist (i.e.: national policy for derelict areas or tax incentives for specific areas).

Sources:

Law 15.1.1885, No 2892, (*Legge sul Risamento di Napoli* – about the value of expropriation);

Law 29.6.1939, No 1497, (conservation of natural areas and landscape).

Plan led/development led

A34. The Italian urban planning system is, without any doubt, a plan led system which is a rigid system based on zoning. The regional plans are very detailed and precise. For this reason each proposal for development has to comply strictly with the requirements of the plan. In practice, the *PRG* does not have the power to decide the timescale for the implementation of its proposals, but sets out the technical regulations necessary for the implementation of the plan.

A35. If the development of the proposal is different from the plan, the *comune* has to evaluate the benefits of the plan. This procedure is long and complex: any amendment to the plan must be approved by the *consiglio comunale*; must be made public; and all citizens are allowed to submit observations to which the *comune* must give a reply. Finally, the amendment proposal must be approved by the *regione*. This rigidity of the plan and the complex procedures are among the main causes of the unlawful building.

A36. Recently, a more efficient procedure to modify the plan has been introduced. This system is called *accordo di programma* (that is an agreement among all the administrations which have to authorise the amendment) mostly this is applied to public works and works of public interest and is being extended to private development, if public interest of the project is evident. In the past few years the effect of this reform of the urban planning system, with the introduction of more flexible planning mechanism, has become evident. This provides for the definition of only the strategic elements of development, leaving the door open to the approval of development projects with less restrictions.

Political priorities

A37. Over recent years some important questions about political priorities have arisen. Some of these have been dealt with (and are the subject of experiment); others have not been dealt with yet. Some of these questions are of a general nature, even if with direct consequences on the physical planning system, others are more specific. The main questions are:

- (a) The reform of the local electoral system with direct election of the mayor; the formation of the councillors' body directly chosen by the mayor and thus not elected; a strong reduction of the number of the councillors (today the maximum number varies from four to eight in the big cities).
- (b) The reform of local agencies and of the administrative procedures has introduced a clear division between the political decisions (official guidelines) and the technical-administrative decisions (definition of the measures, responsibility of the management of administrative proceedings). The tax system, which is still completely centralised, and is moving towards strong decentralisation and autonomy for the *regioni* and the *comuni*.

The more specific issues include:

- (a) The acceleration of national sectoral policies particularly in the field of transport: the construction of high-speed railways; the improvement of railway networks at a metropolitan and urban level; policies for parking; infrastructure technology field; and communication and information networks.
- (b) The acceleration of partnership and project financing policies although taking into account the limitations of the public financial resources there is still not enough stress on the importance of collaborating with private capital.

Political system, administrative system and public participation

A38. Decision-making for general or specific areas such as the physical planning is based on procedures that include both the political and technical-administrative phases. In Italy a clear distinction between the two roles has never existed. Although it has been defined recently (Law 241 of 1990). The function of political activity is to agree the criteria and guidelines on which ba-

sis programmes could be formulated and executed. The function of technical and administrative activity is to have full autonomy and responsibility in the formulation and execution of the programmes. This is a very important new step which is, right at this moment, radically transforming the organisation and the rules regulating the functioning of technical and administrative bureaucracies.

A39. The political process is divided into three different stages: the first provides the system with all the criteria and guidelines necessary to start a programme (*Consiglio Comunale*), the second verifies the programme (*Commissione Consiliare*); the third approves the programme (*Consiglio Comunale*). The administrative process is divided into two stages: the first is either to prepare the programme on the basis of the guidelines received (if the programme is a public initiative), or the technical examination of the programme (if it is a private initiative); the second is to manage and to control the implementation of the programme after its approval. This model is applicable not just at national level but at regional and municipal levels as well. For each programme a person to be responsible is chosen from the senior officials of the administration.

A40. Public participation is undertaken in two ways. The first is based on the participation through local councils. Every *comune* is subdivided into *circoscrizioni consigli di quartiere* (district councils), which are elected. They have responsibility for the management and control of part of the administration duties. In future they will have more power and become the real local governments of the different districts of a town. Every project concerning transformation must receive comments from the *circoscrizioni*. It is obligatory to send comments from the *circoscrizioni* but they are not binding on the decision-making authority. The *circoscrizioni* organise meetings and debates. All meetings are public. The second channel of participation is the possibility to make observations on the development project under consideration. A development project, must be officially shown to the public for 30 days, during which the citizens can present their observations. The municipality must formally reply.

Population and statistics

A41. There were 56.4 million people in Italy in 1992 with an average of over 190 persons living in one square kilometer and 417 persons living in

one square kilometer in the *Campania regione*. According to more recent figures the population will not increase in number in the next 10-year period (1993-2003). However more than 24.3 % of the population will be over 60 years of age which is the highest proportion so far recorded. The demand for housing should remain rather high due to these structural changes in the population which will also be affected by the tendency towards the creation of new households. The most important changes are due to the increasing population of retired persons, and the decrease of the school-age population which has implications for the demand for services.

A42. While the presence of deep-seated regional disparities in the past has caused the steady migration from south to north, southern Italy has a much higher birth rate and therefore continues to contribute progressively to the national population growth. This is an important phenomenon as the highest concentration of people is in

southern Italy where there is a lower level of education and a lower quality of service which causes a further imbalance in the relationship between supply and demand of fixed social capital. A further consideration related to the demographic framework, the process of urbanisation, that has taken place over time and which has led to an increase in the number of individuals living in urban centers with more than 20 000 inhabitants rose from 19.6 % of the population in 1861 to 52.6 % in 1991. Despite this rapid increase there is not a great tendency towards concentration in the most populated areas of the country. The survival of a highly articulated historical urban network with great deep-seated traditions slowed down the population drain of outlying areas towards larger towns and metropolitan circuits and the concentration of urban population within the megalopolises.

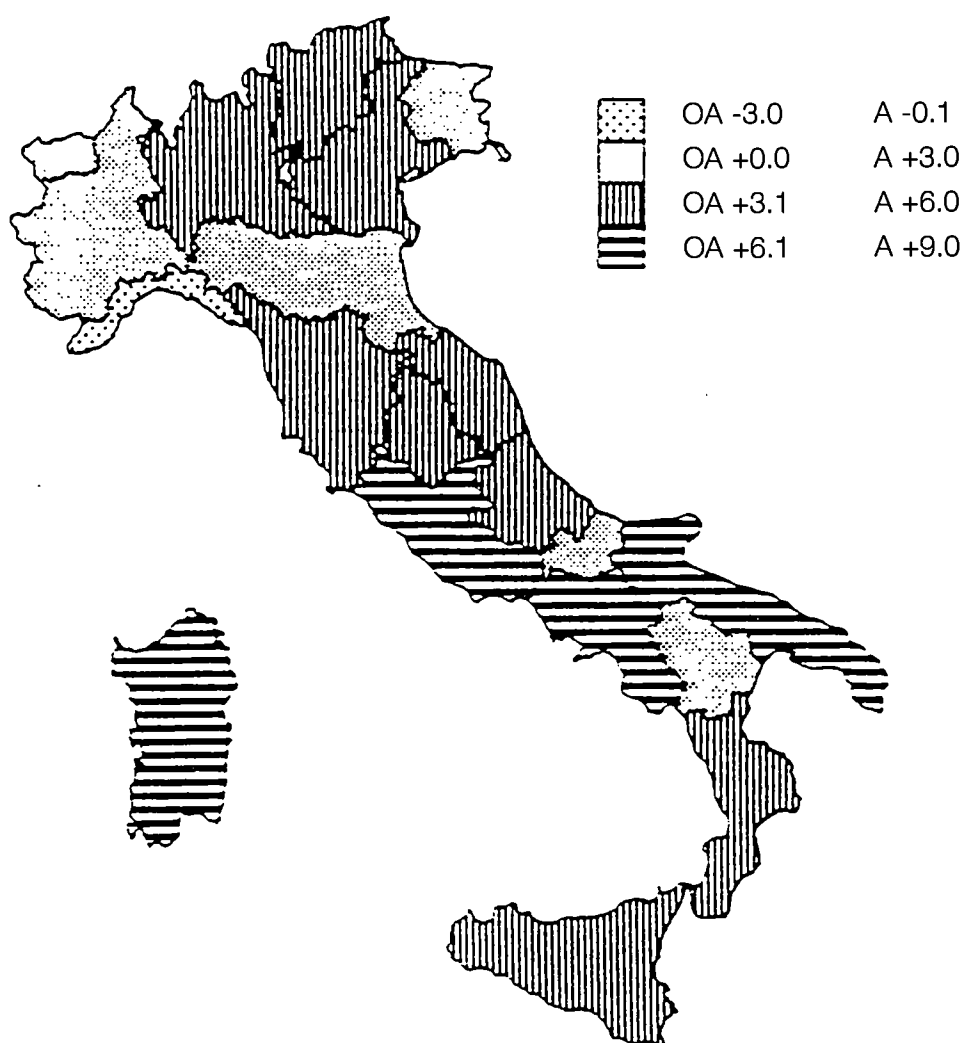
Source:

Istat (1993), *Le Regioni in cifre, Roma*.

Table A1. The growth of the urban population in Italy 1861-1991

Year	Total population (millions)	Urban population (millions)	Impact and % of urban population
1861	25.02	4.89	19.6
1871	26.80	5.88	21.5
1881	28.46	6.72	23.7
1901	32.48	9.15	28.1
1911	34.67	10.82	31.3
1921	37.93	12.94	32.2
1931	41.18	14.41	35.1
1936	42.44	15.07	35.5
1951	47.16	19.39	41.1
1961	49.88	23.81	47.7
1971	54.13	28.59	52.8
1981	56.24	29.65	52.7
1991	56.41	29.66	52.6

Note: The urban population was estimated by adding up all the individuals living in urban areas with more than 20 000 inhabitants.



**Map A.1: 12th population census: change in resident population
in percentages between 1971 and 1981**

Table A2. Population in the *regions* and in main towns up to 31 December 1990

Province and Regioni	POPULATION		
	Main towns	Other centres of the <i>Provincia</i>	Total
Torino	991 870	1 281 303	2 273 173
Other main towns	377 242	1 705 812	2 083 054
Piemonte	1 369 112	2 987 115	4 356 227
Valle d'Aosta	36 095	79 901	115 996
Milano	1 432 184	2 560 020	3 992 204
Other main towns	723 425	4 223 800	4 947 225
Lombardia	2 155 609	6 783 820	8 939 429
Bolzano	100 380	341 291	441 671
Trento	102 124	347 626	449 750
Trentino-Alto Adige	202 504	688 917	891 421
Venezia	317 837	512 907	830 744
Other main towns	758 570	2 808 800	3 567 370
Veneto	1 076 407	3 321 707	4 398 114
Trieste	231 047	30 792	261 839
Other main towns	187 552	751 636	939 188
Friuli-Venezia Giulia	418 599	782 428	1 201 027
Genova	701 032	277 646	978 678
Other main towns	213 283	527 241	740 524
Liguria	914 315	804 887	1 719 202
Bologna	411 803	499 335	911 138
Other main towns	973 987	2 043 619	3 017 606
Emilia-Romagna	1 385 790	2 542 954	3 928 744
Firenze	408 403	783 791	1 192 194
Other main towns	737 605	1 632 726	2 370 331
Toscana	1 146 008	2 416 517	3 562 525
Perugia	150 576	447 059	597 635
Other main towns	109 809	115 321	225 130
Umbria	260 385	562 380	822 765
Ancona	103 268	335 825	439 093
Other main towns	186 506	809 975	996 481
Marche	289 774	1 145 800	1 435 574
Roma	2 791 354	1 002 107	3 793 461
Other main towns	256 162	1 141 859	1 398 021
Lazio	3 047 516	2 143 966	5 191 482
L'Aquila	67 818	234 060	301 878
Other main towns	238 578	731 931	970 509
Abruzzi	306 396	965 991	1 272 387
Campobasso	51 307	190 629	241 936
Other main towns	21 799	72 721	94 520
Molise	73 106	263 350	336 456
Napoli	1 206 013	1 982 723	3 188 736
Other main towns	341 245	2 323 921	2 665 166
Campania	1 547 258	4 306 644	5 853 902
Bari	353 032	1 192 284	1 545 316
Other main towns	599 210	1 937 016	2 536 226
Puglia	952 242	3 129 300	4 081 542
Potenza	68 499	345 571	414 070
Other main towns	54 872	155 577	210 449
Basilicata	123 371	501 148	624 519
Reggio Calabria	178 496	412 347	590 843
Other main towns	208 312	1 354 528	1 562 813
Calabria	386 781	1 766 875	2 153 656
Palermo	734 238	540 904	1 275 142
Other main towns	1 055 683	2 865 997	3 921 680
Sicilia	1 789 921	3 406 901	5 196 822
Cagliari	211 719	561 131	772 850
Other main towns	190 911	700 612	891 523
Sardegna	402 630	1 261 743	1 664 373
North-Centre	12 302 114	24 260 392	36 562 506
South	5 581 705	15 601 952	21 183 657
Italy	17 883 819	29 862 344	57 746 163

Table A3. Population according to sex and age up to 1 January 1991 (as percentage)

REGIONI	MALE			FEMALE		
	0-14 years old	15-64 years old	65 years old and over	0-14 years old	15-64 years old	65 years old and over
Piemonte	13.8	72.3	13.9	12.9	69.9	17.2
Valle d'Aosta	14.2	73.7	12.1	13.4	71.4	15.2
Lombardia	15.1	73.7	11.2	14.2	71.4	14.4
Trentino Alto Adige	17.2	71.6	11.2	16.4	69.3	14.3
Veneto	15.5	72.9	11.6	14.6	70.7	14.7
Friuli Venezia Giulia	13.1	72.4	14.5	12.2	69.2	18.6
Liguria	11.6	71.5	16.9	10.8	68.3	20.9
Emilia Romagna	12.4	71.7	15.9	11.8	69.3	18.9
Toscana	13.4	70.7	15.9	12.6	68.7	18.7
Umbria	14.7	69.4	15.9	13.9	67.9	18.2
Marche	15.2	69.6	15.2	14.4	67.9	17.7
Lazio	16.7	71.7	11.6	15.8	70.5	13.7
Abruzzi	17.7	68.8	13.5	16.8	67.4	15.8
Molise	18.0	67.7	14.3	17.3	66.2	16.5
Campania	23.0	67.8	9.2	22.1	67.1	10.8
Puglia	21.9	67.8	10.3	20.8	67.4	11.8
Basilicata	20.4	67.2	12.4	19.6	66.5	13.9
Calabria	21.9	67.2	10.9	21.1	66.1	12.8
Sicilia	21.6	67.1	11.3	20.6	66.5	12.9
Sardegna	19.4	70.1	10.5	18.5	69.5	12.0
Italy	17.1	70.6	12.3	16.3	68.9	14.8
North-Centre	14.6	72.2	13.2	13.7	70.0	16.3
South	21.6	67.8	10.6	20.6	67.1	12.3

Sectoral policy

A43. In recent Italian history during the 1960s an attempt was made on sectoral programming. A five-year programme was established considering the consequences for the spatial organisation of the territory. It is the only attempt to organize a general framework which explores:

- (a) the relation between economic decisions and territorial structure;
- (b) the coherence of different sectoral policies.

This attempt lasted only the length of a political season (from 1963 to 1968). From that moment attention to sectoral policies in Italy has varied.

A44. First of all every sectoral policy is developed in an autonomous way, this occurs especially at national level. The *CIFE* which has the responsibility for coordination, in reality simply confirms the proposals of the different ministries. Second,

different sectoral policies have been developed in different ways: some with more speed and priority, others less. Everything depends on the general political contest, and the specific interest of the government.

A45. We must remember that in Italy the national governments over the last 20 years have had only a very short life due to the lack of unity of the large political coalitions. This element of temporal uncertainty of the governments does not allow individual ministries to develop long-term policies. Generally, each minister tends to develop programmes which can show quick results. Consequently, the few sectoral policies established in recent years, still in the process of being carried out, and those still developed are as follows:

- Social housing policy (competence of the Ministry of Public Works) which has been developed with determination since 1978 with the construction of many large residential de-

velopments (both by the private and by the public sector) on expropriated sites. The national laws establish procedures and funds which are allocated to the *regioni*. The *regioni* programme the distribution of funds to the different *comuni* and programme implementation.

- Railway policy (competence of the Ministry of Transportation) in respect of the high-speed transport (TAV) which is under development, and for which routes are being verified.
- Airport policy (competence of the Ministry of Civil Aviation) which has established different categories of airports and has started a programme of modernisation and extension.
- Car parking policy (competence of the Ministry of the Urban Areas) which has the objective, through financial funding, to stimulate and build public car parks, connections between railways and car transport, and private car parks for public and residential use.
- Urban renewal policy (competence of the Ministry of Public Works) which has started new programming for the improvement of quality in urban areas funded both by the private and public sector.

Because all the financial resources available for the *regioni* and the *comuni* come from central government, sectoral laws are very important for them. They cannot operate without the sectoral policies, which effectively determine the allocation of funding.

Trends

A46. The information in the previous paragraphs defines a profile of the Italian planning model. However these do not entirely describe other major factors that have influenced this process and which continue to be the centre of political and cultural debate.

Central power/local power

A47. One of the main points of the debate, is the permanent power clash between the central administration and local government.

Traditional Italian centralism is deeply rooted. The central government determines sectoral policies,

administers and transfers financial resources. Consequently, the *comuni* have no power for implementation and no autonomy.

This tradition lasted until the first half of the 1970s. The creation of the *regioni* and their power to handle urban planning matters and transferring financial resources, was an important turning point. The implementation of sectoral policies is carried out through long procedures which are transferred from the State to the *regioni* and finally to the *comune*, however, the *regioni* have power.

A48. At the beginning of the 1980s there was a tendency towards an overriding centralisation of an increasing share of financial resources either for special infrastructural programmes or for strong interventions in the cities. This process tends to bypass the normal procedure and the regional level. The urgency and the importance of the interventions again allows the central government to manage financial resources that otherwise would have been managed by the *regioni*. This new method has been used repeatedly several years (urgent projects because of natural disasters, Italy 1990 Football Championship, *Legge per Roma Capitale*, L.S. for Venice, Palermo, Naples and *Reggio Calabria*, *Colombiadi*, etc.) thus this extraordinary procedure has become ordinary, establishing a direct line between central government and the *comuni*. Today there is a new tendency towards a reform of the State in a federal way, with increasing powers given to the *regioni*, and towards tax reform with strong autonomy to the *comuni*.

Flexibility/certainty

A49. The hierarchical planning model of the Urban Law of 1942, has evolved considerably due to the changes in building development and to the evolution in the administrative arrangements of the country (which was mentioned in the last paragraph). But this evolution has not produced a complete revision. The only way to make the urban planning more flexible was the continuous resort to the amendment mechanism. The original law viewed this as an exceptional solution, but now local administrations use this mechanism constantly.

A50. During the 1980s the tendency was not to embark on wide urban planning reform. On the contrary the emphasis has been on the introduction in the sectoral legislation (laws of financing

and programmes of sectoral intervention) some specific procedures to speed this. The reform law on local agencies (Law No 142 of 1990) introduces a procedure, called *accordo di programma* which creates an agreement among all the public administrations that allows them to bypass the normal procedures. This solution does not solve the problem of improving the flexibility/certainty of municipal urban planning. Therefore a strong request to totally revise the urban planning legislation is arising, with particular attention to the specific characteristics to be given to the different areas of planning. It is this objective that the legislation for the *Città Metropolitane* is aimed.

Policy

A51. The clash between development problems and environmental protection issues is a relatively recent manifestation. The government is now quite sensitive to the problem and recognizes the need to include this matter in urban planning procedures and projects. The environmental issue now plays a leading role in the creation of new strategies and the use of territorial resources. It was only during the 1980s that the environmental protection issue was fully integrated into legislation and urban planning projects, however a separation between urban planning and environmental planning still exists and it is a central point to be resolved. Two new laws were created in the environmental protection field, Law No 47 of 1985 and Law No 431 of 1985 and they were approved at the same time as the EEC regulations on the assessment of environmental impact. Law No 47 of 1985 stressed the importance of public administration control over the safeguarding of several environmental issues and aspects, over cultural issues and civic use of the cultural and historical heritage and created several legislative constraints in terms of hydrogeological and landscape issues. Law No 431 of 1985 made some important environmental and landscape decisions during a period in which urban planning policies had undergone a serious crisis. This law made it clear that planning mechanisms should be unified such as the landscape plan in Law No 1497 of 1939 handled by the *Ministero della Pubblica Istruzione* (Ministry of Education) and the territorial and urban planning policy in Law No 1150 dealt by the Ministry of Public Works and later by the various regional administrations, be brought together.

A52. Recent years reflect a structural change in the motivations which guide both individual and

collective behaviour, which take more account of the compatibility of development with environmental objectives, and also the likelihood that it will be implemented. A series of decisions were made including the creation of the Ministry of the Environment and the drafting of '... regulations for the protection and re-arrangement of the land' in Law No 183 of 1989. New large-scale plans were made on a territorial basis to coincide with the hydrographic basins of the most important Italian rivers. The hydrographic basin is viewed as a unitary and unifying element in the planning process and is not a new concept in terms of delimitation of the areas involved but the innovation lies in the new vision of the role played by the hydrographic basin itself.

A53. In conclusion, the main problem for spatial planning in Italy, is to look for a balance between strong restrictions operated by the environmental policies whilst meeting the necessity for the promotion of development through urban-renewal policies instead of developing new urban areas. Spatial planning policy must take into account the vital deficit in infrastructure provision, public services and the quality of life; improvements to these areas are fundamental in order to make Italian cities more attractive and more competitive.

Source:

Law 8.7.1986, No 349, (Institution of the Ministry of the Environment).

Government structure

A54. Over the past several years, the system of government has undergone a profound transformation, which should also generate significant changes in the field of spatial planning. First, is the electoral reform that ensures direct election of the mayor. This reform was passed in 1992 and was first applied in local elections in 1993. The reform calls for political campaigns waged by individuals running for the office of mayor, supported by political coalitions, and foresees a run-off election between the two candidates who receive the greatest number of votes in the general election. The importance of this reform is represented by the fact that the new administrations are assured of governing for four years: the mayor elected under the new system is responsible for his programme and may run for a second term. The most important consequence is that the new administration must re-launch an urban planning

policy based on concrete, medium-term programmes. The spatial planning of the city thus returns to the forefront as a central – and more importantly, concrete – issue for the municipal administrations.

Second, is the electoral reform that introduced the majority system for the election of the two houses of Parliament. In this case, too, the most important consequence is the guarantee of a majority, which provides a previously unknown assurance of continuity of policy-making for the sitting government. The direct election of the premier guarantees the taking of personal responsi-

bility for the programmes and thus great attention to the planning and implementation of the policies.

A55. One of the main planks in the platform of the new government is to provide a powerful incentive to a renewed and further process of decentralisation of government functions to the regional level. The concept is referred to as federalism, interpreted the establishment of greater autonomy for the *regioni*, in taxation issues as well. Many areas of government responsibility (for example the entire public housing construction sector) will be administered exclusively by the *regioni*.

B. Making and reviewing plans and policies

Summary

B1. According to the legal law, land-use planning in Italy is part of the subject of *urbanistica*. This is defined in Article 80 of Presidential Decree 616 of 24 July 1977, according to which this subject concerns regulation of the use of the territory, including all cognitive, regulatory and management aspects relating to operations of safeguarding and transformation of the land as well as protection of the environment. Article 31, further specifies that land-use planning must make particular reference to the territorial articulation of interventions of State interest and to the environmental and ecological protection of the territory, as well as protection of land. The concept of *urbanistica* thus defined is wide and comprehensive. However the attribution of competences in relation to the various aspects of the subject is still fragmented and its management is in consequence equally fragmented.

B2. The land-use planning system is complex, being based on a series of competences given to levels of government (State, *regioni*, *province*, *comuni*) to which specific, mostly hierarchically given to levels of government-arranged planning acts correspond. Nationally, the Republican Constitution attributes the subject of planning to the *regioni*, which can, therefore, make laws within the limits of the fundamental principles laid down by the laws of the State. The latter, however, not only issues framework laws on the subject, but exercises the function of guidance and coordination; that is, it supplies the guidelines for economic and land-use planning necessary to harmonise and coordinate activities that transform land-use. Planning acts themselves are solely the

competence of *regioni* and *province*, which prepare the *Piano Territoriale di Coordinamento (PTC)* for their respective territories, and of the *comuni*, which prepare the *piano regolatore generale-PRG*.

B3. Planning instruments are arranged hierarchically, since the regional-level plans conforms to State guidelines, the provincial plan to the regional one and the *comune* plan to those of the higher-tier authorities. But all these actors supply information and indications to the tier above them, to make it possible for the latter to prepare the planning instruments within their own competence. However, it must be pointed out that the theoretical hierarchy does not always correspond to reality, since few *regioni* or *province* have prepared the plans they are supposed to. The State guidelines have also to be deduced from the various laws and regulations, since none have thus far been prepared with the declared aim of providing general indications for land-use planning.

Policy institutions

B4. As has been said, levels of government have land-use planning tasks assigned to them, except for the State which is responsible for guidance and coordination. In summary therefore:

B5. The State – and national government and parliament on its behalf – should supply the general guidelines for planning activity (also taking account of economic planning) and specify land-use guidelines through deliberative acts for which there are no corresponding planning instruments of direct relevance. The aim of these guidelines is

both to provide incentives, including financing, for some kinds of action, and to prevent paralysis of land-use planning activities in the presence of multiple levels of competences (20 *regioni*, 103 *province*, over 8 000 *comuni*).

B6. The *regioni* should prepare the *piano territoriale di coordinamento (PTCR)* for their own territory on the basis of and in compliance with the State-level guidelines. This plan is at one and the same time a planning measure and guideline for the formation of provincial and municipal plans. As such it does not involve direct obligations for the private sector. The PTCR is governed in its essential aspects by Article 5 of planning Law 1150 of 1942, must establish guidelines relating to the zones to be reserved for special uses or subjected to special restrictions or limitations; identify sites selected for new urban development or for particular uses, and for the principal communication systems; and to control the preparation of local plans.

B7. The *province* have only recently been given a planning role and are required to prepare a *piano territoriale di coordinamento (PTCP)* for their own territory, without detracting thereby from the competences of *comuni*, the general national guidelines, regional laws, programmes and plans, and, obviously, decisions at State level. Specifically, the PTCP should indicate – in the areas not regulated by regional planning – the land-use zoning of the territory, general siting for infrastructures and lines of communication, lines of action for hydrogeological work and areas assigned as nature reserves or parks.

B8. The *comuni* (either alone or jointly in metropolitan cities or mountain communities) are obliged to prepare a master planning instrument for their own territory which is generally the *piano regolatore generale (PRG)*. It must indicate the network of principal communications routes, the division of its territory into zones, the public areas and the restrictions to be complied with. It is implemented at the urban planning level by means of detailed plans or private sector subdivisions and at the construction level by permits for individual operations issued by the mayor. In planning matters, national, regional, provincial and communal, cooperation cannot be avoided. Specific forms of association and cooperation comprise: *convenzioni* (agreements), for coordinated carrying out of specific functions and services; *consorzi* (consortia), for joint operation of one or more services, *accordi di programma* for defini-

tion of individual works or programmes that require integrated action by all the authorities responsible for the area.

National government departments

B9. The tasks of the State in planning matters are performed by different ministries (see the next paragraph). Their competence extends to the whole national territory and their activities are financed by tax revenues. Each is directed by a minister who in general, but not necessarily, is a member of Parliament. In the Italian government system Ministers are limited by the competence of local authorities, which are autonomous. The staff comprises administrative and technical personnel chosen on the basis of public examinations. It should first be explained that land-use planning is also influenced by economic planning for which there is a special agency, the *Comitato Interministeriale per la Programmazione Economica (CIPE)* which is made up of economics ministers and those most directly concerned with expenditure. Functionally it is part of the Ministry of the Budget, but is an organ of government which provides guidelines and approves – for planning purposes only – programmes and projects for action.

B10. There are various Ministries that have more direct responsibility in urban planning, since competences relating to specific sectors which certainly come within this field have in the past been extracted and assigned to various departments. The more important, ones, are listed below.

B11. *Ministero dei Lavori Pubblici* (Ministry of Public Works) is the most important national government department with competences relating to land-use planning. It has the task of providing guidance and coordination in urban planning and of identifying the basic orientation of land-use planning. But at the same time it is the administration responsible for construction of the most important infrastructure (roads, railways, ports, airports, universities, public buildings, etc.) at the national level. In the Ministry of Public Works two *Direzione Generale* (see below) are most closely concerned with urban planning:

B12. The *Direzione Generale del Coordinamento Territoriale*, provides technical and proposal-making support to the government for the exercise of the function of guidance and coordination for land-use. It identifies the basic guidelines for land-use. It performs the examination and town-

planning and building regulation on works of State interest. These works may be in conflict with local planning regulations (regional or provincial land-use plans; *comune* land-use plans). In this case the State decisions – taken in agreement with the *regione* – constitute a update of current planning instruments. Through its Technical Office and Monitoring Office for changes in land-use, the Directorate-General collects data on land-use and the programmes of State administrations, local authorities and large businesses with a land-use impact.

B13. The Direzione Generale della Difesa del suolo has tasks that are essentially concerned with the hydro-geological aspect of the country. To this end it prepares *piani di bacino* which influence planning at regional, provincial and municipal level.

The departments that concern themselves with provision of infrastructure are as follows:

B14. The Direzione Generale dell'Edilizia
This department is concerned with construction of public buildings. It formulates programmes and provides incentives for the formation – following natural calamities, especially earthquakes – of special plans targeted at reconstruction.

B15. The Direzione Generale delle Opere Marittime
This department provides for the design and construction of ports and harbours through preparation of zoning plans for ports, as well as for protection of the coast. For provision of infrastructures, the Ministry of Public Works operates through partially autonomous agencies such as CER and ANAS, which will be discussed when describing Government agencies.

The *Ministero dei Lavori Pubblici* accommodates:

B16. The Consiglio Superiore dei Lavori Pubblici, This is the highest technical consultative State organisation. It concerns itself with all matters relating to provision of infrastructure for the country and the corresponding technical skills are therefore represented within it.

B17. There are other Ministries that influence land-use, as follows:

Ministero dei Beni Culturali (Ministry of Heritage)
Among other things, this Ministry attends to the protection of environmental, architectural, archaeological, historical and artistic assets. It is organ-

ised on the basis of a central organisation, a National Council and numerous *Sovrintendenze* (Services) which are set up on the basis of assets to protect or of special situations. They are usually responsible for one *provincia*.

Ministero dell'Ambiente (Ministry of Environment)
This attends to prevention of pollution and environmental restoration, as well as with environmental impact assessment (*Valutazione di Impatto Ambientale*).

Ministero della Marina Mercantile (Ministry of Merchant Navy)
Provides for protection of the sea from pollution, creation of marine parks, etc.

Ministero dei Trasporti (Ministry of Transportation)
Superintends planning and execution of the national railway network and others, mainly transportation infrastructure.

B18. The State, and for it the national government and the individual ministries, implement the forms of cooperation provided for by membership of the EU, as well as those provided for by international law.

Administrative reorganisation

B19. It must be pointed out that Law No 537 of 24 December 1993 provided for a profound reform of State administration in the territory (land management) sector, to be implemented by September of 1994 and based on two key measures:

- creation of a *Ministero per il territorio e l'ambiente* which will have competence for the whole topic and will thus result in the abolition of some ministries and the removal of specific competences from others;
- creation of a *Ministero delle Infrastrutture*, which will bring together the planning and design of works of national interest and will also have competence for the planning of social housing. You may wish to make a brief note about whether this has actually happened.

Government agencies

B20. In Italy organisations identifiable as agencies as known in other countries did not exist until recently. Under the pressures of the reorganisation process, the State is abandoning direct operation of some services, converting them to agencies operating under private sector law and into com-

panies limited by shares. But agencies explicitly so called are also being instituted, mostly to manage new spheres of intervention. *ENAS* and *CER* operate within the Ministry of Public Works (and the future Ministry of the Territory) and are therefore more or less directly involved in land-use planning.

B21. (ENAS) Ente Nazionale Autonomo per le Strade

Until recently *ANAS-Azienda Nazionale Autonoma delle Strade* planned, designed, constructed and operated the State highway network, including roads and motorways. It was an autonomous agency chaired by the Minister of Public Works. Now, by Legislative decree 143 of 26 February 1994 – and a conforming resolution by the *CIFE* – its tasks have been assigned to *ENAS* – with the exception of planning (multi-year and transportation plans) which is the responsibility of the Ministry of Public Works (and will shortly be that of the Ministry of the Territory). *ENAS*, has responsibility for the whole of the national territory. It is financed with funds sourced from general tax revenues. It implements its programmes in various ways, ranging from direct execution to design and construction under concession agreements. For motorways, the principal concession holder is *Autostrade S.p.A.*, a limited company in which the State holds a majority of the shares.

B22. (CER) Comitato per l'Edilizia Residenziale

This is the agency responsible for the building of social housing. It plans operations, formulates general technical standards, conducts research in the sector and distributes funds. Since implementation of social housebuilding is the responsibility of the *regioni* and *comuni*, *CER* controls implementation but does not itself implement directly. For this reason the committee comprises representatives of the national administration and of the *Regioni*. The composition is thus anomalous, what could be called an agency of both State and *regioni*. It, too, is chaired by the Minister of Public Works. The Committee distributes central government funds, part of which come from earmarked worker's contributions. It will become part of the soon-to-be created Infrastructure Ministry.

B23. F.S.- Ferrovie dello Stato SpA

This recently-created agency is responsible for planning, constructing and operating the national railway network. It is a company operating under private sector law (limited by shares) which has inherited the responsibilities the State formerly exercised through the Ministry of Transportation.

B24. (ANPA) Agenzia Nazionale per la Protezione dell'Ambiente

This agency, which cooperates with the European Environment Agency and with Eurostat, the statistics institute of the European Union, as well as with international organisations active in the sector, is decentralised into regional agencies. In the environmental protection sector, *ANPA* performs technical and scientific activities of national importance, provides coordination of regional agencies, measures pollution indications, and supplies technical and scientific support to the agencies responsible for evaluation and prevention of environmental risks.

B25. Autorità di Bacino

These are authorities responsible for protection of land resources (restoration of the quality of water bodies, protection of the ground from pollution, protection of river ecosystems, etc.) in the hydrographic basins into which the whole national territory is divided.

Basins of national or international importance are the responsibility of national government. The remainder of regional importance are regional responsibilities. Their point of contact with the Ministry of Public Works is the *Direzione Generale della difesa del suolo*.

Regional government departments

Regione

B26. The national territory is subdivided into 20 *regioni*. These derive their powers directly from the *Costituzione*, including urban planning. The *regioni*, however, must exercise their powers which include both the making of laws and the exercise of administrative functions in compliance with the fundamental principles of the legal system and of the guidelines which the State gives. The *regione*, is the first and most important of the actors that undertake physical land-use planning. The State, in fact, does not normally prepare town plans but supplies general guidelines and identifies basic land-use guidelines. It coordinates all activity in the sector through these guidelines, it ensures land-use and environmental control of State works, as well as some works of particular importance created by governmental or private actors.

B27. The *regione* prepares the *Piano Territoriale di Coordinamento (PTC)*. It must be remembered that the *regione* has competence in other areas (state of roads, aqueducts, public works, agri-

culture and forests) which are taken into account in preparing the *Piano Territoriale di Coordinamento*. In addition to the *PTC* plan, which generally covers the entire territory of the *regione* or at least most of it, the *regione* prepares other sectoral plans such as landscape plans (*Piani Paesistici Territoriali*) aimed at ensuring special protection for some parts of its territory or regulating specific activities in relation to land-use. The *regione* also checks compliance with guidelines at its level and coordinates the activities of lower tier authorities within its boundaries by approving their town and land-use planning instruments (*Provincial PTCP* plan, *comune PRG* plan, sectoral plans, executive plans, etc.).

B28. The *regione* exercises its planning functions through a specific assessorato which may have various names depending on the scope of its responsibilities (urban planning, territory, environment, transportation, etc.). The *Regioni* obtain the financial resources required to perform their institutional tasks largely from annual transfers from national tax revenues, determined according to criteria laid down by law. Lesser resources are derived from regional taxes, portions of national taxes assigned to them by national laws.

They may adopt forms of cooperation with neighbouring *regioni*, including in planning matters. The structure regional organs are the *Consiglio Regionale* (Regional Council), the *Giunta* (Board), and the chairman of the *Giunta*. The chairman and the members of the *Giunta* must also be members of the regional Council. Managers and office staff are engaged through public competition. Experts outside the regional administration or scientific and research institutes may be assigned specific tasks under contract.

Local government departments

Provincia

B29 The national territory is divided into 103 *province*, two of which – Trento and Bolzano in which the Trentino Alto Adige *regione* is divided – enjoy special autonomy. The number of *province* is growing because when *comuni* reach a certain population size or economic importance they aim to achieve provincial status.

B30. The *provincia* is the local Government tier intermediate between *comune* and *regione* and is of ancient origin. It has specific responsibilities in land-use planning, with competence within its ad-

ministrative boundaries, which may be altered by Regional Law. It attends protection of land resources, environment, road conditions, water resources, etc. It coordinates the proposals of the *Comuni* about economic, land-use and environmental planning for the whole *provincia*. It contributes to determination of regional programmes. It prepares and implements the provincial *Piano Territoriale di Coordinamento*, respecting *comune* competences and in implementation of the regional programmes. The funds available to the *provincia* derive from its own taxes and from participation in national or regional taxes, transfers from national or regional government and sundry income.

B31. The provincial government comprises: the Provincial Council, the *Giunta* (Board) and the chairman of the *Giunta*. The chairman and members of the *Giunta* are drawn from the Council. Managers and office staff are engaged through public competition. Specific tasks can be assigned to experts, even by contract. The *provincia* has a secretary, who is a State employee.

Comune

B32. The *comune* has direct responsibility for land-use within its own borders. It prepares general and detailed planning instruments which urban and building transformation of the territory by private and public sectors is regulated. In the exercise of its land-use functions the *comune* can exert the autonomy given by law. Nevertheless, its autonomous decisions must fit within the decisions of higher tiers with wider responsibilities, specifically in land-use planning and in associated economic matters. The *comune*, therefore, when it prepares its own planning instruments, can be considered the authority that gives concrete implementation to a chain of decisions made in a hierarchical form.

From the executive point of view, the *comune* identifies its own objectives and pursues them by preparing detailed urban planning instruments (see Instruments at the local level).

The *comune* can also regulate long term, with *Programmi Pluriennali Di Attuazione PPA*.

B33. Those in the public or private sector who intend to construct according to the indications given by planning instruments – including regional and provincial ones – for the areas they own, must apply for a building permit. This act of au-

thorisation is within the exclusive competence of the *comune* and cannot be substituted by actions of other authorities. The *comuni*, too, are financed by the transfer of tax revenues from the State and from their own resources, determined by national laws. In urban planning, their own resources include fees for building permits, which are paid by those who construct works at a rate depending on the type and characteristics of the works.

The structure of the *comune* comprises the Council, the *Giunta* and the mayor. The *comune* has a secretary, who is a State employee.

Città ed area metropolitana

B34. These have been created where *comuni* demonstrate a relationship of close interdependence with one another, in terms of economic activities, essential social services, cultural relationships and territorial characteristics. The local administration in the area comprises two tiers: the metropolitan area and the individual *comuni*. The metropolitan area has responsibility for tasks of a supra-municipal character and those which must be performed in a coordinated form and relate, essentially, to land-use management. It therefore attends to land-use planning, road maintenance protection of cultural and environmental assets, land resource protection, etc. The *comuni* within the metropolitan area, therefore, exercise those functions not expressly attributed to the metropolitan area. The metropolitan area is financed by taxes and contributions for service assigned to it. The structure of the metropolitan area comprises the metropolitan council, the metropolitan *Giunta* and the metropolitan mayor.

Comunità Montana

B35. These are local authorities formed from the amalgamation of several mountain or partially mountain *comuni* and have responsibility for promoting the mountain areas. They exercise *comune* functions jointly, and eventually when the merger of the associated *comuni* occurs. They cannot have a population of less than 5 000 inhabitants, and *comuni* with more than 40 000 inhabitants cannot form part of them.

The *Comunità Montane* perform the function attributed to them by the law and provide for special measures for the mountains, including those of the European Union. They adopt multi-annual

plans for works and actions for social and economic development including those provided for by the EU, they contribute to the formation of the *provincial Piano Territoriale di Coordinamento* and through this to the regional plans and are in turn influenced by these.

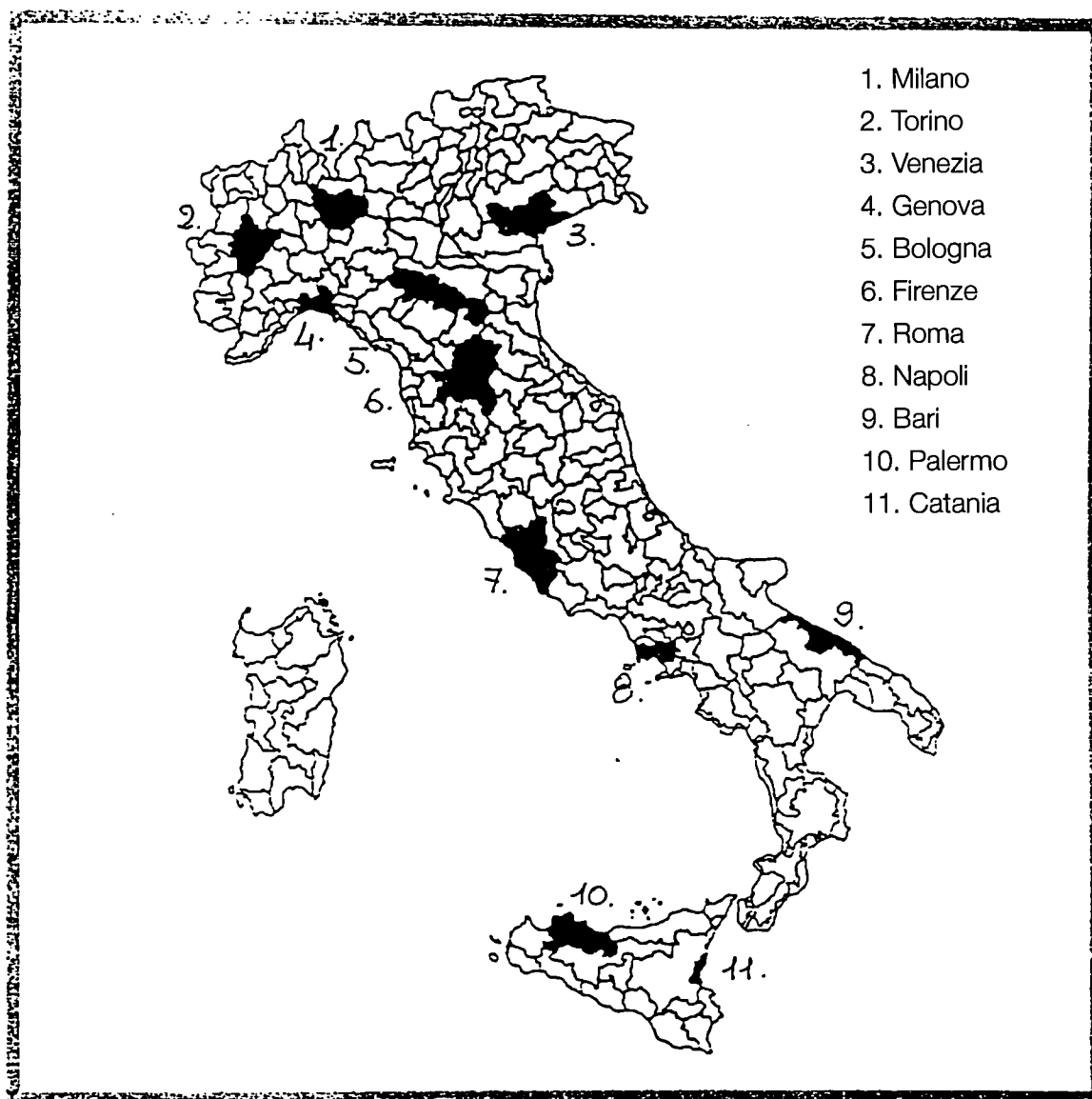
Other organisations

B36. There are many other organisations that attend to spatial planning, the environment, protection of the heritage, monuments, landscape, ecology, historical centres, etc. and which contribute by making suggestions or proposals in the various sectors that comprise planning or apply pressure for the adoption of specific planning decisions. It should be pointed out that in relation to the primary planning instruments (those supplying general indications for an area but which do not contain the declaration of public interest necessary for proceeding to expropriation) anyone, and therefore also the organisations referred to, can present formal observations and objections. In relation to executive instruments *Piani Particolareggiati*, the private parties directly effected by the plan can make representations to which the *comune*, first, and the *regione* that approves the plan, must respond to with exhaustive justification for the obligations imposed on the private party. Other organisations, can present only observations which, having only consultative status, do not legally oblige the authority to such a detailed reply as that reserved for the private party whose interests are affected by the plan.

B37. These organisations (which may be private associations that wish to monitor good government of the territory in general and in particular to ensure specific characteristics of the built-up area) may present objections, in addition to the aforementioned observations. They are also allowed to appeal to the judiciary against urban planning measures that damage their interests. There must be a distinct interest, through a specific relationship between the planning regulations and the members of the association. The leading organisations and private associations active in the planning sector or which can influence it are:

Associazione Nazionale Costruttori Edili (ANCE)

B38. Status and coverage: A national association of private sector building contractors operating in the sectors of public works, housing, commercial and industrial building, building promotion and



Map B.1: The Aree metropolitane (metropolitan areas) covered by law No. 142 of 1990

Summary box B1. The hierarchy of main policy institutions and instruments at the national, regional and local levels

Authority	Instruments	Objectives	Approval procedures and duration
STATO	Economic, town and land-use planning guidelines	Provide guidelines and ensure coordination of planning activities	Laws or Government orders
REGIONE	<i>Piano territoriale di Coordinamento regionale</i>	Planning on regional large-scale Guidelines for planning by lower-tier authorities	Approval by the same <i>regione</i> Unlimited duration
PROVINCIA	<i>Piano territoriale di coordinamento provinciale</i>	Planning on provincial scale Guidelines for <i>comune</i> planning	Approval by the <i>regione</i> Unlimited duration
COMUNE	<i>Piano Regolatore Generale</i>	Land use plan for <i>comune</i> territory	Approval by the <i>regione</i> Unlimited duration
	<i>Piano Particolareggiato</i>	Detailed plan for implementation of the <i>Piano Regolatore Generale</i>	Approval by the <i>regione</i> or by the <i>comune</i> itself
	<i>Piano di lottizzazione</i>		Duration unlimited but not over 15 years
	<i>Concessione Edilizia</i>	Authorisation necessary for execution of any works of transformation of the territory	Issued by the mayor. Validity: one year for start of works, and three years for completion

environmental protection. It has 20 000 member firms, spread all over Italy, of large, medium and small size, grouped in 100 provincial and 20 regional branches.

B39. Objectives: The objects of the association can be summarised as: protection of true entrepreneurship, widening of the construction market, ensuring public financial resources that are constant and sufficient in relation to the investment needed for modernisation of the country; financial and institutional conditions favouring the flow of private savings to the sector; housing policy including actions to recover historical centres and suburban areas and quantitative and qualitative adjustment of house availability; environmental legislation and planning of infrastructure projects; industrial policy that favours the growth and specialisation of enterprises; fiscal policy to promote private investments in the sector; contractual systems and trade union relations that promote the growth of productivity and site safety, and make the best use of skills and promotion of construction abroad by Italian firms.

B40. Mode of operation: the association represents and protects the interests of members in relation to government, parliament and institutions. It is engaged in dialogue with the outside world and with political parties. It offers collaboration with local authorities in land-use planning and capital expenditure planning.

Funding and structure: The association is financed by membership dues paid by affiliated firms in proportion to the number of their employees. It is governed by contractors elected from among its members.

ANCE has its own publisher, *Edilstampa*. Its books are working materials for the firms and cover all construction-related topics, including codes, guides, technological note books, reports, proceedings, etc.

Associazione Nazionale Centri Storico Artistici (ANCSA)

B41. Status and coverage: This is a national association founded in 1960 by experts, *comuni* and other public administrations in order to encourage and support action to preserve and recover Italian town centres of historical, artistic and environmental interest. ANCSA acts in the whole national territory, availing itself of the support of its regional and inter-regional branches.

B42. Objectives. ANCSA promotes studies and research on the protection and recovery of Italian historic town centres; it collects and coordinates the results; it publicises the guiding principles and supports their application. As an association of experts, it offers consultancy services and

technical assistance to national and local administrations in planning and execution of action. It promotes the adoption of laws or administrative measures necessary and maintains relations with similar actors and institutions in other countries.

B43. Mode of operation: *ANCSA* operates principally through research, conferences, study seminars and publications spaces. Additionally, it intervenes in the process of forming and implementing urban planning instruments through consultancies and opinions.

B44. Funding and structure: *ANCSA* is financed from its membership dues (individual, corporate, institutional and authority memberships). Most projects are self-financed or financed by project participation fees or by sponsorships. Membership of *ANCSA* is voluntary. The members (about 600 of them) may be either individuals (professionals, academics, civil servants) or governmental actors (*regioni, province, comuni, research institutes, etc.*).

Istituto Nazionale di Architettura (IN/ARCH)

B45. Status and coverage: *IN/ARCH* was founded in October 1959 as a meeting place for the cultural economic forces that participate in the building process. It obtained legal recognition by Presidential Decree 236 of 28 March 1972. *IN/ARCH* operates throughout Italy.

B46. Objectives and operation: *IN/ARCH* undertakes intense non-profit-making public cultural activity. It pursues its aims by means of conferences and research, with sponsorship and financing from the Ministry of Public Works. It has called conferences of a national character which have had a profound influence on the general orientation of Italian building policy. *IN/ARCH* undertakes active cultural exchanges abroad. On many occasions, through foreign cultural institutes in Italy, it has hosted exhibitions and leading architects from every part of the world.

B47. Funding and structure: *IN/ARCH* is financed by membership dues and contributions towards specific cultural projects. Its members include professionals, construction companies, building material manufacturers, building finance houses, government agencies and businesses. Membership categories are architect-engineer supporters, architect-engineers, junior architect-engineers, firms, industries, government agencies,

public and private sector companies, sponsors, adherents, student adherents.

Istituto Nazionale di Urbanistica (INU)

B48. Status and coverage: *INU* is a high public interest cultural institute founded in 1930 with a statute juridically recognised by a Presidential Decree of 21 November 1949. It operates over the national territory.

B49. Objectives and operation: *INU* promotes and coordinates studies of urban planning and housebuilding, identifies and publicises principles and supports their implementation. As a juridically recognised actor of high culture and technical coordination it gives its advice to and works with public administrations, central and local, in studying and solving urban planning and housebuilding problems, both general and local. It maintains relations with similar institutes and organisations in other countries. *INU* pursues its objectives at a national, regional and local level through research activities, meetings, study seminars, etc. and through publishing activities. Specifically, *INU* intervenes through debates and also formally (in a legally recognised procedure) in the process of formation and implementation of urban planning at the municipal provincial, regional and national levels, through submission of advice or opinions.

Funding and structure: *INU* is financed from membership dues (individuals, public sector actors, *regioni, province, comuni, associations, businesses, etc.*). Most initiatives are self-financing either because participation is by payment or because they are sponsored. Membership of *INU* is voluntary. The members (about 3 000 of them) may be either individuals (professionals, civil servants, etc.), active members, supporting members or organisations (*regioni, province, comuni, sectoral organisations, banks, businesses, etc.*), affiliated members.

Non-governmental organisation

Italia Nostra

B50. Status and coverage: *Italia Nostra* is a free association of citizens which aims at soliciting State and local authorities and public opinion for protection of the historical, artistic and natural heritage. *Italia Nostra* was formed on 25 October 1955 and was legally recognized by Presidential Decree 1111 of 28 August 1958. *Italia Nostra*

has over 200 branches and 16 regional councils as well as the national office in Rome. It publishes a bulletin and monographs.

B51. Objectives and mode of operation: To achieve its objectives, *Italia Nostra* arranges conferences and publicity aimed particularly at creating livelier interest in the problems of conservation of the urban and rural landscape, of monuments, and of the environmental character of the city, especially in relation to the great expansion of urban and extra-urban building. It encourages application of the current laws and promotes legislative measures to prevent damage to the country's artistic and environmental heritage.

B52. Funding: *Italia Nostra's* assets comprise operational surpluses, legacies, donations and all other income which, by its nature or by resolution of the governing council goes to increase the assets.

Legambiente

B53. Status and coverage: *Legambiente* was formed in 1980 and since 1987 has been recognised by the Ministry of the Environment as an environmental interest association; it forms part of the European Environment Bureau. It is an association that operates at the national level with 20 regional offices and over 1 000 local units and classes for the environment (school and educational sector). **Objectives:** Its principal objectives are defence of the environment and human health, natural resources and plant and animal species; protection of the historical and cultural heritage of the territory and the landscape; the promotion of styles of life, production and consumption based on respect for the ecosystem and a balanced relationship between human beings and nature. Its activities for defence of the environment range over many fields from anti-nuclear and pro-alternative energy activities, to commitment to fighting pollution in the city, sea, waters, and soil; to action to improve environmental controls and measures to halt the global risks from the greenhouse effect.

B54. Mode of operation: It annually organises the *Goletta Verde*, *Treno Verde*, and *Operazione Fiumi* monitoring campaigns which collect data on the environmental health of city, sea and rivers. It promotes voluntary environmental work including clean-up days on beaches and sections of coast and ecological holiday summer camps. *Legambiente* is financed from membership dues. Its ac-

tivities are based on voluntary work by members and others. Private sponsorship may be used to finance specific campaigns under special agreements.

WWF Italia

B55. Status and coverage: The *WWF Italia* was formed in 1966 following formation of a nucleus of individuals who decided to organise the *WWF Italia* as an association fully independent from the international organisation but closely tied to it by its objectives and by a specific collaboration agreement. It is legally recognised as an association for the protection of general interests in relation to the protection of the environment and the historical and artistic heritage of the nation by Presidential Decree 493 of 1974.

B56. Objectives and mode of operation: *WWF Italia* acts by organisation of campaigns of information and consciousness-raising on the person-nature relationship, and also by direct and immediate actions such as specific campaigns for management of protected areas. The *WWF* manages 19 protected areas, parks and nature reserves in all parts of Italy, either directly or in collaboration with other actors. Extensive activities are in progress to support existing national parks and press for the creation of new ones. **Protection of the territory:** To limit land consumption and rationalise the use of resources, with specific actions to improve the urban environment.

Funding and structure: The *WWF* is financed from various sources, of which the principal ones are membership dues, donations, organised campaigns and public subscriptions, contributions from public and private sector actors, commercial and advertising agreements. *WWF Italia* has 250 000 members. About 15 % of the members are active in the *WWF* branches and constitute the operating base for the whole association.

Policy instruments

B57. Each level of government (*regione, provincia and comune*) has a corresponding single basic instrument of physical planning providing general primary regulation. The form and content of the instrument varies according to its specific function. These instruments are supplemented, at the various levels of competence, by sectoral

plans; that is, by instruments that have a physical planning content in relation to individual sectors or parts of sectors affected. Examples of such plans are those concerning transportation, which comprise the *piano generale trasporti* (PGT) at the national level, transportation plans at the *regione* and *provincia* levels, and the *piano urbano di traffico* (PUT) at the *comune* level. The *piano globale trasporti* provides guidelines and coordination for national transport policies. The regional and provincial plans contain more detailed components and the PUT relates more specifically to the road traffic aspects of the local urban situation.

B58. Another specific example of sectoral plans is that for hydrographic basins, divided by the law into basins of national importance (which the law identifies) and those of inter-regional and regional importance. Basin authorities are provided for these basins and are responsible for preparing and adopting the *piano di bacino* which is considered a sectoral plan. It is aimed at planning and programming actions, measures and regulations of conservation, protection and exploitation of land resources defence and exploitation of the soil, as well as managing use of water resources.

Instruments at the national level

B59. On a national level, the Government performs the function of guiding and coordinating urban planning, through instruments that are not considered plans in the strict sense of the word. These instruments, rather, take the form of resolutions on general objectives or objectives relating to specific sectors. In addition, the national government is responsible for identifying the fundamental guidelines to be applied in the territory (Art. 81, DPR No 616 of 1977) and for formulating the concrete programmes for national-level action in the specific sectors. These instruments may be applied to the entire national territory or just to specific sectors of action, and they have no pre-set duration; their validity may be indefinite, or the plans may be made effective for a certain period of time. They represent the general objectives which, according to the Government, must be followed in defining land-use. All national and local authorities must comply with these objectives in the preparation of their own planning instruments.

B60. The principal planning instruments on a national level can be divided into three categories:

1. plans relative to infrastructure, including the *Piano Trasporti*, the port plan, and the plans

and programmes regarding the location and re-conversion of electric power generating plants;

2. instruments regulating the issuing of financing for specific sectors, among which is the 10-year plan for public residential housing;
3. plans or programmes for experimental actions, among which are the Urban Renewal Plans *Programmi di Riqualificazione Urbana* (Art. 2, Law No 179/1992) (see description that follows for more detail) – which facilitate the granting of national financing to the *comuni* through special public, competitive procedures.

Programmi di Riqualificazione Urbana

B61. Status: The PRU is a latest-generation instrument that was introduced on an experimental basis under Law No 179 of 1992, and is strictly linked to the granting of State public funding activated with procedures of competition among *comuni*, and assigned by the Ministry of Public Works. Through this financing, the State solicits and promotes initiatives of *Programmi Integrati*, or actions that are integrated from the point of view of the resources involved (both private and public), the type of action (new construction, re-utilisation and recovery, urbanisation and urban furnishings) and the functional designation.

B62. Geographic coverage: The *Programma di Riqualificazione Urbana* applies to those areas, within the larger *comuni* or those *comuni* hit by the effects of metropolitan growth or industrial development/crisis, that have already been developed and are now in a state of decay. The areas to be renewed are chosen independently by the individual *comuni*, together with the private operators interested in proposing solutions. The PRU can be more or less detailed, in that it may concentrate on individual buildings or may apply to more widespread areas. Regardless of the area, however, its nature is highly operative: it defines only those actions that will be financed under the aegis of the PRU itself. Thus, it can be considered a discrete, precise instrument.

B63. Duration: Given its nature as an operational plan, the period of validity of the PRG depends on the time required for the planning and realisation of the works involved.

B64. Objectives: the *PRU* proposes to:

1. renew urban areas characterised by structural, urbanistic or environmental decay and that are strictly residential;
2. activate private resources, with public resources being assigned the guiding role; to that end, recourse can be made to the *variante urbanistica*, or variance, that allows a specific departure from the prescriptions set forth in the planning instruments, which are generally rather inflexible;
3. intervene with an operational style, thereby eliminating the downtime that ordinarily results between the planning of a project and its realisation, generally at the expense of urban quality.

B65. Use: the *Programma di Riqualificazione Urbana* is utilised:

1. by the State – to optimise the application of scarce public resources, assigning them only to already defined programmes (ordinarily funds for public residential housing are distributed, on the basis of requests, by the State to the *regioni*, and by the *regioni* to the *comuni*, at which time the works are planned);
2. by the *comuni* – to solve unresolved urban problems related to the effects of a distorted growth or transformation phenomenon, by organising complex interventions, from the point of view of both the multiplicity of actions and the variety of persons or groups involved; the *PRU* is also used by the *comuni* to solicit private resources to supplement the public investment;
3. by private operators – to intervene in low-density market areas; thanks to the synergies established under the programme, the operators can receive an acceptable level of certainty about the size and time frames of the planned works in which they will be involved; another incentive to private operators (construction companies) is the possibility of winning, under a *Programma Integrato*, the realisation of public works outside the normal competitive-bidding procedures.

B66. Production of the instrument: the *PRU* is formulated by the *comune*, promoting and coor-

inating proposals for public and private actions, is adopted by the *Giunta Comunale* and is then submitted to the *Ministero di Lavori Pubblici* for participation in the competition; if the programme submitted is financed, and if it represents a variance of the established planning instruments, it must be approved by the *Conferenza dei Servizi* of the *regione*, by the *Ministero di Lavori Pubblici* and by the *comune*. There are various procedures that the *comune* can follow in choosing private partners.

- direct agreement, especially for owners of certain areas deemed to be strategic;
- public call for proposals, to test the potential of various areas or proposals;
- competition, which requires greater public management of the programme (identification of the specific areas and the public objectives to be achieved in the proposals, the rules to be followed in the formulation of the proposals and in the selection of same) in order to guarantee access to the competition to a wide variety of private operators, under fair and equal conditions.

B67. Practice: Because this is an instrument still in the early stages of experimentation, we can only highlight the needs for innovation revealed by the process, which indicate the necessity:

1. for the technical refinement aspects – new instruments for economic, environmental and urbanistic evaluation, and a flexible redefinition of the urban planning programmes, in a context which to date has based its approach to planning exclusively on rigid provisions;
2. for the aspects related to review and revision procedures – modern methods of publishing/posting the plans, which are currently incompatible with the increasingly operational nature of the new programmes, thereby reinforcing, through collective participation, the definition of public objectives;
3. for the aspects related to the organic incorporation of the instruments in the body of law – new instruments in the area of national urban planning legislation.

Instruments at the regional level

Piano Territoriale di Coordinamento (PTCR)

Status, area and duration

B68. The PTC contains prescriptions and indications on land-use effective in relation to lower tier authorities (*province, comuni*) and planning instruments (provincial structure plan, PRG). This plan is prepared and approved by the *regione*. The plan may cover all or part of the regional territory. No time limits, except for restrictions associated with expropriation, for which the duration of effect is determined by law.

Objectives and use

B69. The PTCR orientates and coordinates planning activity in the area affected by the plan in respect; principally (save for additions made in regional legislation) areas to be reserved for specific purposes, areas to be subjected to special restrictions or limitations by law, areas to be selected for new urban development, areas of special characteristics and importance, and the principal existing or planned routes for roads, railways, power lines and navigation. It is taken as a source of guidance and regulation by lower tier authorities (*provincia, comune*) in preparation of their own planning instruments.

Policy production

B70. The procedures for forming the plan are determined by regional law. In general the plan, prepared directly by the regional administration, usually with the collaboration of external consultants, is submitted for adoption by the regional council and then published. Following publication, local authorities and private individuals or associations may present observations and possibly objections which the regional council may accept or reject in the course of final approval.

Practice and monitoring

B71. Relatively few *regioni* have adopted this instrument (Umbria, Veneto, Trentino Alto Adige). Monitoring is not envisaged at the formal level.

Piano Territoriale Paesistico (PTP)

Status, area and duration

B72. This landscape plan contains indications, prescriptions and restrictions relating to protection and exploitation of the landscape, and is effective in relation to lower tier authorities and their planning instruments as well as the private sector. The plan is prepared by the *regione*, or by the *provincia* on its behalf. In some *regioni* (Marche), it is produced by the *comuni*. There is no fixed duration. The plan may cover the whole territory of the *regione* (Liguria, Emilia Romagna, Veneto, Marche, etc.) or part of it (Abruzzo, Basilicata, Campania, Molise, etc.).

Objectives and use

B73. The PTP defines environmental and landscape implications of possible physical or land-use transformations and provides guidelines for construction of new landscapes. It is taken as an obligatory reference in preparation of planning instruments at the various levels and individual public and private sector actions must comply with its prescriptions.

Policy production

B74. The plan formation procedures are laid down by regional law. In general the formation and approval procedures are the same as those given for formation and approval of the territorial coordination plan as stated above.

Practice and monitoring

B75. Almost all *regioni* have landscape plans for at least parts of their territory. Monitoring this is not envisaged at the formal level.

Piano Territoriale Paesistico (PTP): Information sheet

Scope

B76. The PTP is used by the *regione*, or more precisely, by the authority to whom the *regione* entrusts the responsibilities for environmental protection, to:

1. guide the formulation and issuing of the opinions (*nulla osta*) that are required for the approval of construction projects in areas that

are subject to *vincolo paesaggistico*, either as a result of express legislative acts or because of objective conditions cited in the law (areas characterised as coastal, mountain, wooded, archeological, etc.);

2. direct the formulation of new urban planning instruments and oversee the modifications of those already established.

Technical content

B77. The technical content of the *PTP* is not established by national law, given that this is an area of responsibility delegated to the *regioni*, but we can extrapolate a general idea of the identifying characteristics of the *PTP* from current practice:

Classification of the environmental assets to be protected.

Definition of the levels of protection. A technical regulation is applied to each of these levels (*zone di rispetto*), which outlines the types of construction and transformation activities that are allowable and the conditions under which they can be implemented; the favorable opinion (*nulla osta*) of the territorial environmental protection authority that has jurisdiction in the case (the *regione* itself, unless it has delegated such responsibility to the *comune* or the *provincia*) is issued only when these conditions have been respected.

Guidelines for environmental enhancement efforts. This is a general outline of public-interest interventions (regarding vegetation, water systems, historical patrimony, etc.) that is not, however, supported by specifically earmarked financial resources and thus can be considered a system of guidelines for the relative public authorities and agencies.

Procedures

B78. The *PTP*:

1. affects primarily the areas specifically protected by *vincolo paesistico*. These are areas which have been either identified by a provincial commission established expressly for the purpose, and then subjected to restrictions by a Decree issued by the President of the *Giunta Regionale*, or which are characterized by conditions which require the automatic application of the limits imposed under law;
2. is drawn up by the regional technical offices (or the provincial offices if they have been del-

egated the responsibility), or by independent professionals entrusted with the task;

3. is adopted by the *Giunta Regionale*, and is then published and put to the relative *comuni* and individual or associated citizens for the collection of observations;
4. is approved by the *Consiglio Regionale*, with modifications, if any, resulting from the aforementioned observations.

Illustration of the *Piano Territoriale Paesistico* (Landscape Planning Scheme) for the Region of Lazio – Tiburtino District.

B79. The Landscape Planning Scheme for the Region of Lazio (the *PTP*, or *Piano Territoriale Paesistico*) was formulated, as provided for under Law No 431/85, in accordance with guidelines established by Article 23 of the applicative regulation relative to Law No 1497/39, supplemented by the aforementioned Law No 431/85. The content of these two laws makes explicit reference to protection of the landscape characteristics, historical-archeological resources and natural resources (in terms of vegetation, flora and fauna, and the hydro-geological and geo-morphological characteristics) that determine the quality of the area landscape. For the purposes of the plan, the regional territory was divided in 15 districts, each one assigned to a different group of urban planners.

B80. This plan focuses on one of the 15 districts, No 7 – the Tiburtino⁽¹⁾. This district encompasses 19 municipalities with a total population of approximately 200 000 inhabitants, and covers an area of about 70 000 ha. The larger municipalities are Tivoli and Guidonia, each with approximately 55 000 inhabitants, and Monterotondo and Mentana, with about 25 000 residents each. The district is divided into two large geographic areas: the Roman campagna, or countryside, which to the east stretches to the slopes of the Tiburtine hills; and the sub-Apennine area that extends north and south along the Lucretile hills, to the Prenestine hills.

B81. The plan is made up of, and defined by, the following exhibits:

⁽¹⁾ The urban planners entrusted with the planning for District No 7 are: Arch. Stefano Garano (coordinator), Arch. Luisa Anversa, Arch. Giorgio Benucci, Arch. Rosario Giuffrè, Arch. P. Giuseppe Indelicato, Ing. Mauro Maugini, Ing. Marcello Rebecchini.

- E/O: Descriptive report
- E/4: Technical implementation norms.
- Table E/1: 'Constraints under Law 431/85' (1:25 000 scale)
- Table E/2: 'Areas subject to protection under Law 431/85'
- Table E/2.1: 'Environment: land protection' (1:25 000 scale)
- Table E/2.2: 'Structural character of the territory' (1:25 000 scale)
- Table E/3: 'Classification of the areas for purposes of environmental protection' (1:25 000 scale)
- Table E/3.A: (attachment to Table E/3) 'Poggio Cesi' (1:10 000 scale)
- Table E/3.B: (attachment to Table E/3) 'Lucretile Hills' (1:10 000 scale).

B82. The descriptive report presents: the general assumptions, which define the principal content of the plan; several observations about the character of the area, in terms of its historical and natural resources, and the transformation processes currently under way; the relative regulations; a definition of those areas of the district of particular interest in terms of scenic or natural resources.

B83. With regard to the method for defining protection, the Landscape Planning Scheme identifies, on the basis of several studies aimed at distinguishing those principal structural aspects of the area define the quality of the landscape, elementary ecological systems and minimum landscape units, determined by one or more inter-related elementary systems:

- the first elementary system encompasses the waterways, the vegetation found in the high water beds and the trees in the immediate vicinity;
- the second elementary system is made up of woods and pasture land.

The agricultural area was object of a two-fold interpretation: as farmland in its own right, and as a connective element between elementary systems and between landscape units. The historic centres and other individual elements (diffused resources), considered additional aspects that define the physical structure of the area, are the object of a specific environmental protection regulation.

B84. On the basis of a combination of these individual elements and the elementary ecological systems and the minimum landscape units, the

group has identified, within the district in question, 12 systems of particular landscape and/or naturalistic interest to be submitted to specific protection regulation; these are in addition to the five districts already protected under the provisions of Laws No 1497/39 and 431/85.

B85. The technical norms provide for varying levels and categories of protection, based on the various recognised characteristics of the landscape of the area.

The first level of protection (A) encompasses the categories of resources set forth in Art. 1 of Law No 431/85, and specifies the systems to be safeguarded as either individual systems or as elements of larger groups of systems: (hydro-morphological/vegetational system; woods/pasture land system; areas of archeological interest; mountain tops; scenic views and panoramic routes; individual pre-existing archeological sites and monuments; ancient aqueducts; springs). This level is the most restrictive to the extent that it allows only those types of intervention that ensure the maintenance of the current character of the places in question.

B86. The second level (B) refers to agricultural areas of notable landscape interest. Under this level, limited transformation is allowed in the territory, though the scope of such actions must be limited to the maintenance or encouragement of the area's agricultural character (areas of considerable natural or landscape beauty that host mixed vegetation; now abandoned agricultural lands that still offer elevated value in terms of natural resources or landscape interest; agricultural areas characterised by particular landscape value).

B87. The third level of protection (C) refers to those areas contiguous to developed areas, where authorities have approved building activities that are, however, subject to special restrictions in order to maintain a congruent relationship with the surrounding environment (transformation that respects the limits set forth in currently operative urban instruments; transformation under unitary detailed plans; transformation constrained by special restrictions, historic areas and surroundings).

B88. The fourth protection level (D) applies to areas that are in a state of decay caused either by improper development and/or neglect, object of unitary, organic actions of environmental recovery

(environmental requalification and recovery under detailed plans; requalification and safeguarding of the vegetational and geo-morphological character through processes of re-forestation).

B89. The Landscape Planning Scheme of the Region of Lazio was finalised in December of 1986 and adopted by the Regional Commission in the spring of 1987. When the plan regarding the Tiburtino district had been posted and reviewed by the municipalities, it was the object of 95 observations, to which the regional authorities have already responded. The plan is currently awaiting the approval of the regional council.

Reference texts:

Urban Planning Department and Environmental Protection Department of the Region of Lazio, Landscape Planning Schemes District No 7, Report, 30 June 1986.

Urban Planning Department and Environmental Protection Department of the Region of Lazio, Landscape Planning Schemes District No 7, Technical Norms, 30 June 1986.

Stefano Garano, 'The Regione Lazio and the Tiburtino Zone', in *VIA Progettare nell'ambiente*, No 8/1988.

Instruments at the local level

Piano Territoriale di Coordinamento (PTCP)

B90. Status, coverage and duration

The provincial *PTCP* contains prescriptions and indications on land-use which local authorities and public administrations must conform to in the exercise of their respective competences. The plan is prepared and adopted by the *provincia*. The procedures for its approval are established by regional law. The plan covers all the territory of the *provincia*. There are no time limits.

Objectives and use

B91. The *PTCP* determines guidelines for land-use in the area covered and specifically the different zoning of land according to the predominant uses; the general siting for major infrastructure and lines of communication; areas of action for hydrological, hydrogeological and hydrological-forestry actions and in general for erosion prevention and water flow control; and areas where nature reserves or parks could be sited. It is taken as a source of guidance and regulation by lower tier (*comune*) and sectoral authorities in

preparation of their own planning instruments (*PRG*) and sectoral and action planning.

Policy production

B92. The plan-making procedures are determined by regional law (though most of the *regioni* have not yet passed such laws). In general the plan, prepared directly by the provincial administration with the collaboration of external consultants, is adopted by the Provincial Council and then published and submitted for observations by the local authorities (*comuni*, sectoral agencies) concerned. It is then reviewed and definitively approved by the *regione*, which checks its coherence with regional planning instruments and sectoral plans.

Practice and monitoring

B93. Only the two special statute *province*, Bolzano and Trento, and a few ordinary *province* have yet adopted this instrument, but others are following. Monitoring is not envisaged at the formal level.

Piano Regolatore Generale (PRG)

B94. Status coverage and duration

The *PRG* gives indications for land-use at the general level, defining land-use for the area of the *comune*. Usually it requires an executive plan for implementation. However, *PRGs* often provide for the possibility of direct implementation by owners through building permits (e.g. for agricultural zones, for completion of building zones, etc.). The *PRG* is prepared on the instructions of the *giunta comunale*, adopted by the *comune* Council and approved by the *regione*, or by the *provincia* acting on its behalf. The zoning plan must cover the whole territory of the *comune*. The *PRG* is effective without any time limit and its provisions therefore do not expire until replaced by another plan. The expropriation-related restrictions imposed by the plan have a duration of five years, within this time they may be converted to detailed plan restrictions and have a further legal duration of 10 years. Studies for the plan, therefore, cover a specific period of time, usually about 10 years. Regional regulations usually require *comuni* to submit the plan to periodic reviews. If necessary, the *comune* can update the plan by the procedure envisaged for the entire plan and submit it for approval to the *regione*.

Objectives

B95. The plan regulates land-use in the territory of the *comune*, indicating the principal communication routes, public areas, areas for public buildings, restrictions to protect the heritage, environment and landscape, etc. prescribes, through regulations for implementation of the plan, the physical or functional status of the individual elements or the individual parts or zones of the *comune* territory. The level of prescription in the plan is general in the sense that much of its implementation requires production of the executive planning instruments. Zone boundaries, principal road routes and functional zoning cannot be altered except as mentioned earlier.

Use

B96. The *PRG* plan is used, first and foremost, by the *comune*, as the basis to prepare and adopt executive plans; then by individual citizens who may apply to construct in the zones where the *PRG* allows them before the approval of the executive town plan or programming instrument *PPA* (multi-year implementation plan). They may prepare and propose to the *comune* for approval, executive planning instruments such as the *Piano di lottizzazione (PDL)* (which is a type of allotment plan). State and *regione* also use the *PRG* in relation to actions within their competence, though in the case of State administrations there is the possibility of derogation (Article No 81 DPR 616 of 1977). The *PRG* forms part of the overall planning system, since it respects the basic land-use guidelines identified by the State and also the prescriptions of the coordination plans of the *regione* and *provincia* to which the *comune* belongs and also the other sectoral plans of higher tier local authorities.

Policy production

B97. The *PRG* is prepared by the *Giunta comunale*, in collaboration with the *comune* technical departments but also and more particularly with outside professionals. The plan is submitted to the *comune* council which *adopts* it (that is, it approves it at its level of competence). The adopted plan is then published (deposited for examination in the *comune* offices, executed formally) and all interested parties (individual citizens, pressure groups, trade associations, etc.) can present observations of a collaborative nature. Having gathered the observations, the *comune* then expresses its judgements in a council resolution or

else proposes to accept, reject or transmit them elsewhere. Subsequently, the plan and the observations are sent to the *regione* or else the *provincia* which approves the *PRG* and makes decisions on the observations. The *regione*, or *provincia*, may refuse, approve totally or partially, or it may approve with modifications. The *regione* makes the modifications necessary to adapt the *comune* plan to the regional and provincial instruments, as well as to the guidelines approved by the State.

B98. The *comune* adopts the plan according to its own strategic interests, but is supposed to take account of the fact that its own instrument must fit into the strategies of higher tier authorities. The instruments must be approved by these authorities and there are also wide powers of consultation with the same authorities, especially through the so-called *Conferenza di servizi*. In these, not only the approved strategies of authorities with land-use planning competences can be discussed, but also those which are passing through the approval process and those which it seems necessary to launch.

Practice and monitoring

B99. The *PRG* is the basic planning instrument, and not only at the *comune* level. It is the essential base for all land-use control. The State may request modifications, to its requirements in pursuit of its objectives even after approval of the plan. This is on the basis of a complex procedure to ensure the autonomy of the local authorities. Monitoring is connected only with its normal application.

Piano Regolatore Generale (PRG): Information sheet

Technical content

B100. The *PRG* responds to a variety of needs.

- Dimensioning: This term is intended as the estimate of the future requirements for residential housing based on forecasts of demographic growth (current practice uses a 10 to 15 year time frame) and assessments of pre-existing requirements.
- Zoning: Zoning under the *PRG*, which by law must cover the entire area under the jurisdiction of the *comune*, refers to six types of zone

territoriali omogenee, which are defined by law (historic centre, completion, expansion, productive areas, agricultural areas, public spaces). The *PRG* also identifies those areas that are subject to restrictions of a particular nature (such as required distance from infrastructural facilities and restrictions on development for archeological, environmental or hydro-geological reasons).

- Balancing of the standards: Within each of the individual *zone territoriali omogenee*, the *PRG* must ensure certain minimum quantities of public space (parks, services and parking areas) the location of which may either be established at this planning level, or may be assigned under the successive, implementational plan.
- Technical norms: Each of the various *zone territoriali omogenee*, which are generally then subdivided into subzones, are regulated by specific *norme tecniche di attuazione* that govern the types of allowable physical and functional transformation of the land and of the existing structures; these norms also define which interventions can be implemented with a simple request for a *concessione edilizia* and which can be considered only in conjunction with a public plan that implements selected aspects of the *PRG* (*piano particolareggiato esecutivo*, *piano di edilizia economica e popolare*, *piano degli insediamenti produttivi*) or a private plan (*piano di lottizzazione* or *piano di recupero*).

Procedures

B101. The *PRG* or a partial or general variant of the *PRG* is:

1. drafted by the *comunale* technical offices or by independent professionals entrusted with the task, sometimes based on a planning resolution that sets forth the general policy guidelines;
2. adopted by the *Consiglio Comunale*; as of the date of adoption, the *misure di salvaguardia* included in the plan dictate that the *Comune* cannot issue building permits that contrast in any way with this adopted plan, but that it cannot yet implement the provisions of the new plan, unless they are not already included in the previous plan;

3. posted to the public for a period of at least 30 days;
4. put to the citizens for the following 30 days, during which they can submit written opposition, in the form of observations, in which they may defend legitimate individual or collective interests;
5. subjected to a review process (*controdeduzione*) by the *comune* which, with a resolution passed by the *Consiglio Comunale*, can accept or reject the observations filed by the citizens;
6. submitted for approval, together with the observations and the counter-observations, to the next highest level of authority (the *regione* in most cases, but some regions have delegated this power to the *provincia*);
7. then approved, approved with limited modifications, or rejected by the ruling authority; approval times, which have to date been extremely long, have recently been restricted by law to 180 days, at which time the plan is considered approved in the absence of response.

Illustration of detailed planning

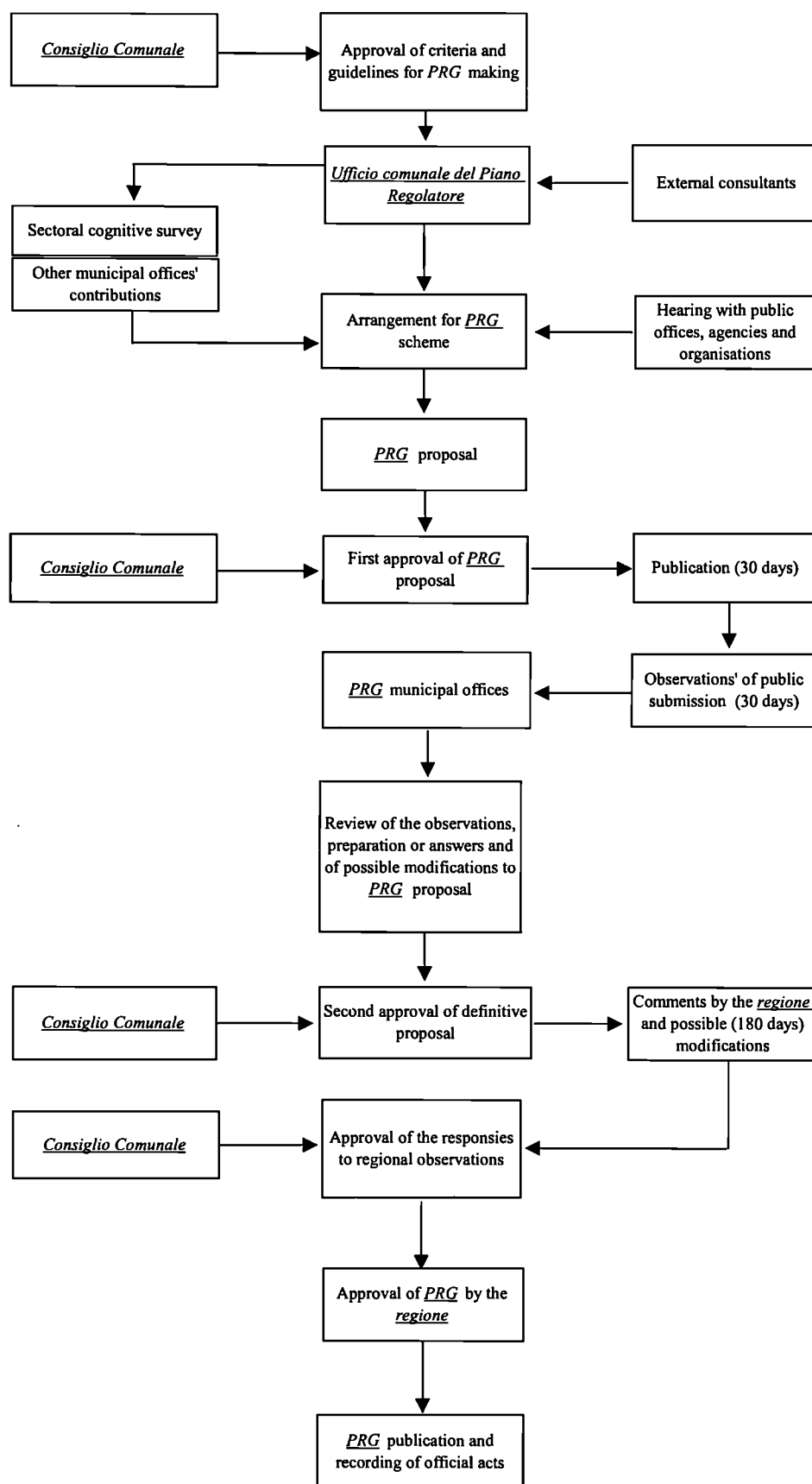
The *Piano Regolatore Torino* (Urban Master Plan of the City of Turin)

B102. The Urban Master Plan of the city of Turin⁽¹⁾ was drawn up in accordance with the Urban Law of the Piedmont Region, which provides for a three-phase process in the formulation of this type of urban-planning instrument. The first phase consists in the drafting of a planning resolution that identifies the general objectives and describes the underlying criteria of the plan.

B103. The second phase is the formulation of the Preliminary Plan, which takes into account the observations presented in response to the Resolution adopted by the City Council, and defines the principal contents of the plan: the outline of the descriptive report, the norms, the plan exhibits and the technical attachments. The Preliminary Plan must be adopted by the City Council and published for citizen review.

⁽¹⁾ The planners charged with the drafting of the Urban Master Plan were A. Cagnardi, P. Cerri, and V. Gregotti of the firm Gregotti Associati.

Figure B1. *Piano Regolatore Generale*. Making and approval procedure



B104. The third phase is essentially a thorough development of the contents set forth in the Preliminary Plan, and the incorporation of any modifications that might have been necessitated in response to observations and amendments. The final Urban Master Plan must be adopted by the city council and forwarded to the region for approval.

B105. The plan covers the entire area of the municipality of Turin, accounting for a total of 130 km², and a population of approximately 950 000 inhabitants. The physical configuration of this area essentially reflects the influence of two separate moments in the city's history: the first was the period during which it was the nation's capital, and the second reflects its role as industrial city. Turin, like the majority of more developed European cities, is currently undergoing profound transformation, which is taking the form of: an intense process of industrial restructuring that is particularly sensitive to technological innovation; the relocation of principal public and other services; and the marked expansion of the urban infrastructures. It is the physical and geographic configuration of the area – characterised by a dense and compact conurbation indifferent to specific administrative boundaries – that enables the plan to take on a metropolitan dimension, and thereby ensure resolution of a number of problems that would otherwise be unresolvable: the extension of the principal rail routes; the enlargement of the parks, and the protection of the environmental system; the need to create new locations for industry and housing.

B106. The plan is made up of, and defined by, the following exhibits:

Description report (Vols. I, II, III, IV)
Urban building implementation norms (Vol. 1)
Normative charts (Vol. II).

Plan exhibits

1. Zoning (1:5 000 scale)
2. Buildings of historic interest (1:2 000 scale)
3. Historic central urban zone: types of intervention (1:1 000 scale)
4. Road network (1:20 000 scale)
5. Hill region road network (1:10 000 scale).

Exhibits of the Descriptive Plan

1. Synthetic blueprint of the Urban Master Plan, with indications of the adjacent municipalities (1:25 000 scale)
2. Structural diagram of the plan (1:25 000 scale)

3. Structural diagram of Turin's conurbation (1:5 000 scale)
4. Service plan-utilisation programme (1:5 000 scale)
5. Historic central urban zone: types of intervention (1:2 000 scale)
6. Historic central urban zone: recognition of the architectonic character of the buildings (1:2 000 scale)
7. Historic central urban zone: Public space (1:2 500 scale)

Technical attachments

The Descriptive Report of the Urban Master Plan encompasses four volumes:

- Vol. I: Description of the plan, which includes the Planning Resolution (summary), the Planning Proposals of the Preliminary Plan and the Planning Proposals in the Definitive Plan;
- Vol. II: Themes and research studies, with the summary of the outside research studies and the analyses executed by the Planning Office;
- Vol. III: The structure of the plan, with the proposals for the metropolitan area;
- Vol. IV: Review of the observations. Criteria.

B107. Accompanying the general planning proposals are the objectives and intervention guidelines for the individual sectors: housing, services, industry, mobility, historic centre and hill zone. For example, in the area of housing, given that there are no longer free spaces for new construction within the already developed city, and that current policy aims at avoiding further expansion and utilisation of non-urbanised areas, the plan identifies opportunities for building, through interventions outlined and classified with relative norms, in the 'urban transformation zone'. These interventions, which will *substitute* the constructed urban fabric in its entirety, or *consolidate* the existing structures, or *preserve* important places and structures, will involve both large-scale transformations ('special districts or districts housing large-scale services, predominantly residential districts', 'tertiary and mixed districts') with a housing capacity of 67 000 inhabitants, and diffused transformations, limited to the individual block, with a housing capacity of 36 500 inhabitants.

B108. The plan also provides for residential interventions in the metropolitan area, outside the ter-

ritory of the municipal administration, and interventions 'providing basic services as well as exceptional services capable of establishing points of reference and defining the metropolitan/urban framework – settlements in areas of elevated geographic and environmental quality, targeted at responding not simply to the demand that emanates from within the city, but to the demand from the entire area. (...) In both Turin and the other surrounding municipalities, the issue of housing must be handled not in terms of individual sectors, but rather combined with appropriate percentages of public and private housing in development projects that are integrated in an organic fashion to services, trade, commerce, tertiary services – each project presenting differentiated responses to the special characteristics of the specific area in question.'⁽¹⁾

B109. The urban building implementation norms guide and regulate the provisions set forth in the plan. These regulations are composed of 36 articles, two attachments, and the normative charts relative to the districts object of transformation, the areas to be transformed for services, and the areas to be transformed in the historic central urban zone.

B110. The Urban Master Plan of the city of Turin is the result of a lengthy formulation process that ensured that the plan benefited over time from myriad contributions made by a wide array of experts and others – which were requested and presented in various forms, including exhibits, public debates and seminars, and numerous presentations of the plan. At the end of this process, the Definitive Plan essentially confirmed most of the objectives, general guidelines and intervention projects that had been presented in the Preliminary Plan.

B111. Numerous changes in the political environment and in the city administration took place over the years during which the plan was being formulated, which slowed the decision-making and approval process of the plan, as evidenced by the brief summary presented below of the main steps in the route the plan took to approval:

- January 1987: launching of the formulation of the plan.
- March 1987: submission of the draft of the technical contribution to the Planning Resolution, encompassing two volumes – the first a Summary outlining the general guiding principles of the plan, and the second, Documents, which presented the first analyses and inter-

pretations of the city, the plan for the outside research studies that would be necessary, and a proposal for the cultural and communication efforts related to the plan.

- December 1989: approval of the Planning Resolution.
- March 1990: Launching of the formulation of the Preliminary Plan.
- April 1991: submission of the Preliminary Plan.
- December 1991: adoption of the Preliminary Plan.
- March 1993: submission of the Definitive Plan.
- December 1993: adoption of the Definitive Plan.
- May 1995: approval of the Urban Master Plan by the Regional Administration.

B112. Of particular interest are the projects developed during the years in which the plan was in the formulation process (Corso Marche, 1988; Royal Spine, 1990; Po River Park, 1990, Central Spine, 1988-92; covering of the railway by-pass, 1993-95; the new Polytechnic Institute, 1993-95). These projects, of varying scale and varying levels of complexity, demonstrate 'the existence of a dual approach to city planning, another level that goes hand-in-glove with the urbanistic procedures. (...) It is no accident that the Urban Master Plan in the end became a great plan for the city, as extensive as the city itself, composed of a constellation of projects, some quite detailed, some simply indicative, that form a whole from which the underlying regulations can be deduced. The great city plan is a point of departure, inductive.'⁽²⁾

B113. A key focus of the planning process, from the moment the Preliminary Plan was submitted, was the identification of the most appropriate means of communication to publicise the plan, and the design of related cultural initiatives aimed at sparking public opinion and soliciting input from experts on both a local and nation-wide level. In addition to the exhibits and seminars that ensured continued interest and lively debate regarding the plan during the lengthy process, the city of Turin promoted the production of a vast array of documentary and informative materials, which took the form of three different types of publications that reach the public on different schedules:

⁽¹⁾ City of Turin, Urban Master Plan, *La residenza. Il Piano e l'area metropolitana*, Descriptive Report, 1993.

⁽²⁾ A. Cagnardi, *Un senso nuovo del Piano*, ETASLIBRI, Milan, 1995.

- *Plan Notebooks*, targeted primarily to developers and urban planning professionals;
- *Acts of the Plan*, the official publication of the urban-planning decisions made by the City Administration;
- *NewsPRG*, a periodical specifically designed to keep the public informed regarding the Urban Master Planning process.

Reference texts

A. Cagnardi, *Un nuovo senso del Piano*, ETASLIBRI, Milan, 1995.

A. Cagnardi, Plans of the firm Gregotti Associati. A cycle of experience, in *Urbanistica*, No 104/1995.

Programming instruments

Programma Pluriennale di Attuazione (PPA)***

Status, coverage and duration

B114. PPA specifies areas and zones included or not in *Piani Particolareggiati* or *Piani di lottizzazione*, where general land-use plans are to get executive.

Regarding housing forecasts, the PPA needs to respect the proportion (decided directly by *comune*) between areas designated for council tenancy and areas for private housing (Law No 10 of 1977). It concerns all municipal territory.

PPA duration is not longer than five years and not less than three.

Objectives and use

B115. The main aim is to programme the completion of the proposal over a realistic time which allows for the implementation of all development. The PPA has direct effects on the implementation instruments at the municipal level: in times fixed by the programme, local authorities have to supply implementation instruments of general urban development plan for areas identical in the programme. The PPA also apportions building permits which are given only for areas included in the multi-year programme and, beyond these, only for works and intervention included in Law No 10 of 1977, item 9.

Policy production

B116. The formation of the instrument is under the care of *comune*. The *regione* issues on leg-

islative bases the requirements about the formation procedure to be followed.

Practice

B117. Only *comuni* with more than 10 000 inhabitants and those figuring in special regional lists are required to have such a programme. Recently an executive order has been approved, No 551/94, but not turned yet into law (November 1994), through which PPA instrument of programming is made inactive.

Executive planning instruments

B118. The essential feature of executive planning instruments is that they are instruments for implementation of the PRG or PTC and therefore differ from these in content, being more detailed as they specify areas and volumes of development. As regards the legal effectiveness, these kind of plans, are shown on land registry maps and are classified as follows:

B119. Piano Particolareggiato (PP)

This is a public (i.e. local authority) initiative of expropriation by the *comune* of properties (buildings and lands) necessary for the construction of the public works envisaged therein (infrastructure, green area, services). The PP is generally used for implementation of projects in existing built-up areas or proposed expansion where many individual owners are involved and implementation requires complicated restructuring of property rights. For this purpose the PP may provide for use of the *Comparto* instrument. This is the formation of a consortium of owners who own at least 75 % of the property and are therefore allowed to expropriate the remaining 25 % from dissenting owners.

Illustration of detailed planning

The Piano Particolareggiato Pietralata, Rome

B120. The Particularised Plan (PP) of the Pietralata⁽¹⁾ zone was drafted on the basis of the criteria/objectives set forth in the General Plan for the implementation of the eastern directional zones of Pietralata, Tiburtino, Casilino and Cen-

⁽¹⁾ The Pietralata PP was formulated by the Office for the Eastern Directional System (SDO) of the city of Rome. The work was coordinated by Ing. Anna Maria Leone, Director of the SDO Office.

Figure B2. *Piano Particolareggiato*. Implementation plan for public enterprises.
Making and approval procedure.

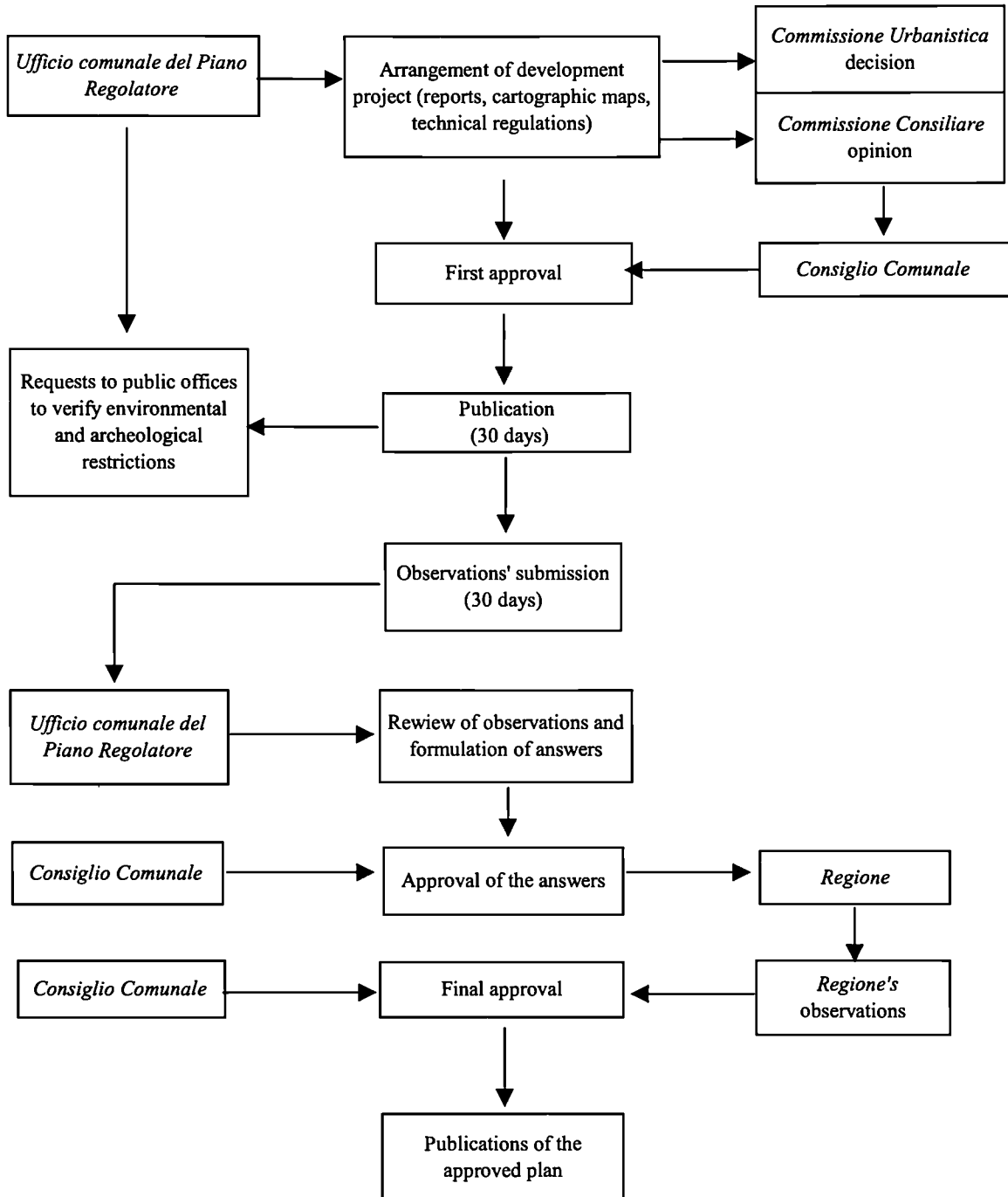
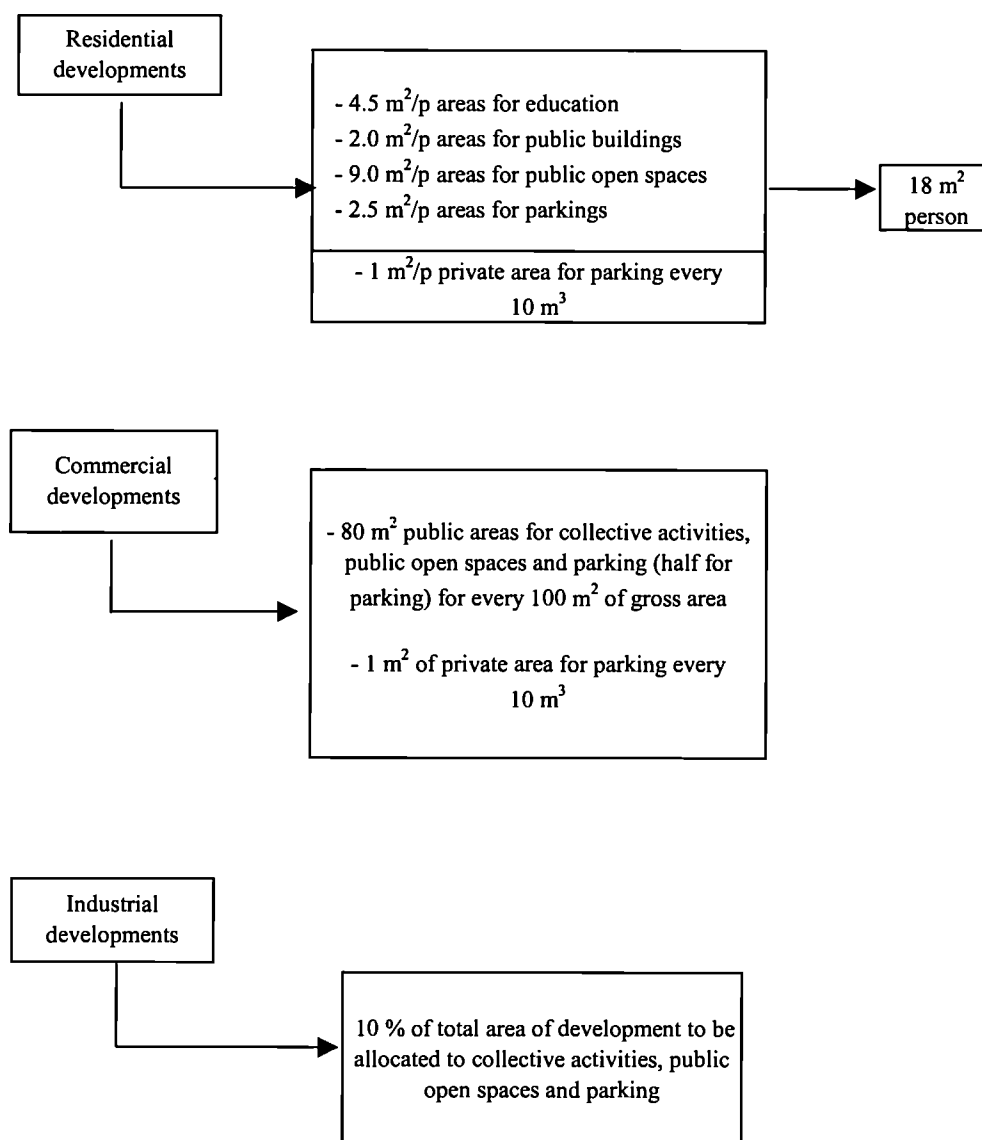


Figure B3. Minimum planning standards set by law (under Ministerial Decree No 1444 of 1968)



Note: Every urbanisation/construction proposal must respect the minimum required standards.

For proposals affecting areas that have already been developed (completion zones according the *PRG*) the standards can be reduced by 50 %.

100 m³ are allocated for each inhabitant, of which 80 m³ residential and 20 m³ non residential.

tocelle, approved by the city council with its Resolution No 75 of 20 April 1995. In accordance with the strategic content of the General Plan, the primary scope of the PP was the urban, building and environmental recovery of the Pietralata zone, through the proposal of measures aimed at the completion, development of undeveloped spaces, and the creation of currently lacking links in the local system of roads. As provided for under the technical norms regarding the implementation of the Urban Master Plan, the PP sets forth the specifications of the particular infrastructure required for these links, as well as quantitative indications of the required public and public-use areas, maximum developable area, building indexes, and maximum allowable building heights.

B121. The plan encompasses a total area of approximately 182 ha, accounting for a population of about 11 800 inhabitants. The zone is bordered to the north by the slopes of the Aniene Valley, to the east by Via di Pietralata and Via dei Monti Tiburtini, to the south by Via Tiburtina and to the west by the Boccaleone Valley – occupied for the most part by the Tiburtina Railway Station extension. The zone is characterised by little development in the northern section and an intensely developed southern section. The open areas within the developed fabric of the zone are in a dramatic state of decay and neglect; the infrastructural system reveals a lack of hierarchical organisation in terms of roadways and various sections of roadway that are incomplete.

B122. The Plan is made up of, and defined by, the following presentations:

Exhibit 1a: 'Extract of the Operative Urban Master Plan' (1:10 000 scale)

Exhibit 1b: 'Extract of the Technical Norms of the Urban Master Plan'

Exhibit 2a: 'Urbanistic and construction consistency: current status' (1:2 000 scale)

Exhibit 2b: 'Illustrations of the construction consistency: current status'

Exhibit 3a: 'Plan for buildable areas and parcels' (1:2 000 and 1:1 000 scale)

Exhibit 4: 'Roadway system and relative regulations' (1:2 000 scale)

Exhibit 5: 'Technical implementation norms'

Exhibit 6a: 'Cadastral blueprint: Zone perimeter' (1:2 000 scale)

Exhibit 6b: Cadastral registries of property to be expropriated

Exhibit 7: 'General Descriptive Report'

Exhibit 8: 'Financial Report'

Exhibit 9: 'Geological Report'

B123. The general descriptive report is divided into two basic sections:

- a first section, 'The territory' that describes the characteristics specific to the zone – in terms of the developed area, the natural, undeveloped area and the pre-existing historic-archeological sites – and presents a summary of the primary challenges that the plan must meet in order to respond to the needs for re-qualification, recovery and enhancement of the entire area;
- a second section, 'The Project', which defines the underlying criteria of the Plan and sets forth the primary objectives and intervention strategies.

B124. Most significant among these are the following:

- the linking of the roadways in the Pietralata Zone to the urban road system;
- completion and improvement of local roadways for the purposes of creating a clearly delineated local roadway system;
- creation of a inter-related series of green areas, made up of gardens, neighbourhood green spaces and urban parks, as well as boulevards and tree-lined pedestrian walkways; this local 'green' network would then link up to the surrounding natural environments;
- integration of local-interest facilities into the fabric of the zone, with location of such services in areas that are easily accessible to the residents;
- outlining of different types of intervention for the existing, already developed areas; these measures are to be differentiated in function of the elements that characterise the various quarters. They will range from consolidation and conservation, to tertiary transformation, to urban development and new construction. Of particular interest will be the new office and residential construction (a total of 600 housing units), which will be located in the central and north-east areas of the zone. The offices, to be concentrated in two areas, will be occupied by various departments of the public administration as well as the Town Hall of Pietralata.

B125. As already mentioned, the Pietralata PP will fulfill the strategic guidelines set forth in the General Plan for the implementation of the eastern zones of Pietralata, Tiburtino, Casilino and Centocelle – guidelines that also take into account the compatibility between the urbanistic model that provides the underpinning of the currently operative Urban Master Plan, and the situation that has been created in the zones and in the surrounding urban areas, particularly with regard to a new system of urban mobility for the eastern section of the City.

B126. This new mobility system, which essentially foresees the elimination of the directional roadway axis provided for by the Urban Master Plan, and the expansion of the tangential and transversal roadway system of the eastern sector of the city, was confirmed in the plan for the general organisation of the railway areas (the so-called PAG), which was approved by the City Council with its Res. No 101 of 12 May 1995.

In order to ensure that the strategic objectives of the General Plan were coherent with those of the PAG, the Office for the Eastern Directional System formulated the Urban Project for the Pietralata-Tiburtina area. As part of the preparation of this plan, authorities consulted with a group of well-known experts in the field, with the objective of soliciting ideas regarding the architectonic, aesthetic and environmental aspects of the interventions that would transform the Tiburtina railway yard and the Pietralata directional zone. The contributions made by these experts, which were illustrated in a public debate on 20 June 1996, were included, in part, in the PP.

B127. The formulation phase of the PP was characterised by an extensive campaign to inform the citizenry, which included the creation of a neighborhood laboratory (City Council Resolution No 1384 of 30 April 1996). This effort ensured that the planning process took into consideration the observations made by the inhabitants on the final draft of the Plan. The PP, approved by the City Commission with its Ruling No 176 of 2 August 1996, is now before the City Council for adoption.

B128. Pietralata Directional zone

Surface area: 182 ha
Inhabitants: number 11 800 ⁽¹⁾
Territorial density: inhab./ha 65
Total public spaces: ha 137.7 ⁽²⁾

Local-level public areas

Scholastic services:	7.8 ha	6.6 inhab./m ²
Social services:	4.8 ha	4.1 inhab./m ²
Parking lots ⁽³⁾ :	5.5 ha	4.7 inhab./m ²
Local green spaces:	26.6 ha	22.5 inhab./m ²
Total:	44.7 ha	37.8 inhab./m ²

Urban-level public areas:

Urban services:	18.3 ha
Urban green spaces:	23.8 ha
Total:	42.1 ha

Urban-level public spaces:

Underground parking ⁽⁴⁾: 26.9 ha

Urban-level public-use spaces:

Urban green spaces ⁽⁵⁾: 24.0 ha

Reference texts:

City of Rome, Department of Territorial Policy, Office for the Eastern Directional System, Particularised Plan for Pietralata, Descriptive Report, July 1996.

City of Rome, 202nd Proposal (City Commission Ruling No 179 of 2 August 1996), Adoption of the Particularized Plan for the implementation of the eastern directional zone of Pietralata, with destination I – variance from the Urban Master Plan, August 1996.

City of Rome, Department of Territorial Policy, Office for the Eastern Directional System, 1995 General Plan, ATEL, Rome, 1996.

'The Urban Project, a necessary and transitory instrument', A. M. Leoni, in *Urbanistica*, Vol No 106/1996.

Piano di lottizzazione (PDL)

B129. This is based on an initiative by private owners. Its content is the same as that of the PP

⁽¹⁾ Value obtained assuming a cubic area index of 100 m³ per inhabitant for existing housing and 80 inhab./m² for new housing construction.

⁽²⁾ Value in excess of the 129 ha provided for in Table B of the Technical Norms of the operative Urban Master plan.

⁽³⁾ Additional local-level public parking will result from the creation of the multi-level parking garages presented in Exhibits 3 and 4.

⁽⁴⁾ Value obtained by applying the standard of 0.6 m² per m² of utilisable surface area destined for directional or non-residential use.

⁽⁵⁾ This is the surface area located within the areas to be assigned to directional and tertiary activities, that must be dedicated to public-use green space and maintained at the expense of the developer.

but its implementation does not involve expropriation since, under an agreement between *comune* and owners, the latter offers the land assigned to public use to the *comune* and constructs the infrastructures and some of the services at their own expense.

Piano per l'Edilizia Economica e Popolare (PEEP)

B130. This is prepared to implement policies for social housing through the finding and making available to the builders (firms, cooperatives, local or national housing authorities, etc.) of areas where low-cost building is possible by means of either low-cost loans or capital grants. In these regards implementation of *PEEPs* takes place through previous expropriation of all the land involved (not only that for infrastructure and services). The part to be built on is then sold or leased to the operators or users whether in the public or private sectors.

Piano per gli Insediamenti Produttivi (PIP)

B131. This is conceived to implement policies for the development of industry, crafts and services, specifically by the finding and making available to businesses of low cost sites with facilities. In the same way as for *PEEPs*, implementation is by previous expropriation, provision of infrastructure and subsequent offering of the sites to firms.

Piano di Recupero (PDRE)

B132. This is prepared to recover and reuse decayed areas of town centres and of existing built-up areas in general. The *PDRE* concerns property in *zone di recupero* (renewal areas) identified by *comune* on the basis of physical decay. The initiative may be carried out either by the public or the private sector. The plans may be assisted by public sector financial contributions, especially in the housebuilding sector.

B133. Approval of the executive plans mentioned above is normally limited to the *comune* itself, provided the instruments conform to the provisions of the *PRG*. Otherwise, since variants to the *PRG* are involved, approval is required by the *provincia* or *regione*.

B134. Recent legislation has introduced new urban development instruments, for which specific financial contributions for public residential housing have been awarded:

Programmi integrati di intervento

B135. Are characterised, in the words of the Law No 179 of 1992, by the presence of a plurality of urban large functions, requiring integration of different types of intervention being on a scale enough to have an effect on urban renewal, and possibly involving competition between several public as well as private operators for financial resources. As regards public funding, the *CER* and the regional authorities decide on how funds are split between the *comuni*. The regional authorities may dedicate as much as 15 % of their public residential building resources to these programmes. From the point of view of promoters on the other hand, it is interesting to note that private individuals are also authorised to present their own integrated programme proposal before the *comuni*. It should be underlined that at present no specific approval procedure has been defined at the national level for these urban development instruments, and that, therefore, they follow the same procedure as for all other instruments under the *piano regolatore generale*. Some *regioni* which do have legislation on the subject (Lombardy, Apuglia, Liguria), promote programmes and specific procedural routes are defined for them. The *Programmi integrati* are approved by the municipal council and may even contain provisions which conflict with urban planning regulations. In this case, associations, citizens and agencies are entitled to make comments on the *comune's* resolution which is then submitted to the *regione* for final approval.

Programmi di recupero urbano

B136. This is defined under article No 11 Law No 493 of 1993 and principally identifies 'work to be carried out on the public residential building stock'. This usually consists of construction and improvement work to primary and secondary city buildings. These can also be proposed by private individuals, including associations to the local authority. The public finance mechanisms are the same as in the previous case, and the ceiling for sharing out regional public residential building funds is also the same.

Figure B4. Procedure for the approval of an urban-building project by the private sector (housing, commercial, industrial, etc.)

PUBLIC OFFICES

Examination by the municipal technical office

Examination of the project by the municipal technical planning committee

Other approval bodies

- *Sovrintendenza archeologica*
- *Sovrintendenza ai Monumenti*
- *Unità sanitaria locale*
- *Circonscrizione (ufficio di zona)*
- *Ufficio scuola*

Approval of design projects for: roads, sewers, water, gas, electricity and corresponding forecast of expense by the municipal offices

Examination of the project by the municipal council (*sotto-commissione del Consiglio Comunale*)

Preparation by the technical office of official undertaking with definition of fees to be paid by the promoter

Approval by *Consiglio Comunale* of the projects and corresponding official undertaking

Approval of detailed projects for roadways, sewers, water, gas, electricity by municipal offices (*ripartizione Lavori Pubblici*)

Approval by *Consiglio Comunale* of the acquisition of public areas and permission for the convention's signed agreement

PRIVATE APPLICANTS

Submission of project to the municipal technical planning office

Approval by the *Sovrintendenza Beni Ambientali*, if necessary

Submission to the municipal administration of design projects for: roads, sewers, water, gas, electricity and corresponding forecast of costs

Returning to the municipal administration of the stipulated official undertaking

Submission to the municipal administration of design projects for roadways, sewers, water, gas and electricity

Assignment to the municipal administration of areas for primary and secondary development use

Submission of *garanzie fidejussorie* to the municipal administration and signed agreement with the statutory authorities (water, gas, electricity)

STIPULATION OF THE URBAN DEVELOPMENT CONVENTION

Approvals by municipal offices, region offices and *Sovrintendenza*

Release of building permission

Submission of secondary urban development projects: schools, churches, etc. (for the costs included by the private operator)

Payment of fees

Piano Particolareggiato Esecutivo (PPE): Information sheet

Technical content

B137. The PRG responds to a variety of needs.

- Analysis of the residential capacity, of the area covered by the PPE: This analysis is necessary in order to evaluate the balancing of the standards; if the PPE in question involves a zone yet to be developed (expansion zone), the residential capacity is already defined by the PRG, in terms of territorial density (inhabitants/hectare); if on the other hand, the plan applies to an area already partially developed (completion zone) or an area characterised by historic construction (historical centre), the residential capacity is deduced from the quantitative analysis of both the existing construction and the planned completions.
- Zoning: The level of zoning included in the PPE is more detailed than that set forth in the PRG and can define, in addition to the building indexes, the use designations of the buildings, the maximum height allowed, the alignments to be followed, and the *comparti* (cooperatives), if any, established for the purposes of the construction or renewal actions in question, in order to impose an organic architectonic solution to the individual areas. The zoning refers to the technical norms of the PPE (see A4).
- Balance of the standards: Within the area affected by the plan, the PPE must ensure respect for the minimum requirements set forth in the law for public spaces (green area, services and parking), in relation to the planned residential capacity (see A1 above), and must indicate where they will be located; the resulting expropriation restrictions are effective for 10 years, as is the PPE.
- Technical norms: The norms set forth in the PPE provide the more detailed application of the PRG norms, and specifically define the aspects related to the construction, form and function of the approved projects.

Procedures

B138. The PPE is:

1. drafted by the municipal technical offices or by independent professionals entrusted with the task;

2. adopted by the *Consiglio Comunale*; as of the date of adoption, the *misure di salvaguardia* included in the plan dictate that the *comune* cannot issue building permits that contrast in any way with this adopted plan, but that it cannot yet implement the provisions of the new plan, unless they are also admissible under the PRG;
3. posted to the public for a period of at least 30 days;
4. put to the citizens for the following 30 days, during which time they can submit written opposition, in the form of 'observations', in which they may defend legitimate individual or collective interests;
5. subjected to a review process (*controdeduzione*) by the *comune* which, with a resolution passed by the *Consiglio Comunale*, can accept or reject the observations filed by the citizens;
6. submitted for approval, together with the observations and the counter-observations, to the next highest level of authority (the *Regione* in most cases, but some regions have delegated this power to the *Provincia*); some *regioni* have also delegated to the *comuni* themselves the power to approve those *Piani Particolareggiati* that do not modify the parameters determined by the PRG;
7. then approved, approved with limited modifications, or rejected by the ruling authority, within 180 days (a time limit that is not always observed); if the plan is modified by the ruling authority, the *comune* can submit its own *controdeduzioni* in response to the modification requests within 90 days, and the plan must be definitively approved (with or without the modifications) within the following 90 days.

Piano di Lottizzazione (PdL)

B139. Status: The PdL is generally a private-initiative instrument, in that it is generally formulated by the owners of the areas that will be covered; the PdL must rationally implement the provisions of the currently effective PRG (the one that has completed the *iter approvativo*, or the entire approval phase), and must specify, on a more detailed graphic scale (at least 1:2 000), the provisions of the PRG. This instrument was introduced in 1967 to streamline the production of the

implementation plans and to involve, from a financial viewpoint as well as an operational viewpoint, the individual property owners affected by the expansion of urban development.

B140. Geographic coverage: This aspect is not defined in the law; the *PdL* generally affects expansion zones and productive areas. The *PdL* has a duration of no more than 10 years from the date of its approval.

B141. Objectives: The *PdL* presents a proposal for the organisation of the growth of a part of the city, defining:

1. The principal infrastructures (local roads and public services) and the areas designated for public use (green area, services and public parking) that must be transferred to the *comune* by the owners, in accordance with the agreements expressly stipulated; the characteristics of these areas must comply with the minimum standards set under the law in relation to the number of inhabitants planned;
2. The portion of the secondary urbanisation works (neighbourhood public parks and public services) that must be executed by the owners; the owners are completely responsible for the works of primary urbanisation (infrastructural systems, roads, parking and furnished parks);
3. The organisation of the land into lots, the building regulations (volumes, heights, distances between structures, typology, etc.) and the functional content of the constructions being planned.

B142. Use: The *Piano di Lottizzazione* is utilised, on the one hand, by the *comune* to ensure that zones characterised by new construction are endowed with the necessary works of urbanisation, and on the other, by the owners of the areas affected, to get a jump on the implementational planning process of the *comune* by proposing such planning themselves. In order to be approved by the *comune*, however, the *PdL* must cover areas that not only are designated as developable according to the *PRG*, but that have been incorporated in the *Programma Pluriennale di Attuazione del PRG* (multi-year *PRG* implementation plan).

B143. Production of the instrument: The *PdL* is drafted by professionals entrusted with the task by the owners, is accompanied by an agreement

outline that translates the technical content into legally binding commitments between and among the owners, is then adopted by the *Consiglio Comunale* in a two-step approval process (with resolutions passed before and after the stipulation of the agreement), and is then approved by the *regione*. This regional power of approval, which in the past frequently required leadtimes that were too long for the operational requirements of the plans, has been delegated to the *province* in some regions, while in others it is the *comune* itself that is empowered to approve the implementational plan as long as it does not involve modifications of the *PRG*. The average processing and approval time for this instrument is generally less than five years.

B144. Practice: The *Piano di Lottizzazione* was originally designed as an urban development tool meant to ensure the rational use of the lands for new building works (in parallel with the defining of the minimum standards for public spaces to be realised for those works) and a fair balance between the public costs of expansion and the private benefits to the owners of the lands. The strategy of attributing urbanisation costs and works to the private promoters of the development proposals has contributed to closer ties between the landowners and the construction firms, increasingly orienting urban expansion efforts towards larger-scale works that frequently create parts of the city that have clear, recognisable identities and tend to be enclosed entities.

Piano di Edilizia Economica e Popolare (PEEP)

B145. Status: The *PEEP* is aimed exclusively at the production of low-production-cost housing, to respond to housing demands of low-income groups. It represents an exclusively public-initiative instrument, and requires the investment of considerable energies on the part of the public sector, in terms of acquisition of the areas to be developed, urbanisation of these areas, and their assignment to the specific organs that will perform the works (public authorities, residents' co-operatives, authorised firms). Thus, it is considered an implementation plan (or rather a collection of implementation plans called *Piani di Zona*), of a strongly operational nature, supported by substantial commitment of public resources.

B146. Geographic coverage: The *PEEP* applies to one or more areas designated for expansion; in certain rare but significant cases, the *PEEP* has

also been utilised to intervene in consolidated cities and historical centres (Bologna, Rome). Its dimension is aimed at responding to a share of between 40 and 70 % of the 10-year requirement for residential housing. The *PEEP* has a duration of 10 years from the date of its approval, but this can be extended by the ruling authority.

B147. Objectives: The *PEEP*, or the *piani di zona* that effectively implement the *PEEP*, define:

1. the principal infrastructures (roads, network services) and areas designated for public use (green areas, services and public parking); the characteristics of these areas must respect certain minimum standards in relation to the number of inhabitants planned;
2. the building regulations (volumes, heights, distances, alignments, typology, etc.) and the functional content to be applied to the development actions of the various implementors; given the fact that the plan deals exclusively with new construction, it frequently translates the building regulations in the form of blueprint.

B148. Use: The *Piano di Edilizia Economica e Popolare* was utilised by the *comuni* in the phase of great urban expansion for the realisation of low-cost residential housing in areas characterised by new urbanisation, constricting the values of the areas with the instrument of expropriation, and launching large-scale construction processes. Currently, the *PEEP* is frequently used to solve the specific problems of already developed, outlying or semi-outlying areas, often in cooperation with the owners of the areas.

B149. Production of the instrument: The procedures for the formulation and approval of the *PEEP* are similar to those that apply to the *PPE*, to which the procedures relative to the expropriation phase must be added:

- notification to the owners of the declaration of public utility and the compensation that will be paid for expropriation;
- opposition, if any, on the part of the owners to the aforementioned compensation estimate; if, on the other hand, the estimate formulated by the *comune* is accepted, the amount is automatically increased by 40 %;
- civil judgement of the amount of compensation and definitive expropriation.

B150. Practice: The story of this instrument has long been interwoven with that of the institution of expropriation in Italian law. Therefore, the *PEEP* was juridically defined and was provided for in the *PRGs* of Italian *comuni* during the 1960s. Concrete use of the instrument began in the 1970s (after the passing of Law No 865/71, which defined the rules applying to expropriations), but the 1980s saw increasing difficulty in its application because of legal uncertainties that resulted from a variety of rulings issued by the Constitutional Court.

Development rights

B151. Development rights (or more precisely, transformation or building rights) are defined during the planning process, starting with the *Piano Regolatore Generale* (see preceding paragraph). The provisions of this plan establish the transformation rights that are assignable to the real estate owners, with the exception of those governing the creation of public services and facilities, which is the responsibility of public agencies. Nonetheless, these rights can be exercised only if the provisions of the plan have been incorporated into the *Programma Pluriennale di Attuazione (PPA)*. Under the law, the *comuni* have the right to supplant those owners who fail to implement the provisions of the programme during the period of its validity; such action is executed through forced expropriation of the real estate involved.

B152. It is important to note that the provisions of the *PRG* can be implemented either directly or indirectly. In the former case, the provisions are implemented directly through use of the *concessione edilizia* (building permit) (see paragraph C below) which is issued by the municipal administration to the owner upon payment of the *oneri concessori* (permit fee), which is calculated on the basis of the size of the building to be built and the costs of the relative mandatory urbanisation works.

B153. The provisions of the *PRG* can also be implemented indirectly, as long as they have already been incorporated into the *PPA*, through the creation of an implementational development plan. The exercise of these rights is subject to the stipulation between the owners and the municipal administration of an agreement (*convenzione*), both under the *Piano Particolareggiato di Ese-*

cuzione and, mandatorily, under the *Piano di Lottizzazione*. On the basis of this latter, legally binding agreement, the owners pledge to transfer to the *comune* those areas necessary for the creation of public services and facilities, to carry out the works of primary urbanisation (network infrastructure: roads, water mains, sewer systems, public lighting, etc.) and to make a financial contribution to the realisation of the works of secondary urbanisation (schools, markets, etc.). In this case, the building permit fees required of the private operators, upon granting of the building permits required for each individual building, do not include the portion relative to urbanisation works, which is considered already fulfilled under the aforementioned agreement. The duration of the rights-obligations established under the *Piano di Lottizzazione* is specified in each owner-*comune* agreement and is usually 10 years.

B154. The law does not provide for direct links between development policies and development rights, on the one hand, and taxation policies on the other. Which is not to say that there is no connection between the two. For example, real estate taxation policy assumes that in making a transfer of real estate, an owner received development rights; this policy of taxing real estate transfers represents an obstacle to the objective underlying many urban development plans, of combining lots/buildings, because it induces many owners to oppose the planned transformations.

B155. Although not required by law, some *PRGs* contain alternative development provisions that

award additional development rights (e.g. authorisation for more extensive building) to those implementers who perform certain services (incorporation of particular functions in the project, reduction of project completion times, realisation of particular public works).

Sources:

Costituzione (Constitution of the Republic): Art. 117.

Law No 865 of 22 October 1971, Institution of the *CER* (*Comitato per l'Edilizia Residenziale*).

Presidential Decree No 616 of 24 July 1977, Article 81, competences of the State and administrative functions about urban planning.

Law 142 of 8 June 1990 – *Ordinamento delle Autonomie Locali* (Local autonomy regulations).

Decree Law No 333 of 11 July 1992 converted to Law No 359 of 8 August 1992 and CIPE resolution of 12 August 1992, about conversion of the State Railways Agency into a company limited by shares.

Law No 61 of 21 January 1994, institution of *ANPA* (*Agenzia Nazionale per la Protezione dell'Ambiente*).

Decree Law No 143 of 24 February 1994, institution of *ENAS* (*Ente Nazionale Autonomo per le Strade*).

Law No 179 of 1992.

Regional statutes and laws.

C. Regulations and permits

Summary

C1. The regulation of urban development is the responsibility of the municipal administrations, and is determined by the regulations set out in the *PRG*. The basic law governing planning instruments is Law No 1150 of 17 August 1942, which has been amended subsequently to speed the production of new plans.

C2. Law No 10 of 1977, introduces the *concessione edilizia*. Until 1977, the building permission was free: the *comune*, after verifying that the submitted project was in accordance with the regulations of the plan, was obliged to grant permission to build. With the new law, the building permission became a *concessione edilizia* that is granted only on the discretion of the *comune*. In other words the *comune* could refuse permission if the project did not comply with its present development programmes of the *PRG*. What is more important is that the *concessione edilizia* is not free any more and fees must be paid.

It can be said that most of Italian *comuni* have now a *PRG* which is elaborated on the basis of a common model.

C3. In each *PRG*, the municipal territory is subdivided into areas which contain: the areas endowed with an historical character; the areas that are either totally or partially built up, thus considered as *Zone di completamento*; areas for new housing developments; areas for agricultural purposes; and areas set aside for structures of public interest. The urban development plans require that for each of these areas in addition to public space to be set aside for essential local services, the owners adhere to certain specific city plan-

ning parameters, such as the territorial and land utilisation index, legal distances, building heights, compatible uses, etc., whenever they intend to use an area for building purposes.

The *PRG* consists of drawings (normally 1:2 000 scale or 1:5 000 scale, and 1:10 000 for large cities such as Rome) which indicate the zoning and all the restrictions, and the technical regulations for implementation, where both the general guidelines and the special indications to be followed, for each area of the zoning, are explained.

C4. A basic principle laid down by legislation on this matter is that all activity involving urban transformation and building must be officially approved. This is usually done by the local authority granting a building permit which, constitutes the official authorisation for work to start. To meet the requirements to obtain a building permit, the work to be carried out must be in conformity with the *piano regolatore generale* and the plan must have been approved. This condition may not, however, be sufficient. In some cases a urban planning scheme may specify transformation regulations under which building permits may be applied for, whereas, for other areas, the specifications to define urban development parameters may have to be fixed in an implementation plan to be drawn up either by the local government or by private parties, who are entitled by the law to do so.

These different approaches depend on the criteria adopted by *comuni* when drawing up their urban planning schemes.

C5. In any event, the detailed urban planning scheme, *Piano Particolareggiato* must have been drawn up and already be in force before applications for building permits can be made. On the

other hand, if the planning scheme provides for the preparation of a plan by private parties *Piano di lottizzazione*, the owners must first sign up an agreement about the following aspects to be approved by the municipal council:

- free cession of the areas destined for primary and secondary urbanisation and bearing of related implementation costs;
- the time-limits, not exceeding 10 years, within which the development work must be completed;
- adequate financial guarantees for the feasibility of the operations.

C6. In addition to the *PRG* and the *Piano Particolareggiato*, the building work must conform with other provisions derived from supra-municipal plans and from any special regulations or provisions laid down in national and regional laws and, furthermore, must be coherent, or not in conflict, with any provisions contained in the plans for the sector concerned (e.g. with commercial plans for business buildings, or with plans governing mining in the case of quarries or mines).

Lastly, the work must be included in the *Programma Pluriennale di Attuazione* (see also section B and the glossary).

Main permit

Status

C7. A *concessione edilizia* (building permit) is necessary for any private work. It may cover works on a small residence or a simple building in an agricultural area or larger-scale operations or works involving a number of different types of purpose. A public work of local interest executed by public administrations or agencies also requires building permits except when the work has been approved by a resolution of the municipal council responsible for the territory.

Coverage and scope of permit

C8. The building permit granting procedures, authorisations or official approvals for public works is very similar throughout the country. Regional legislation may include supplementary regulations or guidelines which spell out in more detail the procedures to be followed or the responsibilities of

the various public offices involved in the deliverance of the required documents. The building permit and the authorisation confer the right to build and are issued without prejudice to the rights of third parties. The application is forwarded to the mayor, together with drawings. Municipal building regulations indicate how detailed the applications have to be: the project is always examined by the technical office which submits it to the *Commissione Edilizia* appointed by the municipal council for evaluation. If the result of this evaluation is positive, the project is forwarded to the office responsible for health care and the mayor then notifies the official results to the interested party.

Duration

C9. Works under a building permit must start within one year and the completion time, within which the building becomes habitable or usable, may not be more than three years. An extension may be granted, only if delays in the work execution have occurred for reasons outside the applicant's control. A longer period for completion of work may only be granted in consideration of the extent of the work to be done or of its special technical-construction characteristics and also in the case of public works which are to be funded over several financial years. If the work is not completed within the specified time limit, the applicant must apply for a new permit to cover the unfinished portion.

Obligations/duties

C10. Execution of work covered by a building permit carries the obligation to obey the provisions and rules contained in the relevant legislation. The authorising document may also contain some regulations to be observed while the work is being performed.

Betterment/taxes

C11. The granting of a building permit involves the payment of a contribution with the following two components. The first is a fee commensurate with the incidence of the urbanisation costs fixed by the municipal council on the basis of parametric tables drawn up by the *regione*. These tables are based on certain parameters including: the extent, population growth and geography of the *comuni*; the purposes for which the areas are destined in current urban planning documents. The second component provides for the payment of a contribution in a ratio to building costs varying from 5 to 20 %. The building costs

used are conventional costs, taking into account the type and characteristics of the building.

Application for the permit

C12. The request for a construction permit must be prepared by the applicant and addressed to the mayor. This request can, in general, be made by filling out the appropriate application form, which is available in the municipal offices. In this form, the applicant must provide all the pertinent data concerning the project, with regard to both the city planning issues as well as the construction aspects of the project.

Content

C13. The application form must provide with all the pertinent technical data and reports relative to the project, as well as by the expert opinions and official authorisations which the applicant must have requested beforehand. The technical data provided in the application form must prove to be in conformity with the specific provisions contained in the building regulations. These provisions may vary from one municipality to another, but in general, they consist of: the municipality's land map, an extract from the planning instrument, the site plan, plans of the different levels, longitudinal and cross sections, as well as technical and construction details. In the event the project concerns a building to be restored or restructured, the application form must also describe the situation existing before the work is carried out, as well as the eventual sections that are to be demolished and rebuilt.

Process

C14. At the time the application is submitted the office receiving it informs the applicant of the name of the person who will deal with the procedure and who is to carry out the investigation and obtain any additional information needed and not attached within 60 days. The time-limit of 60 days may be used only once. If the person dealing with the procedure requests the applicant to supply further documentation; in this case the time-limit starts from the beginning again. The report containing details of the investigation is forwarded to the municipal building commission which, taking into account the chronological order of the applicant's submission, must express an opinion within the time-limit fixed by the building regulations or, when missing, within 30 days. The final measure is adopted within the next 30 days and the applicant is immediately informed of it.

C15. If the time limits mentioned above are exceeded without any decision, the applicant may, through an officially served document, request the mayor to take action within 30 days. If this period expires with no result, the person dealing with the procedure and the agency responsible for the adoption of the procedure are held responsible for damage caused and the application may request the president of the regional council to exercise his substitutive powers and nominate a special *commissario ad acta* (commissioner) to make the decision.

The special commissioner must carry out his duties within a mandatory period of 60 days and, for this purpose, takes on all the powers of the responsible authority for the procedure.

C16. Costs (see paragraph C2f. in section C).

Process

C17. The procedure to grant a construction permit is a single one, and the municipality alone is authorized to issue such a permit. The request for a building permit may, however, involve areas that are not only subject to city planning limitations, but to other constraints that would limit construction as well. The possible existence of such constraints may be verified by requesting a city planning certification to the municipality, as all the constraints regarding the area in question are listed in this certificate. In addition to the construction permit itself, a builder must also request the necessary expert opinions, authorisations and permission from the authorities whose task is to oversee the aforementioned constraints, and all of these administrative measures would then be joined together in the procedure for the granting of the building permit (see Figure C.2).

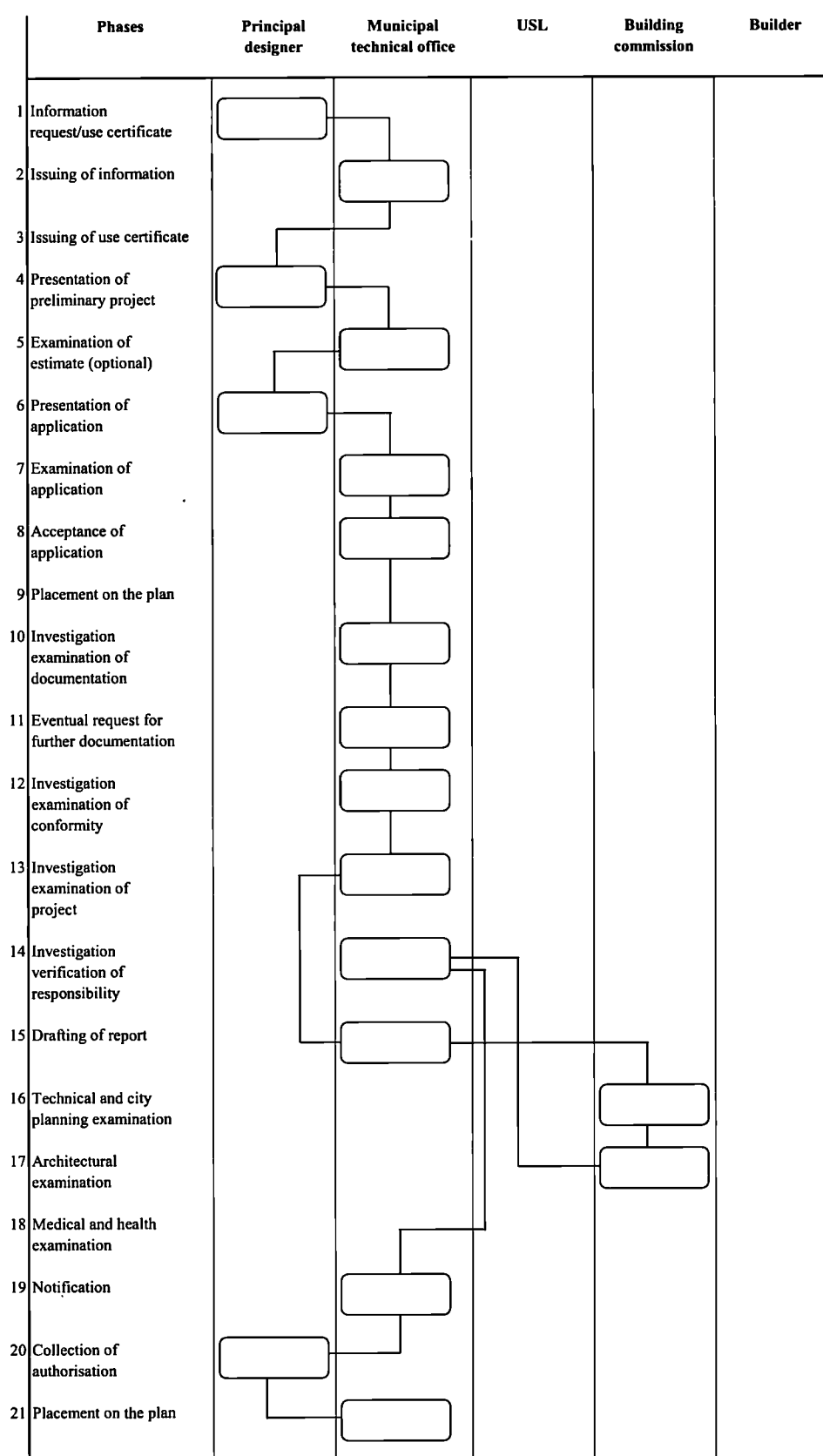
Restrictions

C18. The most widespread restrictions and the corresponding procedures are summarised as follows:

Restrictions of historic and artistic interest

C19. Their assets may not be demolished, removed, modified or restored without authorisation from the Minister for Cultural Heritage. The same assets may not be assigned to uses not compatible with their historical and artistic character or such as to prejudice their conservation and integrity.

Figure C1. The *Comune* administrative procedure



The owners, possessors and holders under any title of the restricted properties are therefore obliged to submit to the competent *sovrintendenza* projects for works of any kind they intend to execute in order to obtain prior *autorizzazione*, once the compatibility of the work with the restriction has been verified.

During authorisation by the *Sovrintendenza*, distances, measurements and other rules can be prescribed in order to protect restricted real estate and to maintain a given quality of light or environmental conditions to ensure that architectural unity is not affected.

Environmental restrictions

C20. Article 1 of Law 1497 of 1939 subjects the following to environmental protection regulations:

- complexes or buildings with a notable character of natural beauty or geological singularity;
- houses, gardens and parks of outstanding beauty distinguished for their uncommon beauty,
- complexes or buildings that compose a characteristic appearance with esthetic and traditional value;
- panoramic views of 'outstanding beauty';

C21. Article 1 of Decree Law 312 of 27 June 1985, converted with modifications into Law by Law 431 of 8 August 1985 also subjects the following to landscape protection restrictions:

- coastal land included in a belt 300 m in depth from the shore line, including land above sea level;
- land bordering lakes included in a belt 300 m in depth from the shore line, including land above lake level;
- rivers and water courses recorded in the lists of which in the unified text of the legal provisions on waters and electrical installations approved by Royal Decree 1775 of 11 December 1933 and the corresponding banks or dam bases for a belt of 150 m each;
- mountains for the part exceeding 1 600 m above sea level for the Alps and 1 200 m above sea level for the Apennines and the islands;
- glaciers and glacial circs;

- national and regional parks and reserves, as well as protection zones outside the parks;
- land covered by forests or woods, even if damaged by fire, and that subjected to reafforestation restrictions;
- areas assigned to agricultural universities (actors set up to legitimise peasant occupation of private lands last century; they have no educational function) and zones subject to common rights;
- humid zones;
- volcanos;
- areas of archeological interest.

C22. Anyone wishing to execute works in the restricted areas listed above must present the application for authorisation to the competent *assessorato* (department) of the *regione*. Authorisations issued by the *regione* must be transmitted to the Ministry of Cultural and Property through the *Sovrintendenza* competent for the area which undertakes the examination. The *Sovrintendenza* expresses its opinion on the nature and extent of the restrictions and on the check of environmental compatibility of the work. The Ministry takes the final decision, communicating it to the interested parties and informing the *Sovrintendenza*.

Hydrogeological restrictions

C23. Land of any nature and land-use zoning which may lose stability following deforestation is subjected to restriction for hydrogeological purposes. For restricted land, transformation of woods is subject to authorisation by the competent forests office of the *regione*.

Common rights (usi civici)

C24. The expression '*usi civici*' means those very particular rights which the population enjoys and exercises over a given area, deriving from ancient concessions, recognised as valid traditionally in the course of the centuries. Law 1766 of 1927 classifies common rights into two distinct classes:

- Essential: In this class there are the rights to graze and water one's own livestock, to collect wood for domestic and staff use.
- Useful: In this class, together with the previous ones or alone, there are the right to collect and sell products from the area; grazing

jointly with the owner; general rights to make use of the area to obtain economic advantages exceeding those necessary for mere subsistence of the person or family.

C25. To be able to use land burdened by common rights for building purposes, it is necessary to present an application to the regional office to request the redemption of common rights, presenting the land registry data for the piece of land and a zoning certificate issued by the *comune*. The *regione* is responsible for issuing the documents authorising the valuation and redemption of common rights. Current legislation tends on the one hand towards preservation of common rights in respect of property of *comuni* and agricultural universities, and on the other towards liquidation of those belonging to private property. The redemption fee may be in the form of assignment of a portion of the property belong to the *comune* in whose territory the property is situated, with the rest of the property being thus liberated from the burden of common rights; or else it may be payment of a sum of money.

Military rights

C26. Constraints apply in the vicinity of permanent and semi-permanent works and installations for defence, coastal signalling and reconnaissance, naval bases, airports, radar and radio plant and installations, factories in which military materials or hazardous substances are manufactured, handled or stored, training grounds and firing ranges. The application must be forwarded to the Civil Engineer's Office of the Regional Command competent for the area to obtain a derogation to the military rights. If the application is approved, an agreement is signed between administration and the private party in which some guarantee clauses are inserted.

Zones at earthquake risk

C27. A copy of the project and a technical report must be deposited at the offices of the *Genio Civile*. The *regione* performs the subsequent checks by sampling methods.

Duration

C28. When 90 days have passed since the application, the party concerned may call on the administration to make a decision. In the event that a decision is not made the applicant can appeal through legal proceedings against the *silenzio-rifiuto* (silence-refusal). In the case of

environmental constraints only, there is a provision that if the *regione* does not take action within the time limit of 60 days, the party concerned may request authorisation from the Minister for Cultural Heritage which must pronounce within 60 days from receiving the application. The Minister for Cultural Heritage may, however, annul the authorisation issued by the *regione* by a measure stating reasons within the 60 days following notification of the measure by the *regione*. When the application for authorisation concerns works to be executed by central government administrations, the Minister for Cultural Heritage may in any case issue or deny authorisation within 60 days, even in conflict with the regional decision.

C29. To obtain authorisations, *nulla-osta* and opinions, the administration may convene a conference of departments concerned which, as a linking mechanism between the various administrations, exercises not only powers of investigation but also of decision which, if the resolution approving the work is taken unanimously, can replace all authorisations by the separate administrations.

Consultation

C30. The issue of a building permit is not subject to consultation with the public or of agencies external to the *comune*. The only consultative mechanism of the *comune* is the *Commissione Edilizia*, which expresses itself on architectural aspects of the design. In the case of works subject to environmental impact evaluation only, there is a provision in Article 5 of DPCM 377 of 10 August 1988 that an announcement must be published in the daily newspapers containing an indication of the work, its location and a summary description of the project. A copy of the project is also deposited in the competent offices of the *regione* for the purposes of consultation with the public and presentation of any comments.

C31. The construction projects that fall in the following categories are subject to the evaluation procedures stipulated in Article 6 of Law No 349, dated 8 July 1986:

- (a) crude oil refineries, as well as gasification and liquifaction installations, the latter capable of converting at least 500 tonnes per day of coal and bituminous shale;
- (b) thermal plants and other combustion installations with a thermal power of at least 300 MW, as well as nuclear plants, and other nuclear reactors;

- (c) installations that are exclusively destined for the definitive storage or the definitive elimination of radioactive waste;
- (d) integrated steel mills for producing pig iron and steel;
- (e) installations for the extraction of asbestos, as well as for the treatment and transformation of asbestos, and of products containing asbestos; with regard to asbestos-cement products, for installations with an annual production of more than 20 000 tonnes of finished product; with regard to friction gaskets, for installations with an annual production of more than 50 tonnes of finished product; and for other uses of asbestos, for an annual utilisation of more than 200 tonnes;
- (f) integrated chemical installations;
- (g) superhighways and other rapid communication expressways, as defined in accordance with the European agreement concerning important international traffic roads dated 15 November 1975; railway sections for long-distance traffic, as well as airports with takeoff and landing strips that measure at least 2 100 m in length;
- (h) maritime commercial ports, as well as navigable waterways and ports for domestic navigation that are accessible to boats with a tonnage of more than 1 350 tonnes;
- (i) disposal installations for toxic and harmful waste, using processes including incineration, chemical treatment or underground storage;
- (l) dams and other installations for retaining, regulating or accumulating water in a permanent manner that are more than 10 m in height, and/or that have a capacity of more than 100 000 m³.

C32. Restoration work would be excluded from this procedure, however, as would construction work for adding a third lane on superhighways in order to meet traffic security needs, or to maintain a specific level of operations.

Compensation

C33. If the project presented conforms to the prescriptions of the plan and to other legal conditions, the issue of a building permit is an act of duty, and so there is no problem of compensation related to the issue of a building permit. No contribution is applied to: work subject to authorisation, work to be carried out in agricultural areas, public installations and facilities or those of general interest. No forms of compensation are envisaged for owners of adjoining properties. Where necessary, a private party may request permission from the owner to use an adjoining area in order to carry out the building work permitted by the plan: in this case the amount of compensation depends exclusively on the agreement reached between the parties.

Figure C2. Time needed for the awarding of a building permit and for substitute interventions

Time needed (days)	Actions	Possible actions	Maximum time needed (days)	Competent authorities
0	Presentation of building permit application Verification of admissibility and completeness		0	Applicant
1	Acceptance of application Appointment and communication of individual responsible for procedure Investigation Taking of opinions Final report Sending of report to Building Board		1	Municipality Project Acceptance Office Individual responsible for procedure
60	Competence examination by Housing Board	Request for supplementary documentation	120	Housing Board
90 (or 60 plus the time limit set by the building regulation)	Housing Board opinion	Request for supplementary documentation	180 (or 120 plus twice the time limit set by the building regulations)	

Time needed (days)	Actions	Possible actions	Maximum time needed (days)	Competent authorities
91	The municipal administration may act in the absence of an opinion by the Housing Board		181	Authority responsible for the proceeding
	Motivated proposal of conclusive measure to be adopted			
100	Adoption of conclusive measure		190	Mayor Deputy Mayor
120	Payment of <i>concessione</i> fee, density certificates, etc.		210	Applicant Municipality
After the foregoing execution	Granting of the building permit			Municipality
365 days from permit	Notice authorising construction work to begin, and beginning of work In the event the conclusive measure is not adopted within the deadline of 120 (210) days, the procedure will continue			Applicant
121	Request to the mayor for execution		211	Applicant
151	(Or more precisely, 30 days from the giving of notice, or from the receipt of the request for execution)		241	
	Time elapsed for silence-refusal procedure Request to the President of the Regional Council for substitute intervention Evaluation of the request's admissibility Naming of the <i>Commissario ad acta</i>			Applicant <i>regione</i>
180			270	President of Regional <i>Giunta</i>
240	Adoption of the procedure measure which takes the building permit		330	<i>Commissario ad acta</i>

N.B. It would be possible to lodge a jurisdictional petition to the Regional Administrative Court (*TAR*) on the date of the maturing of the silence-refusal.

Conditions relating to the permit

C34. The issue by the *comune* of the building permit constitutes the final enabling act, following which the applicant may start the works, notifying the mayor there at the same time.

Circumstances

C35. The preliminary examination stage involves checking all the conditions that make the positive conclusion of the authorisation procedure possible. In certain circumstances, resulting from the special nature of the work or of the locality, it is possible that a permit may be issued subject to certain conditions. In general these are conditions that do not relate to the design but to the construction methods or the purpose which the permit is issued for. Among the conditions relating to construction, there may be those relating

to the use of particular materials or even colours (to ensure greater compatibility with the surrounding environment); to connection to urban infrastructure and sewage systems and also post-construction treatment of the surrounding land. On the use of the building there may be an undertaking to assign the premises only to certain uses (and in this case a specific notarized document may be required).

Status

C36. What might be described as participation is another matter entirely. It is characterised by the fact that in a preliminary phase prior to the adoption of the final and definitive measure, a number of different groups would be given the opportunity to express their views on the formulation of the measure in question. These groups might include public actors and organisations other than the

authority preparing the measure, or associations that represent different interest and social groupings, as well as private individuals who wish to express their own personal observations with regard to the measure being prepared.

Scope

C37. The objective the administration intends to pursue is to integrate the rules governing urban planning and building changes with other indications valid for the individual project in such a way that future building construction will not result in situations considered unsuitable from the point of view of construction or compatibility of the proposal with surroundings.

Process

C37. The conditions the *comune* sees fit to impose, assume the effect of prescriptions and are explicitly described in the building permit. It should be made clear at this point that in general, our regulations do not include contractual forms that can be used between private individuals and the government administration for dealing with planning matters. Traditionally, administrative action has always been characterised by the unilateral nature of the issuing source for administrative measures, in the sense that the contents of an administrative act have always been left to the free determination of the administration office involved. As a consequence, the private individual has never been able to exert any influence with regard to the contents of an administrative measure, by attempting to represent his personal interests with regard to such measures. The private individual, therefore, has been traditionally destined to endure the consequences of a given administrative measure, without, however, having the possibility of affecting the contents of the measure itself. This is one of the unquestionable consequences of the fact that administrative measures are authoritative ordinances.

Rights of appeal

C39. The failure of the mayor to pronounce himself on the application for building permit or authorisation, determines the so-called *silenzio-rifiuto* against which the interested party has the right to appeal jurisdictionally or administratively. There is, in fact, a right to a reply. This principle is repeated by law reforming administrative procedure. This states that when the procedure follows obligatorily from an appeal, or must be of-

ficially initiated, the public administration has the right to conclude it by adoption of an express measure.

The jurisdictional appeal

Status

C40. The jurisdictional organisation to which appeal is made against measures relating to building permits and authorisations is the *Tribunale Amministrativo Regionale (TAR)*.

Conditions/grounds of appeal

C41. The reasons why one can appeal against the silence-refusal are: because the refusal was not justified by any provision of the law, regulation or land-use plan and therefore the project should have been approved; because the refusal measure, even if correct in substance is defective in form or procedure, or because the refusal measure is not justified or insufficiently justified.

Hearing/process

C42. The terms are of 60 days for the appeal to the Regional Administrative Court (*TAR*). They run from the day on which the mayor's decision on the application is notified (or in the absence of notification from the day on which the party concerned had full knowledge of the measure) or from the start of the *silenzio-rifiuto*. The subject-matter of the appeal always concerns a measure taken by the mayor which has directly affected the interest of the appellant. The procedure for appeal to the *TAR* can be summarised as follows:

- In the 20 days following submission of the application, the parties concerned must present submissions and within two years must ask for setting of a hearing.
- The president arranges the hearing during which the responsible magistrate makes a report, setting out the facts and legal grounds as they are set out in the appeal, the defence and written statements of the parties concerned; parties represented by a lawyer or official representative are permitted to explain their grounds briefly.
- On completion of the hearing the administrative judges, meeting in chambers, decide by absolute majority.

C43. The decision may be:

- final, if it defines the verdict and sets a term to it;
- preliminary if it is limited to resolving a preliminary aspect, to ordering the presentation of a document or of a means of examination.

When the court has verified that of the silence-refusal is unwarranted, or denial by the mayor, the latter is ordered to pronounce on the application for the building permit. In the event that the mayor fails to fulfil this order, a verdict of compliance can be proposed before the same judges, on the basis of which a commissioner is appointed on whom powers are conferred to substitute for the *comune* in issue of the building permit. Both the mayor and the interested party can appeal against the decision of the TAR to the *Consiglio di Stato*.

The administrative appeal

C44. A procedure of administrative nature is represented by the extraordinary appeal to the Head of State. The terms are of 120 days for appeal from the negation of *concessione edilizia* or from of the *silenzio-rifiuto*. The procedure for extraordinary appeal to the President of the Republic, can be summarised as follows:

- the appeal is transmitted to the Ministry of Public Works which examines it and asks the opposing interested party for deductions and documents;
- the appeal thus examined is transmitted to the Council of State for formulation of an opinion;
- the subsequent decision on the appeal is adopted with a decree by the President of the Republic on the proposal of the Ministry of Public Works.

Rights of third parties

C45. Protection of the rights of third parties in the issue of a building permit is an unquestionable principle and generally the permit expressly provides for it.

The authority that issues the building permit must in fact check that there are no violations of law, plan or regulation relating to urban planning regulations. The measure therefore in no way prejudices the possibility that a third party holder of a

right that may also derive from private agreements, may oppose construction of the work authorised.

In summary, there are four ways in which an appeal can be made:

The first two apply when the building permit is issued in violation in either form or substance of the planning regulations; that is, the land-use law, the building regulations and the various land use plans at the urban, territorial, communal and detailed local levels. Here, the appeal can be made against the legitimacy of the action to the TAR or an extraordinary appeal can be made to the President, in ways described previously.

The second two apply when the decision violates the distances and other limitations laid down by the Codice Civile. In this case the third party can appeal against the authorizing measure in the ways described above because it is illegal, being contrary to the provisions of the law. Alternatively, action can be taken against the ordinary judicial authority, not to act before the ordinary judicial authority, not against the measure but against the subsequent activity of the applicant who carries out the construction authorised, and claim demolition (when the law provides for this possibility) and compensation for the damage.

Other permits

C46. It should, however, be stressed that the building permit is the last step in a procedure which may first require other permissions or rulings in some situations. Other certificates may be required, either because the building has certain particular characteristics or because special conditions apply to the property, area or building involved. It is clear that, in the first case, a building destined for public use (commercial or entertainment purposes, for instance) requires specific permits for such functions, whereas location in a particular area may require preliminary inspections by the competent authorities (the Cultural Heritage Service, if the building is protected; the Civil Engineer's Office in an earthquake-risk zone).

In all cases, the building plan must be examined by the agency responsible for health protection (USL) and must be consistent with the guidelines and provisions of the *comune's* building regulations.

Exceptions

C47. The only category excluded from the regulations above described is interior work (Article 26, Law No 47 of 1985). This kind of work calls for no previous authorisation and can be started following simple notification, although the obligation to comply with the provisions of urban planning regulations still applies.

C48. For a few limited categories of work, the laws in force require that an authorisation, not a permit, be applied for, according to a somewhat simplified procedure. Such authorisation covers special maintenance, restoration and conservation work, as well as technological installations for existing buildings and demolition, filling or excavation work. The mayor is also responsible for granting this authorisation. The application to carry out the work is taken to be approved if the mayor has not given a ruling within 60 days. In this case the applicant can start the work and notify the mayor that it has been started.

C49. In those cases in which the construction work would require interventions that are within the realm of competence of government organisations, they would fall under the category of public interest works, and would require a different procedure in order to obtain the necessary permission to carry out the project. In such construction projects, which might include network infrastructures, i.e. roads and methane pipelines, as well as large construction complexes such as airports or university areas, and individual government buildings such as ministries, tax offices and army barracks, a specific request would have to be addressed to the Ministry of Public Works. In order to give any authorising act, the Ministry would first have to conclude a formal agreement with the *regione* in question, and in certain cases, the *regione* would, in turn, have to obtain an official opinion regarding the project from the municipality where the construction would be carried out.

Departure from plan/changes to plan

C50. In Italy, the urban planning system develops from a general plan down to a development project. Consequently, the submission of a project

by private or public sector could be placed in the following situations:

1. The *comune* does not have *PRG*. In this case, development projects are not possible. It is allowed only to erect single buildings, following very rigid regulations (see Area of regulation).
2. The *comune* has a *PRG*. In this case it is necessary to follow strictly all the regulations of the plan and its procedures of implementation: *destinazione d'uso*, the standards, the allowed volume, building typologies and all the restrictions formulated by the *PRG* and by the *Piani Paesistici Regionali*. The project, after its submission to the municipal office, will be evaluated on the grounds of these regulations.

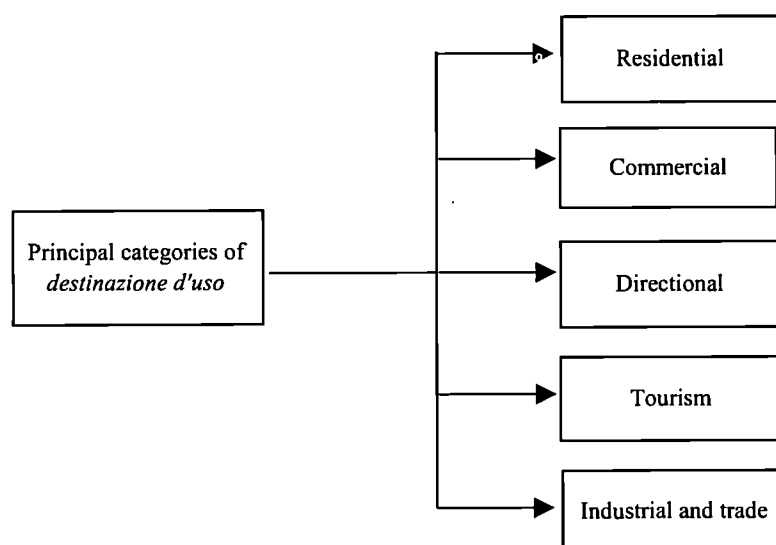
C51. If the development project is intended to modify the forecasts of the *PRG* it is necessary to proceed with an amendment to the plan. This is a long and complex procedure which also must be approved by the *regione*.

The rigidity of Italian *PRG* derives from these rules. The problem of rigidity becomes a more serious if the *PRG* is an old one and its forecasts are no longer up to date.

C52. There are two exceptions to this general picture. The first one regards the possibility to accelerate the procedure of the amendment to the *PRG*. This consists of the so-called *Accordo di Programma* (Art. No 27, Law No 142/1991): with regard to public programmes or of public interest. In this procedure both the project and the amendment to the plan are approved by public bodies (*comune*, *regione*, *Ministero*, etc.). A present debate is considering the possibility of extending this procedure also to the development project submitted by the private sector.

C53. The second exception regards public works of national interest. This is the only case in which we can talk of a departure from plan. The central government, in accordance with the *regioni*, can decide the location and the implementation of a public work (an important road, a law courts, a power station, etc.) not only without taking into account the provisions of the *PRG* of the *comune*, but also without the agreement of the *comune*. This procedure is defined in the Art. 81 of DPR 616 of 1977. In general terms, an agreement among Government, *regione* and *comune* is always sought. Nevertheless, in principle, the procedure exists and is the only case where de-

Figure C3. Categories of *destinazione d'uso*



The changes in *destinazione d'uso*, that involve a transfer from one use category to another require the issuing of a *Concessione* (building permit); changes that involve a change within the same category require a simple *Autorizzazione*.

The procedure for issuing of a building permit requires the filing of the proposals/design for municipal review and the payment of the relative permit fees.

The procedures for *Autorizzazione* involves the filing and automatic approval of the proposals/design with no payment required.

development contrary to the plan can proceed without changing the plan.

Enforcement procedures

C54. The approval of a development project takes place not only by the approval of a submitted project but also by the stipulation before a notary of a convention between the private operator and the *comune*. The convention defines all the conditions (the time scales, the phases, the controls, the obligations, the financial fees, the financial guarantees given by the banks, etc.) through which the development project is carried out.

C55. The main elements are:

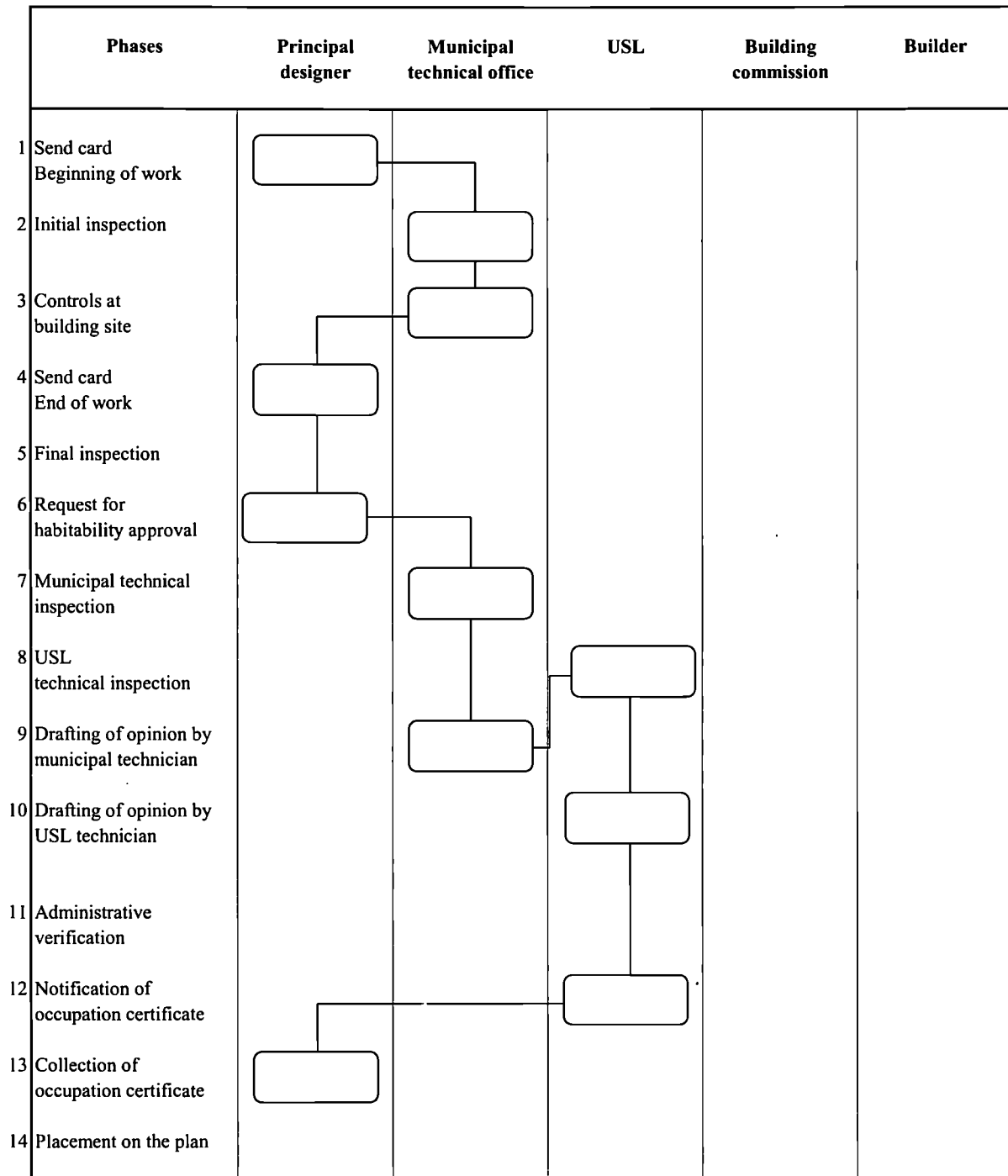
1. The building permit which is formed by many permissions; each one relating to a different phase of implementation. Unless the previous phase is completed, it is not possible to grant a new permit. For instance: the first phase is 'ground works' and basic infrastructures (roads, sewers, electricity, etc.). At the end of each phase the *comune* controls the work and its conformity to the approved project.

The main phases are: *urbanizzazione primaria*; the creation of public and green areas; the erection of buildings according to different allowed volumes; the allocation of secondary urban infrastructure by the private sector (schools, etc.).

2. The deposit of financial guarantees into a bank. The guarantees are subdivided in various segments according to the phases and to the quantity to be carried out. When the *comune* verifies and approves a phase, grants the release of the *fidejussione bancaria*. If the implementation of a phase does not comply with the convention, the *comune* does not grant the permission for the next phase, does not release the financial guarantee for the part already carried out which is not conforming with the project and can order the suspension of the works.

C56. At the end of the construction the *comune* has to carry out a final test. What is more all the different parts of the buildings must be checked by specific public bodies (lifts, emergency stairs, sanitary equipment, heating plant, etc.). Only after all these checks have been carried out the *comune* grants the final certificates with which the building can be used.

Figure C4. *Comune* construction procedure: procedural flow



Area of regulation

C57. The urban planning Law of 1942 does not make it compulsory for the *comuni* to prepare a *PRG* but gives the authority, to do so.

During the 1950s the *Ministero dei Lavori Pubblici* published a list of those *comuni* compelled to prepare a *PRG*. Which were additionally the main provincial towns and those *comuni* located in areas with high economic development (coastal areas, *comuni* of metropolitan areas).

C58. In 1967 the urban planning law was integrated with the regulations which had to be applied to those *comuni* without *PRG*. In all these *comuni*, the municipal council must now establish the so-called *centro edificato*, this is meter of the existing built-up areas in the municipal territory. Within this perimeter it is possible to ask for a building permission, with a maximum volume of 0.03 m³ per square metre and building area which cannot exceed one-tenth of the property. In every part of the territory it is possible to carry out maintenance and restoration. The provisions, which are valid for every kind of activity (residential, offices, commercial, etc.) were confirmed in 1977.

Unauthorised use and development

C59. Law 47 of 28 February 1985 was passed by Parliament with the specific aim of putting an end to the massive phenomenon of *abusivismo* (see section A - Unlawful buildings' problem). It seemed appropriate to allow the authorities to bring previous unauthorised development into their land-use plans and at the same time to allow citizens who had, for various reasons, illegal situations, to return to legality. The measure comprises four sections. The first is dedicated to regulations, controls and penalties for future illegalities in building and planning. The second deals with simplification of planning and building procedures, the third with reinstatement of unauthorised buildings, the fourth with works and subjects that can be made legal.

C60. The new measures to prevent unauthorised construction provide for urgent intervention by the mayor, aimed at demolition, when the start of a work is observed on land not for building, or on areas assigned to public spaces and services. For areas subject to environmental, hydrogeolog-

ical, etc., restrictions, a parallel penalisation by the competent administrations is possible. In other cases in which there is no permit or total non-conformity, the authority takes action through an order for suspension of the works, validated by an injunction for demolition of the construction, followed in the event of default by compulsory acquisition without compensation.

C61. For partial non-conformity one proceeds to demolition of the non-conforming part only when that is possible without prejudicing the part constructed in conformity. Alternatively, a penalty is applied amounting to double the production cost of which is the fair rent. In the event that the illegality is limited to a formal absence of enabling title, but the work complies with the general and implementing plans current at the time of construction of the work and at the time of presentation of the application for retrospective authorisation, it is possible to issue a retrospective permit or authorisations subject to payment of a penalty. Special penalties are set for actions on existing buildings, ranging from demolition and restoration in the case of restricted buildings, to payment of a fine in other cases.

C62. Approval of small *varianti in corso d'opera* (see Glossary) in the course of construction that do not alter form, surfaces, intended purpose or number of dwelling units must be requested before declaration of completion of the works.

C63. The legislator has also made reference to unauthorised subdivision, linking it to creation of works or subdivision of properties (this latter must be proved by the associated presence of some objectionable features). It is also laid down that when the criminal judge ascertains the existence of an unauthorised subdivision, the sentence shall contain an order for uncompensated confiscation of the area in favour of the *comune*.

Regulation and development illustrations

Urban planning and the authorisation process for commercial operations

C64. Law No 426 of 11 June 1971 requires that the *comuni*, in formulating the *PRG* and the *PPE*, set forth the regulations for commercial centres and the parking lots serving the various points of sale, and that it indicate the area available to large

shopping centres. However, the regulation that executes the aforementioned law, *DM* of 1 January 1972, specifies that the plans and commercial authorisations must be in accordance with every operative urban-planning regulation, and charges the *regione* with the responsibility for issuing planning guidelines for commercial operations. Finally, the *comuni* must draw up the 'development and adaptation plan for sales outlets' which indicates, on the basis of forecasts of demand growth, the maximum space that will be made available in specific areas for retail outlets of consumer goods. These plans are to be reviewed every four years. This planned dovetailing between the processes of urban planning and commercial authorisation, however, never took place. Frequently, refusals of requests for commercial operations not in accordance with urban-planning norms have been considered illegitimate. Further aggravating the situation is the fact that urban plans – even those developed more recently – are not required to contain indications relative to commercial centres in order to be considered valid.

Commercial authorisation

C65. An operator planning to open a commercial centre must file, in addition to the request for authorisations such as the building permit, a request for an authorisation for a commercial operation. Large sales outlets are required to undergo a two-level authorisation process: a regional *nulla osta* and an authorisation from the *commune*. The reason is to ensure that the centre is properly inserted in the overall planning guidelines of the *regione*. In practice, however, very few regions in Italy have issued directives that regulate the territorial allocation of the large shopping centres (Veneto, Lombardia, Piemonte, Emilia Romagna, Trento, Bolzano, Abruzzo, Umbria, Friuli, Sardegna and Toscana), and the directives that have been issued are not homogeneous. The *nulla osta* is to be issued within 60 days of the request. If within 180 days, the region has not responded, the request is to be considered rejected, in which case the petitioner may appeal to the *Tribunale Amministrativo Regionale*. The *regione* may authorise large commercial centres even in cases in which the area authorised exceeds the limits set forth in the communal plan. The purpose of the authorisation from the *comune* is to ensure that the centre is in line with the space zoned as commercial within the area of the *comune*, as established by the 'development and adaptation plan for sales outlets'. This authorisation is to be issued within 30 days of the

request; if the *comune* does not respond within that time frame, the request is considered approved. In case of rejection, the petitioner may appeal to the *Giunta Regionale*.

Size thresholds and levels of authorisation

C66. The preliminary *nulla osta* issued by the *Giunta Regionale* is required for all sales outlets in excess of 400 m² in those *comuni* that have fewer than 10 000 inhabitants, and for outlets in excess of 1 500 m² for all sales outlets. *DM* 375/88 exempted the following cases from the requirement for the regional *nulla osta*:

- opening of a new sales outlet with total area of less than 600 m², as a result of the merging of at least two outlets that have been operating in the jurisdiction of the *comune* for at least three years;
- expansion of the sales space of up to 200 m² for outlets that have been operating in the jurisdiction of the *comune* for at least three years;
- expansion of the sales space, to a maximum of double the original space. If the expansion should create dimensions for which a regional *nulla osta* would normally be required, the operator must file such a request;
- transfer of sales outlets smaller than 200 m², that have been operating within the jurisdiction for at least three years.

Procedures

C67. When the petitioning party requests the commercial authorisation, he also files, if necessary, a request for the regional *nulla osta*. The mayor of the *comune* presents to the *Giunta Regionale* the request for the *nulla osta*, together with the authorisation request. The regional commission and the *comunale* administration are then heard, exercising the power to counsel. The *regione* may then grant the *nulla osta*, even in cases in which such action contrasts with the indications issued by the *comune*. Once the regional *nulla osta* has been granted, the *comune* can issue the commercial authorisation within 30 days; if it does not respond within that time frame, the request is considered approved. In cases in which a due *nulla osta* is required – those that require a simple verification that the legal requirements have been met – a communication to the *comune* indicating the start-up of the activity is sufficient. If the *comune* does not respond within 60 days of this communication,

the activity is considered definitively approved. Running parallel to this process is the urban-planning/construction process, which involves lead times that are considerably longer than those required for commercial authorisations.

Procedure for the development of private lot subdivision plans (*Piano Di Lottizzazione*)

C68. The private operator participates in the urban planning process through the private lot subdivision plan. The realisation of the requested construction proposals must be in line with the urban development design for the section of territory which is the object of the implementation plan.

Procedure

C69. Approval of the subdivision plan is granted in two phases:

1st phase

Presentation of the request for authorisation to subdivide, to the *Ufficio Convenzioni* responsible for the examination, with the preliminary project design attached. This preliminary proposal must contain: graphic designs relative to the land registry maps, land-use dictated by the *Piano Regolatore*, site status, description of the relative infrastructure, pre-existing structures of historical interest and any other restrictions on the area (Laws No 1089/1939, 1497/1939 and 431/1985). Within 60 days from the filing of the request, the official in charge of the case must examine the preliminary proposal and draft a report addressing the feasibility of the project.

2nd phase

Presentation of the definitive urban development proposal. This proposal must include: geological report, the zoning of the area based on the land registry, indication of the roads, parking areas, green areas and public services and private surfaces, project blueprint, technical norms, explanatory technical report, definitive design of the road and sewer systems. Within 90 days, a period that the officials can interrupt just once to request further documentation, the *Ufficio Convenzioni* must convene the first session of the service conference. The service conference is a body that gathers together representatives from all of the offices of the municipal administration that are qualified to express an opinion on various as-

pects the urban development proposal, as well as representatives from other administrations charged with issuing of opinions and *nulla osta* in situations in which various types of restrictions or limitations (environmental, archeological, hydro-geological, etc.) may come into play.

The definitive urban development proposal is presented to the Service Conference by the proponent himself, who then files an explanatory report with the conference. The *Ufficio Convenzioni* then presents a summary of its review, including a calculation of the costs of the required urbanisation works implicit in the project. The Service Conference rules on both the secondary urbanisation works to be realised at the expense of the private operators and on the revisions, if any, to the proposal itself. Based on the results of this first session, the private operator makes the changes requested to the proposal and draws up the definitive designs for the primary and secondary urbanisation works and presents these documents to the *Ufficio Convenzioni*. Within 30 days from the date of submission, the *Ufficio Convenzioni* must transmit both the definitive designs of the urbanisation works and the definitive project proposal to the offices of the municipal administration and the other administrations charged with expressing opinions in the second session of the Conference.

During the same 30-day period, the *Servizio Amministrativo Municipale* draws up the outline of the agreement (*convenzione*) to be presented to the Conference for the final approval of the proposal, and the acquisition of all the opinions. Within 30 days of this approval session, the private operator will receive the outline of the legal agreement to be stipulated. Within 30 days of the date in which the agreement is returned, a first resolution, accepting the legal agreement and thereby approving the proposal, will be sent to the *Segretariato Generale del comune*, for adoption on the part of the municipal administration.

Within 60 days of the presentation of the deeds of transfer relative to the public areas on the part of the private operators, the second resolution will be issued, authorizing the subdivision and accepting the transfer to public domain of the areas designated for public use. The second resolution must be submitted to the Secretary General within 30 days of its effective date, for the stipulation of the agreement (*convenzione*). Once the agreement has been stipulated, the relative building permits can be granted.

Figure C5. Procedure for the development of private lot subdivision plans (*)

1st Phase	2nd session, <i>Conferenza dei Servizi</i>
Authorisation request	30 days
(Preliminary proposal)	Stipulation, legal agreement
60 days	30 days
Feasibility report	Secretary-general
	1st resolution
2nd Phase	
Definitive proposal	Transfer of public areas
90 days	
Convocation: <i>Conferenza dei Servizi</i>	Secretary-general
	2nd resolution
3rd Phase	
Submission of opinions	30 days
Proposal approval	Stipulation, convention
1st session, <i>Conferenza dei Servizi</i>	
30 days	4th Phase
Updating of the proposal	Granting, building permits
Request for opinions	
30 days	(*) Simplified diagram.

Sources:

Royal Decree No 523 dated 25 July 1922 – Single text indicating the legal provisions with regard to hydraulic works, namely, the distances to be observed from the State water property.

Royal Decree-Law No 3267 dated 30 December 1923 – Reorganisation and reform of the legislation with regard to woods and mountainous terrains.

Royal Decree No 1776 dated 16 June 1927 – Civic uses of territory.

Ministerial Decree dated 31 July 1934, and Presidential Decree No 208, dated 12 January 1971 – Safety distance to be set from storage areas and installations producing mineral oils and combustible materials, as well as from garages and methane gas pipelines.

Law No 1089 dated 1 June 1939 – Property of historical and artistic interest.

Law No 1497 dated 29 June 1939, and Law No 431 dated 8 August 1985 – Protection of natural beauties.

Royal Decree No 327 dated 30 March 1942: Navigation Code (Article No 714 and subsequent Articles), and Law No 58 dated 4 February 1963 – Aeronautical rights of way.

Ministerial Decree No 1444 dated 1 April 1968 – Minimum distances and protection of road strip to be observed in construction carried out beyond the perimeter of inhabited areas, as indicat-

ed in Article 19 of Law No 765 dated 6 August 1967. Competent authority: Ministry of Public Works (State Highways Authority), and the other authorities to whom the road belongs.

Presidential Decree No 1062 dated 21 June 1968 – Regulations for the carrying out of Law No 1341, dated 13 December 1964, with regard to the technical norms applicable to the construction and functioning of electricity power lines in external areas.

Law No 880 dated 18 December 1973 – Localisation of plants for the production of electrical energy.

Law No 64 dated 2 February 1974 – Zones at earthquake risk.

Law No 393 dated 2 August 1975 – Norms with regard to the localisation of electro-nuclear power stations, and the production and utilisation of electrical energy.

Presidential Decree No 803 dated 21 October 1975 – Regulations with regard to mortuary services (cemetery zones to be respected).

Law No 319 dated 18 May 1976, and Resolution dated 4 February 1977 – Distances to be respected with regard to aqueducts.

Law No 898 dated 24 December 1976 – New regulations with regard to military rights of way.

Presidential Decree No 753 dated 11 July 1980 – New norms with regard to police and security

matters, and regulations concerning the use of the railways, and other transportation services.

Law No 431 dated 8 August 1985 – Protection of areas of particular environmental interest.

Law No 183 dated 18 May 1989 – Basin plans.

Law No 394 dated 6 December 1991 – Framework Law with regard to protected areas.

D. Agencies and mechanisms for development and conservation

Summary

D1. The term agency does not have the same connotation in Italy and in particular it does not imply the same behaviour or the same working organisation as in other EU countries. In brief, the main difference is that there are no proper agencies in Italy, but rather there are public organisations or enterprises which handle investments in the public works sector, and whose skills and operational limits are therefore extremely restricted to certain sectors. Generally speaking the regulation to which each of them must comply are set down in national laws (laws relating to public tenders) which leave little space for the necessary integration with the particular requirements of the local area where they are to be applied.

In recent years there has been a series of national and European regulations which have however introduced some innovations:

- local government administrative reform;
- tax regulations, particularly with reference to local financing Decree Law No 504 of 1992 regional enterprises financial reordering, and Law No 498 of 1992, Urgent public finance operations);
- European Community regulations regarding public works, supplies and services (Decree Law No 406 of 1991, putting EU Directive 440 of 1989 into effect in connection with public works tenders rulings, EU Directive 531 of 1990, etc.).

It should be borne in mind, however, that these arrangements do not yet constitute an organic

regulation framework, but they only lay down concrete terms before a consolidated set of rules on public works financing and construction can be brought out.

Development

Regional economic development

Regional initiatives

D2. Since the definitive end of the extraordinary intervention in southern Italy, there are now no institutions at a national level which are specifically concerned with regional economic development. It is the *regioni* themselves which, in their own capacity of administrative autonomy, are able to consider joint venture companies and consortiums to carry out work in the various sectors ranging from industrial development to urban regeneration and setting up infrastructure.

The experiences of the Emilia-Romagna for example have been valuable, in which, under the Law No 14 of 1986 and Law No 1 of 1987 certain 'consortiums and joint public and private companies' have been accepted to receive capital contributions from government.

Community initiatives

D3. Under the EU funding arrangements for the five year period 1989-93, Italy has been entitled to a 17 % share of total Community aid set aside for various uses. In detail:

- with respect to Objective 1 (under-developed *regioni*), the *regioni* in the south of Italy are beneficiaries of Community aid (the Abruzzo, Basilicata, Calabria, Campania, Molise, Apulia, Sicily and Sardinia). The sectors of intervention include principally agricultural and industrial development, tourism and craft industries, as well as the setting up of the infrastructure to support economic activities;
- with respect to Objective 2 (*regioni* in industrial decline), beneficiaries include some *province* in Piedmont, Lombardy, Veneto, Liguria, Tuscany, the Marches, Umbria and Latium. The planned activity is mainly oriented towards setting up small and medium-size enterprises, developing technological innovation, environmental protection, tourism, professional training and setting up a sustained infrastructure;
- finally, some *regioni* have been admitted to receive Community funding for sustaining rural areas (Objective 5b): this actually concerns the Provinces of Trento and Bolzano, Piedmont, Veneto, Tuscany, the Marches, Latium and Umbria. The planned activities vary from *regione* to *regione* but essentially are connected with diversifying the productive structure, and developing the environment and tourism.

Sources:

Emilia Romagna Law No 14 of 1986, *Interventi per la qualificazione e lo sviluppo degli insediamenti delle industrie artigiane* (Improvement and development intervention affecting the premises of small-scale craftsman industries).

Emilia Romagna Law No 1 of 1987, *Interventi per la qualificazione dell'artigianato dei servizi nei centri urbani* (Interventions to improve the craftsman element in urban centre services).

M. Sironi Mariotti, *Aiuti e prestiti delle Comunità Europee alle imprese*, Padova 1989.

P. Padoin, *I finanziamenti delle Comunità Europee*, Rome, 1989.

Camera dei Deputati – Commissione Bilancio, Tesoro e Programmazione (1994), *Intervento nel Mezzogiorno e politiche regionali*, Rome.

Cresme (ed.) (1988), *L'Italia da recuperare*, Credito Fondiario, Rome (2 voll).

Local economic development

D4. There are no organisations which are specifically concerned with the local economic development in the strict sense. The main duty of *comuni* and *province* is to manage public services and the activities connected to this duty.

Some tasks may be transferred to:

- (a) *Aziende municipalizzate*, which traditionally operate at a *comune* level and which have responsibilities and duties in providing and managing local works and services;
- (b) *Aziende speciali*, defined as an instrumental enterprise in the local authority, with legal personality, entrepreneurial independence and having its own statute;
- (c) *Società per Azioni*, limited company; prevalently made up of local public capital, but also, where it is deemed opportune, and according to the nature of the service to be performed, including participation by other public or private actors.

Sources:

Law No 142 of 1990 *Ordinamento delle Autonomie Locali* (Local government regulations).

Ecosfera SpA, *Il project financing per le opere pubbliche in Italia*, Rome 1993.

Urban regeneration

D5. Agencies

As already mentioned above, Italy does not have any public or private actors who can be viewed as agencies in the strict sense of the word. This is also the case for urban renewal, where the main promoters are currently represented by public bodies such as *Comitato per l'Edilizia Residenziale (CER)*, the *comuni* and the *Istituto Autonomo Case Popolari (IACP)*.

Instruments and objectives

D6. Ordinary laws: the operational possibilities comprise:

Piani di recupero (see section B);
Programmi integrati d'intervento (see section B);
Programmi di recupero urbano (see section B).

Special laws apply as well as the ordinary procedures. It is worth while mentioning the existence of some Ministry of Public Works initiatives which are linked to the need to create accommodation for specific uses. These initiatives, follow the most recent trends towards intervention through functional *Programmi integrati* and using the allocated resources.

Sources:

Law No 47 of 1978, *Norme per l'edilizia residenziale* (Residential housing regulations).

Law No 179 of 1992, *Norme per l'edilizia residenziale pubblica* (Public residential housing regulations).

Law No 493 of 1993, in *Disposizione per l'accelerazione degli investimenti ed il sostegno dell'occupazione e per la semplificazione dei procedimenti materia edilizia* (Dispositions to accelerate investments, sustain employment and simplify building construction procedures).

Law No 203 of 1991, *Provvedimenti urgenti in tema di lotta alla criminalità organizzata e di trasparenza e buon andamento dell'attività amministrativa* (Urgent measures towards fighting organised crime and towards transparency and proper procedures in administration).

Public sector development policies

D7. Essentially, policy decisions regarding territorial development are the responsibility of local authorities (*comuni and province*) and regional authorities. The State retains the functions of urban development directing and coordination.

D8. Land acquisition is important. Between the end of the 1960s and the early 1970s, Italy pursued a land-purchase policy aimed at creating a certain amount of State property in order to allow local authorities to manage, or at any rate to control the process of urban expansion. Currently the *comune* is not allowed to set up a State property reserve; the expropriation of an area can only occur in the name of the public utility. As regards the location of public works that derogate from the provision of the plan, it can be fixed by using new instruments aimed at cutting down the procedural requirements; this consists essentially of the *Accordo di programma*.

Major infrastructure

Transportation infrastructures

D9. Italy has no agencies specifically operating in this area; the promoters in this case are represented by public actors and by the F.S. – Ferrovie dello Stato Spa. The reference set of regulations is made up of:

Law No 122 of 1989, refers to parking areas which allows the *comune* to grant franchises to construction companies and their consortiums to build and manage car parks. The opportunity of applying the law extends to all large cities and metropolitan areas in the country.

Law No 211 of 1992 refers to intervention in the sector of rapid mass transportation systems; the law provides for the possibility of calling on limited companies with mostly public capital (see Partnership) to build and manage work projects. Both in this case and in the previous case, it is the annual rates which define the works' economic equilibrium, and consequently, the likelihood of its being an attractive investment for the private individual.

Law No 240 of 1990 refers to State intervention to build ports for the transport of goods which favours intermodality and provides for franchises for their construction and management. These are granted to limited companies, 20% of whose capital is offered for public subscription, and 30% of which is reserved for administrations, enterprises and mostly public companies.

Piano quinquennale di investimenti (a five year investment plan) in Italian airports, approved by the *Comitato Interministeriale per la Programmazione Economica (CIPE)*, which grants franchises to limited companies for managing airport facilities. The planned finance in the plan can be integrated with FESR funding, Article 130c of the *Trattato dell'Unione Europea*.

Finally, as regards rail transport, Law No 385 of 1990, has introduced the setting up of mostly public capital joint venture companies to manage those railway sections which have a low density of traffic. Law No 98 of 1991 allows joint venture companies to take out franchises on lines and infrastructures in the high speed system. In 1992 public funds up to 40 % of the cost of the planned work were allocated to the high-speed system. In both cases it is planned that State Railways will participate in these companies.

Energy infrastructures

D10. The electrical energy distribution corporation, *Ente Nazionale Energia Elettrica (ENEL)* retains the title to this service, however, private initiatives are planned for energy to be produced by enterprises for their own consumption and also to sell to *ENEL* itself. Such sales would be governed by an appropriate set of regulations.

Sources:

Law No 122 of 1989, *Disposizioni in materia di parcheggi* (Car park arrangements).

Law No 211 of 1992, *Interventi nel settore dei sistemi di trasporto rapido di massa* (Intervention in the sector of rapid mass transportation systems).

Law No 240 of 1990, *Interventi dello Stato per la realizzazione di interventi finalizzati al trasporto merci ed in favore della intermodalità* (State intervention to build interports for goods transport and to favour intermodality).

Law No 385 of 1990, *Disposizioni in materia di trasporti* (Transport arrangements).

Law No 98 of 1991, (State Railways participation in companies with interests in the study, planning and construction of railway lines and infrastructures).

Law No 9. of 1991, *Norme per l'attuazione del nuovo piano energetico nazionale* (Regulations for setting up the new national energy plan: institutional aspects, hydroelectric, electric cable, oil and gas fired and geothermal power stations, autonomous production and tax arrangements).

Law No 10 of 1991, *Norme per l'attuazione del nuovo piano energetico nazionale* (Regulations for setting up the national energy plan with respect to rational energy use, energy saving and developing sources of renewable energy).

Partnerships

Instruments and procedures

D11. At present, the possibilities for setting up public work partnerships between public and private actors essentially consist of *Società mista* (joint venture companies). The basic regulations on the subject are represented by Law No 142 of 1990 which, as to the question of managing public services, provides for *comuni* and *province* to set up mostly public capital companies, and from

Law No 498 of 1992 which, still on the subject of management, as well as constructing and managing public services and building infrastructures in the public domain, extends this possibility to include mostly private companies. The joint venture company, essentially in the role of a franchiser, carries out the work planned by the administration and manages the work and the services. The private shareholder is chosen by public competitive tendering and the work is given to third parties via public contracting.

Other forms of planned partnership concern building restoration work, which provides expressly for funds to be allocated for carrying out programmes for the *comune*, the *IACP Consorzi*, construction companies, cooperatives and consortiums of the above.

Applications

D12. As regards managing public services, the definition of a joint venture company has not yet been fixed. As regards building restoration work, the experience in this area is extremely limited. The most frequent difficulties encountered concern the complex operation of defining the company structure.

Sources:

Law No 498 of 1992, *Interventi urgenti in materia di finanza pubblica* (Urgent public finance work).

Tourism development

Actors and duties

D13. The Department of Tourism is located within the Council Presidency, following the repeal of the Ministry of Tourism and Entertainment, a move sanctioned by the 1993 referendum. This Ministry essentially takes on all the duties of the old Ministry, directing and coordinating regional activities and taking responsibility for international relations, and controlling the activities of *Ente Nazionale Italiano per il Turismo (ENIT)*. The *regioni* are given the responsibility for managing 'all public services, structures and activities regarding the organisation and development of Regional tourism'.

D14. The principle sources of financial support for developing tourism therefore come from the *regioni*, and it is not uncommon to see tourism promotion consortiums being set up on the basis of initiatives contained in regional laws. Many *regioni* in Italy have access to EU fundings more or less directly as to the activity of the sector. Indeed it is not by chance that 48 % of funding (1989) was for tourism and economic activities. In particular, the *regioni* of the centre and the north of Italy only received 11.8 % of the resources, while the south received 32.9 %.

The main EU programmes involved are:

- work coming under Objective 1 (FESR funding, see Regional economic development). Within this objective each Italian *regione* follows its own programmes and in which there are references to tourism and environmental protection, supporting projects for creating and developing natural parks and minor building restoration for tourist purposes, so as to give the area back its naturalist qualities and at the same time increase employment and income in the internal areas;
- projects coming under *Programmi Integrati Mediterranei (PIM)*, specifically aimed at Spain, Italy and Greece. The *regioni* concerned are all those in the south of the country, and in addition Emilia Romagna, Liguria, Tuscany, Umbria, the Marches and Latium. In practically all the programmes presented by the *Regioni* there is a sub-programme covering tourism and the environment (frequently cases of agrotourism).

Rural development

Actors and duties ---

D15. The Law No 491 of 1993, following addition of the Ministry of Agriculture and Forestry also states that all functions connected with agriculture and forestry, aquaculture and agrotourism are the responsibility of the *regioni*, as are the functions connected with conservation and development of the rural territory. Therefore, the national Ministry has the responsibility for defining national policies, safeguarding international relations, ensuring Italian participation in developing EU policies, etc.

D16. The amount of finance which used to be managed by the old Ministry of Agriculture and Forestry (ITL 3 145 billion in total for 1994) is divided under the new law between the *regioni* (80 %), and the department for new institutions. In this case, the *regioni* can refer to Community funding, and in particular:

- to work which comes under Objective 5b (see the paragraph on Regional economic development);
- to work making use of *PIM* (see paragraph on Tourism development), whose subprogrammes on agriculture are particularly significant; some *regioni* have even been divided in two (forests and zootechnics), while Sardinia has included forestry in its tourism and environment subprogrammes, and Campania has placed rural infrastructures in its infrastructure subprogramme.

Source:

Law No 491 of 1993, *Riordinamento delle competenze Regionali e statali in materia agricola e forestale e istituzione del Ministero delle Risorse Agricole, Alimentari e Forestali* (Restructuring regional and national competencies in agriculture, forestry and the institution of the Ministry of Agricultural, Food and Forestry Resources).

Special agencies

D17. There are no special agencies, reference has to be made to operational instruments which have already been mentioned in other paragraphs.

Protection of the environment/conservation ---

D18. Protection and management of the environment is the responsibility of various levels of government, both central and peripheral, with different kinds of responsibility falling on government actors and voluntary associations. The role of coordinator, as far as environmental control is concerned, will be played by the new environmental protection board *ANPA (Agenzia Nazionale per la Protezione dell'Ambiente)*, which will take over the duties of the *Unità Sanitarie Locali* where environmental control is concerned. The agency is

the first of its kind in Italy and is destined to play an important role, both at the central and local level. It will be composed of nuclear energy experts from (ENEA) *Comitato nazionale per la ricerca e lo sviluppo dell'Energia Nucleare e della Energia Alternativa*, and by experts and staff of other public actors, and will have a staff of about 500 to 600.

D19. ANPA's tasks will be: collection of data about the state of the environment; formulation of environmental standards; promotion of environmentally friendly technologies; pollution controls; prevention of industrial accidents and atomic energy controls. In addition to this central agency, regional governments may set up local agencies, at a regional or provincial level, for territorial protection, vigilance and control. Ecological taxes on refuse, drinking water, authorisations and environmental control will, when approved, serve to finance these services.

Countryside conservation

D20. The Law of 6 December 1991, No 391, provides Italy with an organised system of natural, protected land and sea reserves, and lays the foundation for a new type of environmental conservation policy. The need to reconcile protection of our natural heritage with the economic and social development of the inhabitants of areas which have been declared natural reserves has been recognised. Through active conservation of the natural environment, economically compatible development policies can be developed for the areas covered by national parks and reserves. The law provided for new territorial planning methods, based on the identification of areas with different levels of protection. The nature reserves protected are identified by the legislator as instruments for socioeconomic promotion. The formula adopted for the managing actor is that of an autonomous agency in which the participation of associations and the scientific world is ensured.

D21. Considerable importance has also been given to consultative and planning bodies created by the law at the central level: the *Consulta Tecnica per le aree naturali* is composed of nine experts on the natural-environment, nominated by environmental protection associations, by the academic and scientific world and by the actors responsible for the management of national and regional parks. *Comitato Interministeriale per le Aree Naturali* is the liaison point between the

central authorities and the local governments, thus fulfilling the need for real coordination between the State and the *regioni* concerned.

D22. The protected natural areas are divided into three main categories: national parks, regional nature parks, national or regional nature reserves. This is a more simple classification than the international one. The main goals of the creation of protected natural areas are the town renewal, hinterland and mountain areas recovery, the revival of agriculture and of traditional crafts and trades, environmental renewal and the prevention of hydro-geological imbalance. The national parks are exceptionally complex natural areas, covering a vast territory of high national and international value and interest, their environments are either unique or typical of a certain geographical area, noted for the presence of species of fauna and vegetable associations. The term appears for the first time in Italian legislation in 1991 when the *Gran Paradiso* National Park was created, RDL of 3 December 1922, No 1581. Regional and provincial national parks are large areas, often coinciding with a natural district not yet completely disturbed and transformed by mankind; apart from the need for conservation they are also suitable for educational and recreational purposes.

D23. Some *regioni* have passed laws on this subject, based on DPR No 616 of 1977, and this has led to further divisions and specifications on the classification; in fact, in addition to regional parks and regional natural parks, definitions of systems of green areas and of suburban and city parks have been introduced.

Nature reserves, whether State or regional, are areas of limited size, sometimes identifiable with one single biotype, which are of ecological and scenic value and scientific interest and typify special aspects of a certain territory. These reserves may sometimes be inside a larger protected area (park) and their size makes for simpler management since no specific territorial planning instrument is needed.

Based on the objectives outlined in the legislation establishing them and on their systems of management, two basic types of reserve can be distinguished: general nature reserves and special nature reserves. The first group includes integral nature reserves and specialised nature reserves; the second is usually divided into two subgroups: partial reserves, which include geological, botan-

ic, zoological, biological and anthropological reserves, and special reserves consisting of natural places, natural monuments, protected forest and animal and vegetable repopulation areas.

D24. The protected marine areas, provided for in Law No 979 of 1982, are established by the *Ministero dell'Ambiente* (of Environment) in agreement with the *Ministero della Marina Mercantile*: they are classified as biologically protected areas and nature maritime reserves. The former are stretches of sea, protected and recognised as breeding areas, either because they produce economically valuable marine species or because they have been depopulated through overfishing; they do not, therefore, need systematic natural heritage protection measures and are established by a Decree of the Minister for Mercantile Marine. The second type, also set up under Law No 979 of 1982, are typical of marine environments found at the bottoms of coastal waters which are of particular interest because of their natural characteristics, especially with regard to the flora and fauna, and because of their scientific, ecological and cultural importance. They are grouped into marine parks and marine reserves, according to size and restrictions.

D25. There are also smaller stretches of territory protected by public or private actors. Among the leading associations managing such areas are: *WWF Italia*, *LIPU* (*Lega Italiana per la Protezione degli Uccelli*), *FAI* (*Fondo per l'Ambiente Italiano*, *Federazione Pro Natura*) and others.

D26. In the history of all the Italian parks, funding has always been a problem and remains one of the main obstacles to proper management of the parks.

The autonomous management boards, especially as far as already established national parks are concerned, sometimes receive ordinary financing and sometimes special financing; they also resort to forms of self-financing although this is only marginal compared to the amount of funds required.

Every three years the Ministry of the Environment presents a plan for environmental financing. The second one was presented on 12 October 1993. This plan is adequate and the investments foreseen in it are allocated to five priorities: management of rivers, the environment in urban areas, processing of refuse, development of parks and protected natural areas, protection in high-risk in-

dustrial areas. In addition to the funds under the plan, funding by local agencies and Community funds are available for projects with a strong environmental component.

Sources:

Law No 391 of 6 December 1991, protected land and sea reserves.

RDL No 1581 of 3 December 1922, creation of the first Italian national park, *Gran Paradiso*.

Law No 979 of 1982, about the protected marine areas and reserves.

Ministero dell'Ambiente (1994), *Guida all'uso del parco*, Rome.

Environmental conservation

Environmental risk and environmental damage

D27. The Seveso guidelines, issued in 1988, No 175 after the accident in the area of that name, define the various levels of risk and danger to human health related to the operations of companies and large industrial plants and classify industries on the basis of a maximum to a minimum risk level. Depending on the classification (fire risk, explosion risk, risk of discharge of toxic substances) all plants are subject to special regulations of governing authorisations to operate which indicate the procedures to be followed.

D28. The consultative agencies for control and permits are: *CNR* (*Consiglio Nazionale della Ricerca*, *Istituto Superiore di Sanità*) (Public Health Institute), *ISPEL*, by Ministry of Health and the Fire Brigade. Some *regioni* have specific regulations related to compensation for environmental damage. The work is done by the national group for *Difesa delle Catastrofi Idrogeologiche* (protection against hydrogeological disaster).

D29. When the *Ministero per la Protezione Civile* was established, at the beginning of the 1980s, the *CNR* was asked to cooperate by creating an advisory committee to deal with various types of risk. As a result of cooperation with the scientific community, a national group *per la difesa dalla catastrofe idrologica* was created in 1984 by a Decree of the Ministry of Scientific Research, in agreement with the Minister for Public Works and the Minister of the Environment. The Group is composed of university institutes, institutes of the

CNR, and local authorities scientific institutes. It works along four basic lines:

- (a) forecasting and prevention of dangerous hydrological occurrences and their control;
- (b) forecasting and prevention of high-risk landslides;
- (c) appraising hydraulic-geological risk and zoning, action strategies for mitigating the effect of dangerous occurrences;
- (d) appraising the vulnerability of aquifers.

D30. Its specific tasks are:

- to promote and develop disciplinary research and coordinate inter-disciplinary research;
- to provide scientific and technical advice, in the field of hydraulic and geological risk, to the ministries concerned, the regional authorities and the local actors, with particular reference to civil defence problems and the education of populations exposed to the danger of floods and landslides;
- to make proposals for research programmes, regulations and measures;
- to keep in touch with public actors and research work in other countries.

Geological risk

D31. In Italy the problem of the land resource protection is of a fundamental importance because of the country's special and very complex morphology, long and narrow, with mountain ranges near the sea, very high peaks, very deep valleys, and steep slopes characterised by fragile lithology. On that basis our country has, throughout history, suffered many major hydrogeological disasters, floods, earthquakes, etc.

The technical-scientific structures responsible for soil protection are:

- the *Servizio Geologico Nazionale* (National Geological Service);
- the *Servizio Sismico Nazionale* (National Earthquake Service);
- the *Servizio Idrografico dello Stato* (National Hydrographic Service) which, until 1978, was

responsible for the publication of *Annali idrologici* (Hydrological annals) giving data on temperature, rainfall and the flow of watercourses, prepared by experts on the subject — essential basic information for any hydraulic or hydrogeological work. At present the service has a greatly reduced staff, notwithstanding the increase of the risk problems which now affect almost all Italian watercourses and basins.

D32. As to earthquakes, the Ministry of Public Works has produced a book listing all the seismic *comuni*, with demographic and territorial data which do not take into account the seismic classification of the *comune's* territory and the relative risks. There is also a lack, in Italy, of seismotectonic and seismogenetic maps, and of risk maps capable of showing the territory's physical peculiarities from the morphological, lithological, hydrogeological and structural point of view, and of showing the formation and definition of the areas in the PRG.

Source:

Law No 175 of 1988, the Seveso guideline.

Coastal planning

D33. As is well known, the concept of coastline integrated management has become quite common in the Community territorial policies, even though it has not been translated in any international treaty on coastal planning until now. Therefore, one doesn't have to be surprised if the legislation and initiatives of the member countries have acquired this concept with some delay, to such a point that, in Italy, the coastal territory is under pressure due to the disordered overlap of functions related to productive activities, shipping transportation, tourism and primary and secondary houses. In the last few years, an environmental emergency has emerged due to uncontrolled building in coastal areas. This frequently causes water pollution, coastal erosion and landscape resources depletion. This is a crucial problem for a Mediterranean country with a 7 600 km coast line. For *Legge Galasso* (Law No 431/1985), sets up a rigid constraint for a 300 meter-wide coastal strip starting from the water's edge and contributes to pointing out the problem of coastal planning, the advanced degrading processes, in addition to a rigid legislative and administrative model of coastal management (conceived as a defence from sea attacks to the coastal settlements), have kept the EU ad-

vice main lines on this subject from integrating a legislative and planning framework which is fragmentary and sectoral.

D34. As a demonstration of what has been said, one can consider, on the one hand, the measures aimed at regulation of harbours conceived as a function different from other activities taking place around the harbours, and, on the other hand, the constant additions to a legislative framework which was already 'hypertrophic', such as the ambitious Law No 979/1992 on sea defence regulations, the integrations of Community policy on protected areas into Law of 27 February 1985, and in several other legislative measures following policies on water protection from pollution. Due to the uncertainty and confusion of this framework, the actors and procedures of coastal planning are still indefinite, considering, on the one hand, the coincidence between State property and the coastline which shows the pre-minent interest of the State in the development of these planning policies; and, on the other hand, the prevailing regional policies in hinterland planning. The functionally integrated problems of coastline are addressed in a fragmented legislative and administrative framework.

D35. Given these contradictions, emphasized by DPR No 616/1977 which partially transferred to the Regions the coastal planning competencies (being 'maritime works' and 'coastal defence works' competences of the State), it is important to point out the positive role which regional planning even with limitations, can play, completing projects in the last 10 years. Especially in the case of touristic planning, some regions (such as *Emilia Romagna*) have tried to make the intensive use of their coast lines – the economic relevance of which nobody is able to leave out of consideration – compatible with interventions aimed at environmental resource recovery and exploitation, as well as the control and prohibition of new building.

Urban conservation

D36. The judicial basis of urban conservation activities is in Law No 457 of 1978, which introduces new building programming procedures as well as a new operative instrument aimed at the conservation of buildings in the urban centres, the *Piano di Recupero*. Thanks to this urban planning tool, the project manager (in this case, the local authority) is actually able to manage the renewal processes which, and all, the actors in-

involved can take part. As regards fundings available for urban conservation, the local agency can use its own financial resources and even those provided by the State for public housing, the latter being available also for conservation works.

D37. Project programming is up to the *Comitato per l'Edilizia Residenziale (CER)* which, referring to the regions and to the 10-year plan for building, Law No 457, has fixed the budget for urban conservation and its distribution over the territory. In addition, while urban conservation plans are a public initiative, private citizens can make proposals also, and in this way enhance the potential of this instrument.

D38. Now that the housing emergency which *Piano decennale per l'Edilizia* (the 10-year housing plan) was inspired is over, urban conservation funding seems to go through new procedures, which overcome the traditional separation between housing policy and more general urban policies through the integrated programmes set up by Law 179/1992. The programme basic function is to allow the transformation of existing urban areas through the integration of urban conservation works and new buildings, cooperation between public and private actors and, most importantly, access to different financial sources. After being applied to the public works sector successfully, this project financing technique now gives priority to urban conservation interventions, which can fight the public financing crisis due to the private sector.

D39. These actors can be encouraged in sponsoring and building public works at rates higher than those which the building permit attribution is conditioned by, in exchange for the right (to be defined in agreements) to build in high-business-value areas where urban planning instruments don't provide for this possibility.

D40. Despite some criticism of the introduction of new projects which can almost automatically alter urban planning instruments, the experimentations following the integrated programmes seem to improve both policies of urban conservation. The policies, unlike the rest of Europe, are still linked in Italy with procedures rigidly referred to the building sector. In this problematic but interesting field, there are also the initiatives connected to Art. 18 of Law 203 of 1991 (Housing Extraordinary Programme) which do not strictly aim at conservation goals but yet contribute to urban policies promoting the construction of 25 000

houses for those of low incomes in the most populated areas. The programme operation condition is that the offer of houses is integrated with non-residential buildings, according to a standard varying from 30 to 60 % of the residential volume.

Preservation and conservation of historic, archaeological sites and buildings

D41. The main laws on the protection of historic and environmental property are Law No 1089 of 1939, protection of historic-artistic and archaeological property, and Law No 1497 of 1939, protection of natural beauties, under which restrictions on property are introduced. A further Law, No 431, was passed in 1985 confirming the importance of *Piano Paesistico Territoriale (PTP)*, a landscape plan which controls proper management of the territory. The structure for the conservation and protection of historic, architectural and archaeological property in Italy is very centralised and is mainly under the responsibility of the Ministry of Cultural Heritage, assisted by councillors in the regional, provincial and municipal structures. The Ministry has central institutes: for cataloguing and documentation; for the single catalogue of libraries and bibliographical information for restoration. They have full administrative and accounting autonomy, are responsible for directing and coordinating the work on cataloguing and conserving archaeological, artistic and historic property carried out by specialised agencies.

D42. The peripheral actors are the *Soprintendenze*. Each *Soprintendenza* has its own specific field: the archaeological *Soprintendenze* are responsible for archaeological property up to the Middle Ages and for excavations; the archives *Soprintendenze* are in charge of State and private archives of historical interest; the environmental and architectural property *Soprintendenze* are responsible for buildings and for the protection of monuments dating from the Middle Ages up to 50 years ago. The *Soprintendenze* also deal with any matters within their competence in the framework of municipal town-planning schemes.

D43. The State can carry out archaeological research anywhere in the Italian Republic; if the building or area where excavations are to take place is private property the *Ministero dei Beni Culturali* requisitions it by a decree and all finds belong to the State. If an object or building of artistic or historical interest happens to be found, the finder is obliged to report it immediately to the

competent *Soprintendenza* and is also responsible for the temporary conservation of the object found, leaving it in the place and condition in which it was found.

D44. One of the Ministry's most important offices is the Office for environmental, architectural, archaeological, artistic and historic property: this Office performs work and services related to the protection of the environment and of artistic and historical property. The Office has seven divisions and a wide field of action: from archaeological and architectural property to participation in rulings, based on the *VIA* procedure, on the environmental compatibility of work and infrastructures. Its work includes the imposing of restrictions on natural beauty spots, on areas of archaeological interests and their monuments, the acquisition of property of historic-artistic interest, excavation programmes, drawing up an archaeological map of Italy, restoration of private and public property, organisation of museum and galleries, checking the inventories of historic towns, plans for international and national shows, relations with national and foreign cultural institutes.

D45. Most of the funds for restoration, evaluation and cataloguing under projects implementing the landscape plans come from the State's annual financial laws. Other financial sources are: special funding plans for particular situations and from different authorities (for instance the Rome Capital Programme), from *Fondo Investimenti ed Occupazione (F.I.O)*, specific State funding for infrastructure and interventions in the territory for specific projects, from private sponsorship governed by a special law. The above activities are conducted with the technical and operational support of research institutes, universities and voluntary associations.

D46. The main innovations introduced by the new text of the protection law deal with the actual definition of cultural property. In fact, all property of any cultural interest whatsoever is to be protected, such as old book shops, historic coffee houses and any premises which have become part of a city's tradition. Under the new protection law, whether they are privately owned or belong to public actors, restrictions will be imposed prohibiting any change in their use. Another important possibility is that of expropriating privately owned cultural property for public use, whereas at present the State only retains pre-emption rights at the moment of sale. Another innovation is that the *regioni* are to be more in-

volved in the protection of our national heritage, thanks to attribution to them of new powers which include the authority to impose restrictions, to exercise pre-emption rights and to catalogue property.

D47. A *vincolo*, imposed by a ministerial decree, establishes that a piece of movable property or real estate, whether private property or owned by a public actor, is of artistic or historic importance and is therefore subject to special protection. The owners of a building on which a restriction has been imposed must obtain authorisation for any work (alterations, restoration, etc.) from *Soprintendenza*, which must give a ruling. If an owner does not fulfill the obligations related to the conservation of the protected property, the State authorities may expropriate the property.

Sources:

Law No 1089 of 1939, protection of historic-artistic and archaeological property.

Law No 1497 of 1939, protection of natural beauties.

Law No 431 of 1985, basic law for landscape planning, confirming the importance of *Piano territoriale paesistico (PTP)*.

Camera dei Deputati (1992), *I beni culturali*, 2 voll., Rome.

Natural resources planning

Water

D48. The reclamation of water and the conservation of its quality are governed by Law No 319 of 1976. This law basically deals with the obligations of industrial establishments to have suitable waste-processing plants and makes the *regioni* responsible for drawing up water reclamation plans so as to ensure respect for a whole series of quality requirements on internal waters and sea waters, related to the need for their protection, their use and quality conservation. A decree of the Presidency of the Cabinet was also issued in February 1985, concerning the new quality requisites for water used directly for human consumption.

D49. The water planning system is based on the national plan and regional plans for water reclamation. The regional plans are actually programmes of action in the field of infrastructures, such as sewage and water-purification plants.

There has been a serious delay as far as the general water reclamation plan is concerned. Even with the creation of Law No 349 of 1986 by the Ministry of Environment, which is responsible for that matter at the national level, this delay has not been remedied. At present, water resources are mainly managed in the *comuni* by *aziende municipalizzate*, at least as far as aqueducts and sewers are concerned. Such a management system, which originates from our municipal tradition, is not adequate for the rationalisation of the management and use of water resources: proper management needs to go far beyond the municipal scale. As far as funding is concerned, legislation is rather haphazard and, in the absence of long-term plans, the matter is left to the mechanism of the *Fondo Investimenti ed Occupazione*.

Quarries and mines

D50. The basic law governing quarrying and mining operations is No 1443 of 1927, under which mining for the extraction of metals, clays, talc and asbestos is classified as category I, and quarries for granites, ornamental stones, sands and gravels along rivers, marbles and limestones are category II. There are 30 mines in the whole of Italy and their number is progressively diminishing. Works are carried out under *concessione*, public law. There are, on the other hand, numerous quarries throughout the country (about 7 000), governed by private law; work is permitted subject to special authorisations granted by the *regioni*. Instruments governing regional and provincial planning include special provisions regulating and governing quarrying and mining work.

Waste

D51. The basic law on waste disposal is DPR No 915 of 1982, under which *regioni* must adopt plans dealing with this problem. Law No 241 of 1990, recently added, establishes simplified administrative procedure for regulating the recycling and disposal of waste. Waste is classified into three types (urban, special toxic and noxious) which disposal sites land fill categories I, II and III apply to respectively. Category III does not exist in Italy. The problem of disposal sites is the responsibility of the *regioni* and *comuni*. This is an extremely controversial subject because every *comune* must have waste disposal sites.

D52. Controls on waste disposal have up to now been carried out by the *province* and the *USSL* (*Unità Sanitarie Locali*); however, with the creation of *ANPA* and the regional agencies, all the control work will be assigned to them. Relations between them and the local actors have still to be properly regulated. Municipal companies – whose role so far has only been collection – also need to be involved in the submission of specific projects and the technical-scientific supports needed for control and supervision. As far as reuse and recycling of so-called secondary materials is concerned, this operation would still be uneconomic for the State, notwithstanding the regulations of Law No 441 on selective collection which places obligations on *comuni* without providing adequate financial provision for them. In the future the *province* could play an important role in controlling the *comuni* which, being the operators, cannot control their own operations at

the same time. The various bills at present under consideration dealing with the collection and disposal of waste often mention the need to provide for differential collection in provincial planning and to create provincial offices to give advice to alternative forms of *comuni* and citizens.

Sources:

Law No 319 of 1976, basic law for the reclamation and conservation of water;

Law No 349, article No 6, of 1986, creation of Ministry of Environment;

Law No 1443 of 1927, basic law for governing quarrying and mining operations;

DPR No 915 of 1982, the basic law for waste;

Law No 241 of 1990, simplified administrative procedures for the recycling and disposal of waste.

E. Overview of spatial planning in practice

Levels of planning

E1. In Italy, the responsibility for territorial planning falls to single regional authorities for strategy and to local authorities for implementation. The State is only responsible for deciding the general direction of planning, and for coordination. In particular, it prepares guidelines for the layout of the national territory. As we move from the top downward, it must be noted that at national government level there is no official territorial reorganisation strategy to refer to when drafting national policy regarding the elimination of regional imbalances or other specific sectors. In fact, the institutions where such policies are formed (State ministries, public bodies and companies, and so on) operate without any mutual coordination. Furthermore, the only kinds of assessment their actions are subject to are: the evaluation of financial and economic compatibility for general planning is carried out by *CIPE* (*Comitato Interministeriale per la Programmazione Economica*); and evaluation of environmental compatibility (carried out by the *Ministero dell'Ambiente*) for large projects.

E2. In order to speed up authorisation and approval procedures for projects, the various organisations concerned (State, regions, local authorities, contractors, etc.) make use of planning agreements and so-called *Conferenza dei Servizi* (see the Glossary). These institutions – which have played an important role in the past few years – have recently been criticised for the lack of ability they have demonstrated for creating consensus among the different administrations concerned. The task of these institutions is in fact to allow for the immediate issue of all necessary

authorisations for the implementation of a project by involving all the bodies concerned. Territorial compatibility of national policies (and related plans and projects) is finally evaluated at the regional level alone. To this end, and for the definition of their own policies, the regional governments make use of regional planning policies (both territorial and sectoral). These in turn provide a framework for local planning, on the basis of which plans and projects are finally realised.

E3. Overall, territorial planning is practically non-existent at the national level, merely orientative at the regional level ⁽¹⁾, and implemented at the local level. The regions are undoubtedly at the centre of the entire procedure, and in the best of cases, they manage to exert substantial influence on the orientation of territorial transformation (land-use change). But in the worst of cases, they end up ratifying national choices and don't manage to provide overall coordination for the variety of local decisions that are made.

National policy for depressed areas and the territory

E4. After the enactment of Law No 488 of 1992, regional policy was transformed from 'extraordinary' State intervention in favour of the south of Italy only, to a policy for depressed areas throughout the national territory. The State's economic policy was therefore no longer aimed solely at the elimination of macroeconomic territorial

⁽¹⁾ We refer here to the strategic content of planning, whereas – from the operational standpoint – the approval of subregional urban planning devices is subject to regional jurisdiction.

imbalances between centre-north and south, but more generally at dealing with territorial imbalances found throughout the national territory.

The State's regional policy – as a structural policy aimed at development and balance across the whole national territory – has obvious connections to European regional policy. In fact, after an initial phase aimed at the development of backward areas, the progressive widening of the EU and the advent of a single European market has led European regional policy to assume an ever-larger role, embracing ever-wider portions of the European territory. Therefore, there is an increasingly apparent need for national development policy to consider not just the south but also other areas which have been included in the operational scope of European regional policy (such as areas affected by industrial decline and backward rural regions). This need provoked the decision to integrate the two policies by unifying responsibility at the national level for coordinating regional policy, and placing policy for depressed areas into a routine administrative and financial framework⁽¹⁾.

E5. European regional policy therefore supplements national policy from a financial standpoint, but also depends on national policy in terms of planning content. A paradox therefore arises in which European action is based on openly declared territorial objectives, but must be coordinated with a national policy for depressed areas that have not been developed within any territorial strategy. In the absence of such a unifying strategy, the risk is that through enactment of European regional policies (Community support frameworks and related operational plans for Objective 1, and single programming documents for Objectives 2 and 5b) – objectives will be pursued which are not necessarily coordinated between the regions and the proposing public administrations.

E6. The process of harmonising European regional policies and national ones therefore joins together territorial strategies of single regions (collected, for Objective 1, by the Ministry of Financial Planning in its 'global plan') and territorial decisions made by the European Union, without any active intervention from the State. Supra-regional, or even cross-border, effects of regional policy actions therefore risk going out of control, with serious repercussions on national territorial planning and on cost efficiency.

Territorial effects of European regional policy

E7. A future European policy for territorial planning could easily combine with regional development policy at the operational stage, through the use of European Structural Funds for priority Objective 1 (slow-developing regions), 2 (regions affected by industrial decline) and Objective 5b (backward rural regions). First identification criteria for areas of intervention, even if primarily centred around socioeconomic aspects, contain numerous references to elements of a territorial nature, such as urban peripheral areas, urban decay, marginality, the abandonment of mountain areas, and so on. Second, the existence of inseparable ties between socioeconomic and territorial aspects in the structural problems of regional development is confirmed by the fact that areas of Fund intervention identified by regional policy largely include principal territorial issues, which must be dealt with at both the European and national levels to achieve a more territorially balanced development. For example, in Objective 1 areas (slow-developing regions) there is a clear relation to the problem of economic marginality and isolation – in terms of distance from principal central European markets – and geographic marginality with respect to difficulty of communication and connection with the rest of the European territory⁽²⁾.

Likewise, many Objective 2 areas (regions affected by industrial decline), present problems of urban decay, and of renovation and re-conversion of abandoned areas in disuse. In a majority of Objective 5b areas (backward rural areas) problems are traditionally related to disadvantaged

⁽¹⁾ 'The law reforming structural funds (1989) radically transformed the functioning of European regional policy. The affirmation of a partnership between the European Commission and national and regional authorities for defining strategies, the orientation towards working through broad planning rather than single projects, the elimination of reimbursement operations, and the requirement for national and European resources to be used together in cofinancing schemes, the emphasis on surveillance over implementation and evaluation of the effectiveness of projects, are all aspects which have favoured a progressive alignment between national and European regional policy.' (in *Osservatorio delle politiche regionali, 'La nuova politica regionale tra Regioni, Stato e Unione Europea', Rivista Economica del Mezzogiorno*, No 3 of 1994).

⁽²⁾ Save for a few limited exceptions (regarding certain central European regions in Belgium, the Netherlands and France), almost all intervention areas are located at the edges (especially the southern margins) of the European Union: the national territories of Greece, Ireland and Portugal, almost the whole territory of Spain, the south of Italy, Corsica, Northern Ireland and Scotland.

mountain areas and the safeguarding of territories subjected to depopulation and abandonment.

E8. Thirdly, the potentialities of regional policy interventions must be considered – since they contain many typologies within the principal category of infrastructure works, which are closely tied to territorial and urban planning. These include recovery of decaying sites, the enhancement of environmental and architectural resources, environmental defence and safeguarding, reduction of urban and visual pollution, defence of mountain areas, and so on.

E9. In Italy, the following areas have been selected for intervention through the Structural Funds for regional policy: the entire south of Italy (i.e. the regions of Molise, Campania, Apulia, Basilicata, Calabria, Sicily and Sardinia), which qualify for Objective 1; the provinces of Pisa and Terni, qualifying for Objective 2; and all other provinces, except for those of Sondrio, Mantua and Cremona, qualifying (at least in part) for Objectives 2 and 5b.

Therefore, while identifying and selecting areas for regional policy intervention also largely involves territorial criteria, it would seem to follow naturally that resulting development operations would be similarly characterised by such considerations ⁽¹⁾.

E10. In truth, such a possibility depends a great deal on availability of financing for each objective. Financing for Objective 1 is fairly substantial, and therefore provides the greatest possibility for interventions that include a satisfactory territorial component. The same cannot be said for Objectives 2 and 5b, for which allocation of funds is spread over a large number of geographic locations, and thus does not allow for significant intervention on a territorial level. Italian regions receive 15.8 % of the resources earmarked for Objective 1, 9.8 % of those earmarked for Objective 2, and 14.8 % of those earmarked for Objective 5b. In terms of actual investible sums (calculated based on an average proportion of 50 % of total costs being covered by the Structural Funds), the figures reach about ITL 70 billion. About ITL 60-65 billion of this pertains to eight regions in the south (in other words 21 million inhabitants) and the rest is divided among a good 57 central and northern provinces (affecting about 7 million inhabitants).

E11. Besides financial resources, we must also consider the willingness of the authorities re-

sponsible (central and regional administrations) to add territorial characteristics to their planned interventions. Within the planning framework of Structural Funds, such intentions can only be influenced to a very limited extent.

An attempt can be made to quantify territorial aspects in regional policy intervention, for example by paying attention to operations planned in Italy under Objective 1 (i.e., contained in the European framework plan for the south of Italy, called QCS (*Quadro Comunitario di Sostegno per il Mezzogiorno*), 1990-94. A more precise assessment could only be made after observing selected final intervention projects. Nonetheless, at this stage of planning, we can observe the main outline of interventions which could potentially include territorial implications ⁽²⁾.

E12. Table E1 shows financial figures from regional and multi-regional subsections, demonstrating sectors, subsectors, and intervention measures with the largest territorial content (communications, economic production zones, enhancement of natural and artistic assets for purposes of tourism, infrastructures for agriculture and supporting water, energy and environmental infrastructures). Overall, the total investment sum amounts to ECU 13 thousand million (about ITL 26 billion), equalling 40 % of total QCS investment. In comparison, regional involvement represents a good 46.2 % of all regional subsections, and central investment amounts to 34.5 % of the multi-regional subsection.

E13. On the sectoral level, the territorial connotation of these investment estimates is confirmed by the substantial proportion dedicated to communications and water, energy and environmental infrastructures (which together amount to 76 % of the total). Based on these few figures,

⁽¹⁾ The territorial area involved is fairly limited for provinces only partly pertaining to Objective 2 (Milan, Varese, Turin, Trieste, Gorizia) or to Objective 5b (Viterbo, Pesaro-Urbino, Como, Bergamo, Brescia, Pavia, Vercelli, Asti, Cuneo, Piacenza, Parma, Bologna, Ferrara, Ravenna, Forlì, Lucca, Arezzo, Siena, Vicenza, Belluno, Treviso, Pordenone, Trent, Bolzano, Imperia). A much wider area is affected in those provinces which are simultaneously included in both Objectives 2 and 5b, where regional policies concern almost the entire provincial territory (Perugia, Latina, Roma, Frosinone, Rieti, Ascoli Piceno, Ancona, Macerata, Aosta, Novara, Alessandria, Reggio Emilia, Modena, Florence, Pistoia, Grosseto, Livorno, Massa Carrara, Padua, Rovigo, Verona, Venice, Udine, Savona, Genoa, La Spezia).

⁽²⁾ The only explicit reference to intervention of a territorial nature regards cofinancing for pilot projects and cooperation networks (Article 10, Regulation No 2083 of 1993).

Table E1. Estimated investment with potential territorial effects of the QCS-Mezzogiorno 1994-99 (ECU millions at 1994 prices)

Supporting European planning subsection	Sectors, subsectors and intervention measures of the QCS-Mezzogiorno with potential territorial effects						Total subsections
	Communi-cations (a)	Economic production areas	Tourism resources	Agricultural infra-structure	Supporting infrastructure (b)	Total	
Abruzzo	60	18	56	46	20	200	465.3
Molise	93.1	0	34	36.7	62	227.8	551.4
Campania	336	89	160.2	435.3	343	1868.5	3392.5
Apulia	208.7	48	165.1	189.4	446.1	1057.3	2519.1
Basilicata	63.2	21	83.7	103.3	30.7	351.9	1206.4
Calabria	95	60	164	144.1	192.1	658.2	1852.3
Sicily	428.6	60	200	180.9	472.1	1341.9	3051.3
Sardinia	372.6	11	71.4	333	504.8	1292.8	2097.1
Total	1659.2	307	934.4	1469	2626.1	6995.4	15135.4
Regional							
Multi-regional	3554.8	0	260	120	2037	5971.6	17334.1
Total QCS	5214	307	1194.4		4663.1	12967	32469.5

(a) Including investment in roads, motorways, railways, telecommunications, etc.

(b) Including investment in water, energy, and the environment.

we can already assert that there is a greater sensitivity to territorial issues in regional planning than at the national level, even when we consider the absolute figures for expected investment volumes (about ITL 14 billion, as opposed to ITL 12 billion). However, we must keep in mind that these estimates are for potential territorial effects of the investment, and not for their predetermined dedication to territorial problems, which may depend exclusively on the will of implementing agencies.

Regional planning: operation and limitations

E14. In Italy, regional planning has not managed, except rarely and briefly, to create a synthesis between sectorial and territorial policies. The former are mainly comprised by national planning or spending legislation, while the latter rarely go beyond the coordination of planning carried out by different local authorities.

On the operation level, sectoral plans should acquire financial feasibility through the inclusion of specific projects from the various regional development plans which have remained on paper alone and have been made obsolete, in recent years, by newer planning documents which the regions have had to draft to fulfil European obli-

gations. It is through territorial policies that regional *Piani Territoriali di Coordinamento* are enacted. These plans are the tools by which regions exercise their responsibilities with respect to these issues. The limitations of territorial plans are to be found in the observed lack of a national territorial strategy which might act as a coordinating and unifying factor.

Land-use policies

E15. To a great extent, planning on a regional and municipal level has traditionally been interpreted in land-use policies.

On a regional level, there are two principal types of plan: a strategic/structural plan (*piano di coordinamento territoriale*) and a regulatory plan (*piano paesistico*). The latter instrument involves a careful, detailed analysis of the environmental assets of the territory, a classification of these assets, and the consequent zoning with specific norms.

E16. The fundamental urban-planning instrument on a municipal level, the *piano regolatore generale*, involves a very detailed zoning that covers the entire territory under the jurisdiction of the *comune*, and is legally binding. This zoning plan governs the relationship between the municipal administration and the property owners.

E17. In traditional urban planning in Italy, the strategic-structural approach has taken a back seat. It was only with the establishment of the *regioni* that the *Piano di Coordinamento Territoriale* was introduced. Nonetheless, this continues to be a very generic document, of scarce importance. It is zoning, and its relative regulations, that represent the dominant approach. The *PRG* is rendered rigid and inflexible by the excessively long period of time in which it is effective, combined with a level of land-use regulation of extraordinarily minute detail. The manner in which the inflexible nature of this urban planning tool can be overcome is the central theme of the current reflection and debate regarding reforms in the urban planning process. The prevalent school of thought suggests the introduction of a two-levelled approach to planning: a more strategic level, and a second level that would regulate land-use; both would be obligatory. At the same time, there is an effort to ensure that the time frames of these plans coincide with the term in office of the administrations (four years). This prospect applies primarily to the planning executed on a municipal level (a reform of the *piano regolatore generale*), which is currently the more problematic level.

E18. The production of the *piani regolatori generali* over the past few years attests to these difficulties. The most evident example is the search for a less precise approach to zoning, an approach that is less rigidly specific with respect to each individual zone; the search is, rather, for more extensive areas of transformation that will facilitate more complex, articulated urban development operations (for example, partnerships, etc.). At the same time, the body of regulations tends to be less exclusive in terms of function (only residential, only office-use, only industrial, etc.) and presents the possibility of a mix of functions, creating a greater margin of freedom for the actual construction/transformation proposals. All of the new municipal zoning plans tend, in fact, to follow a new overall approach.

E19. In the 1960s the approach was that of physical and economic development. In the 1970s, it was oriented towards recovery, re-utilisation of the existing urban fabric, and urban renewal. Starting in the 1980s, the approach has been one of ecological urban planning, or more precisely, sustainable development. This approach is characterised by:

- (a) Greater attention dedicated to the identification, protection and enhancement of undeveloped spaces (agricultural facilities, parks, green areas in general), through the application of an innovative approach to zoning that supplants the interpretation of the agricultural zone as a protected zone awaiting future transformation. On the contrary, the new zoning approach tends to highlight the diverse functions that are compatible with the local environment, and regulates the degree to which they are exploited by the citizens and utilised by the operators. In general, the approach of sustainable development tends to identify all the active components of the specific environmental system within which the functional and physical transformations must be effected.
- (b) The introduction of a system of environmental quality standards: permeability of the ground, maximum allowable pollution levels, restrictions on use of private motor vehicles, pedestrian-only thoroughfares. In Italy, a law passed in 1967 sets forth a minimum standard for urbanisation (local green areas, parking, scholastic services, etc.) equivalent to 18 m² of public-use space for each new inhabitant. This norm, which very frequently is interpreted exclusively as a quantitative standard, is now being flanked by standards of environmental quality as well.
- (c) A limitation, to the greatest extent possible, of the consumption of currently undeveloped land, emphasising rather policies of re-utilisation and re-occupancy of the consolidated city.

F. Policies and issues

Commercial

F1. The local *piano del commercio* introduced by law No 426 of 1971, is an instrument used to identify the level of specialisation and type of development of the commercial distribution network. *Comuni* have the obligation to draft such a plan, which for periods of four years must establish the quality and location of distribution activities. It is for this reason that the *piano del commercio* has great repercussion on urban planning, as with its provisions, it contributes to modifying the territorial balances and requalification processes of cities, for it indicates areas in which it is possible to develop the different types of distribution activities (from shopping centres on a metropolitan scale to local malls). However, the current provisions that regulate relations between urban planning and commerce do not provide for guidelines which offer a solution to this complex scenario. *Comuni* decide how to coordinate urban planning provisions with the commercial plan on a case-by-case basis.

F2. Law No 426 of 1971 and its enforcement regulations have not clearly addressed the complex relationship between the evolution in the nature of commercial firms and the need for their rational integration into the urban building fabric. However, the commercial network plan is a valuable planning tool, and if appropriately integrated with urban planning regulations, may allow for the management of the complex transformation of commercial activities in cities. The supply of commercial activities is clearly dominated by the presence of small commercial firms. As the same time, however, there is a thrust towards a modernisation process, which consists in offering the

opportunity of large-size shopping centres. Nevertheless, the urban planning history of our cities, the large historical centres, problems related to the infrastructure and to mobility suggest the need for a careful modernisation process of the sales network with control instruments that must guarantee the gradual introduction of new types of commercial offerings. In other terms, it is necessary to determine the conditions that will prevent specific interests from prevailing over general interests, and direct investments in regions where they are needed to support urban requalification processes.

European Union policies

F3. There have not been specific action measures regarding commercial activities. Nonetheless, these can be supported through two instruments of a more general nature. The first is represented by global subsidies provided under cofinancing programmes, which are normally managed by private operators, for the financial support of firms, including commercial enterprises, to improve, modernise and renew techniques of management, organisation and purchasing of real services. At the beginning of this year, the *Ministero del Bilancio* announced a competition for the selection of global subsidy proposals; each of these proposals is to provide support for the activity of the enterprises in accordance with specific methods identified in each individual project. Training or re-qualification of workers represents another way in which the commercial sector can be sustained. This type of action can be financed under individual regional programmes as well as the multi-regional programmes that the *Ministero del Lavoro* periodically finances – with objectives that are specified and differentiated on a case-by-case basis. Currently underway is a

competition for training programmes for employed workers and for initiatives aimed at developing employment in private sector firms.

National-level policies

F4. No direct intervention by the *Stato* is envisaged in the planning processes; it is merely supposed to perform a steering function in the direction outlined by the various provisions regulating this matter. The regulations for the enforcement of Law No 426 state that it is for the regional authorities to set their own guidelines; this means that their own territory must be broken down into homogeneous socioeconomic areas. Regional authorities must also specify the planning criteria of the distribution network pertaining exclusively to large-scale commercial structures. As of 1971, the enactment of laws and decrees has led to a sort of *Laissez faire* (transfers, mergers and enlargements of the existing commercial structures), so as to provide the sector with incentives to modernise the sales network.

Regional-level policies

F5. Regional authorities have the goal of defining the classification of the territory and the types of structures that may be introduced into the commercial network. They set the scope for application of standards, urban criteria for the location of large-scale commercial structures, as well as eligibility criteria for proposed projects. They may also establish the criteria for the issue of the regional authorisation for shops with an area greater than 400 m² (in municipalities with a population over 10 000), and for retail shopping centres and points of sale which in view of their size (an area greater than 1 500 m²) and geographical location are able to serve vast areas extending beyond municipal boundaries. It should be pointed out that the regional council must express its opinion exclusively with regard to the viability and distribution balance of the large structures in a supramunicipal context.

Local-level policies

F6. Articles 11 and 12 of Law No 426 establish the obligation for the *comuni* to draft a 'development and adjustment plan' for the sales network of widely and generally used commodities, so as to foster a more rational evolution of the distribution system. The object of the plan is so ensure the better operation and productivity of the service provided to the consumer, and to achieve the greatest possible balance between commer-

cial facilities with a fixed location and the presumable demand capacity of the resident and fluctuating population. The plan sets provisions in the area of commercial authorisations as well, and establishes the technical and administrative procedure for the issue of commercial and building authorisations.

F7. As mentioned previously, the main administrative difficulties emerging at a local level include the relationship between regional and municipal authorisations and link between urban and commercial regulations. The municipal administrations currently tend to use the commercial plan to:

- (a) introduce elements of requalification and attraction in single-function or degraded areas;
- (b) introduce a gradual modernisation process of the commercial network through the introduction of new supply models (large metropolitan and local-scale centres, integrated malls, drugstores, etc.).

Economic development

F8. From the point of view of spatial planning, the economic development policies of the country are translated into the instruments and actions that fall under regional policy. After a period of more than 40 years during which the national regional policy concentrated almost exclusively on the extraordinary actions in support of the Mezzogiorno region (the south of Italy), Law No 488 of 1992 led the way for a change in regional policy orientation, to ordinary actions in depressed areas. This category is defined as all those areas of the country characterised not simply by lesser or delayed development but also by other structural problems (such as decline in industrial activity and the marginalisation of the agricultural and mountain areas). Regional policy – as an instrument of spatial articulation of the country's development policies – is managed at various institutional levels.

European Union policies

F9. In Italy, the territorial definition of the areas worthy of publicly funded actions faithfully mirrors that adopted by the European Union for Community regional policy, and takes into consideration the derogations admitted by the Community regulations on aid from the State. The areas considered eligible are both those targeted for ac-

tions under the Structural Funds – Objective 1, 2 and 5b – and those provided for in Article 92.3.c. of the Treaty of Rome⁽¹⁾. The choice to concentrate action on the Mezzogiorno areas was made only for the Guarantee Fund, in view of the specific nature of the problems that affect the firms operating in the south with regard to their relationships with credit institutions. In essence, with the incentive system designed by the new norms, policy-makers have sought to create considerable harmony with the guidelines of the European Community. This effort is motivated not only by the need to end the lengthy dispute between the Italian Government and the European Union Commission – and thus the indisputable need to bring our instruments in line with the criteria established on a Community level – but also by the knowledge that only by creating such an overlapping of principles, objectives and instruments could there be development of meaningful and fruitful public actions in the area of regional policy. Given the notable limitations on the public budget, this ‘harmonisation’ is essentially driven by the need to concentrate the ‘scarce’ available public resources where they would be combined with Community financing and thus have the most meaningful impact. Moreover, given the relative backwardness of our public administration, the adoption of principles and procedures established on a Community level also presented a chance to innovate and update, thus creating regional strategies that are more efficient and more incisive.

National-level policies

F10. As already mentioned, the new incentive system applies to all depressed areas of the country. Under the *CIPE* resolution of 27 April 1995 (which replaced the previous *CIP* resolution of 22 April 1993), the areas designated to benefit from the aid grants to production activities as defined under Law 488/92 were both those areas ‘identified or that will be identified by the Commission of the European Union, as admissible for actions under the Structural Funds, Objectives 1, 2, and 5b’ and those ‘covered by Article 92.3.c. of the Treaty of Rome’.

This perfect overlapping of the maps underlying the two regional policies – national and Community – represents the apex of the attempt to harmonise the two policies, and puts our country in a rather unique position within the European context. In no other Member State has this necessary process of harmonisation been taken so far. Italy was the only country to adopt the Commu-

nity zoning of the areas to be targeted, before the conclusion of the negotiations with the 16th General Directorate (regional policy) and the 4th General Directorate (competition policy) of the European Commission on the selection of these areas, and thus before the outcome of these negotiations were known, in terms of the definition of the territories to be targeted for this type of incentive (the first definition of the depressed areas in fact goes back to the April 22, 1993 *CIP* deliberation). The pragmatic nature of this approach was motivated fundamentally by the necessity to achieve two objectives: first, to simplify as much as possible a decision that risked sparking a long dispute between the parties involved, given that this was the first time that the public administration was faced with the problem of identifying areas other than *Mezzogiorno* zones as worthy of action. Second, there was the need to facilitate rapid and efficient use of the Community resources in a situation characterised by such powerful national budgetary limits that a regional policy independent from Community fund contributions was practically impossible.

Regional-level policies

F11. The areas covered by the interventions under structural funds for regional policies include all of the Mezzogiorno (the regions of Abruzzo, Molise, Campania, Puglia, Basilicata, Calabria, Sicily and Sardinia) under Objective 1, and the provinces of Pisa and Terni for Objective 2. All the other provinces, excluding Sondrio, Mantua and Cremona are (even if only partially) covered by Objectives 2 and 5b⁽²⁾.

Thus, if the identification of the areas to be targeted for regional policy action reflects, in many ways, a ‘territorial’ connotation, it is natural that the resulting development actions are similarly

⁽¹⁾ This article states that aid targeted at facilitating the development of certain economic regions, can be considered compatible with the Common Market, as long as it does not alter the conditions of the exchanges in such a way as to be contrary to common interests.

⁽²⁾ Extremely limited areas are involved for the provinces partially covered just by Objective 2 (Milan, Varese, Turin, Trieste, Gorizia) or just by Objective 5b (Viterbo, Pesaro-Urbino, Como, Bergamo, Brescia, Pavia, Vercelli, Asti, Cuneo, Piacenza, Parma, Bologna, Ferrara, Ravenna, Forlì, Lucca, Arezzo, Siena, Vicenza, Belluno, Treviso, Pordenone, Trento, Bolzano, Imperia). Much more extensive is the area of the provinces that fall within both Objectives 2 and 5b, in which the regional policy affects almost the entire provincial territory (Perugia, Latina, Rome, Frosinone, Rieti, Ascoli Piceno, Ancona, Macerata, Aosta, Novara, Alessandria, Reggio Emilia, Modena, Florence, Pistoia, Grosseto, Livorno, Massa Carrara, Padua, Rovigo, Verona, Venice, Udine, Savona, Genoa, La Spezia).

characterised. In reality, this possibility also depends greatly on the financing made available under the various Objectives, which only in the case of 1 is significant enough to permit the consideration of a plan of actions with a 'territorial' flavour. The same cannot be said for Objectives 2 and 5b, the financing for which has been spread out over a very high number of geographic areas and does not, therefore, allow significant actions on a territorial scale.

For the 1994-99 period, the Italian regions are scheduled to receive 15.8 % of the total resources designated by the Commission of the European Union for Objective 1, 9.8 % of those targeted for Objective 2, and 14.7 % of those earmarked for Objective 5b.

Local-level policies

There are no relevant effects on implementation of local policies in the spatial planning system.

Environmental management

F12. For many years the environment was left at the margin of planning and only in recent years has it been possible to speak of sensitivity towards environmental matters. Despite making big steps forward at the legislative level, Italian planning still faces a lack of definition of the notion of the environment, and a separation of environmental and urban development planning. This lack of definition has made it difficult to identify in a precise way the different policies for the environment, natural resources, pollution and waste disposal in the context of broader environment and sustainability issues.

European Union policies

F13. The EU Directives on the environment in addition to financially supporting the protection of the environment, have the additional merit of having contributed to raising awareness about the environmental problem. The directives are assimilated, at central level, by the *Ministero dell'Ambiente* which issues a programme every three years for the implementation of projects. At the beginning of 1992, Italy adopted the Community law which formally enacted various environmental directives, this brought the proportion adopted in Italy to 86 % of the total directives issued by the EU. Despite this improvement, Italy must still enact various other di-

rectives on the environment and is undergoing violation procedures for their inadequate or incomplete assimilation into law. Italy has not yet assimilated document II of the evaluation of environmental impact of projects, and the directive on 'birds', because the new Italian law has been the subject of public direction. Still, in relation to the 'bird' directives, Italy needs to re-check the designation of the areas to be protected, perhaps by linking this work with the work envisaged by the Directive on habitat for the designation of special conservation areas. Another unresolved problem in Italy, is the need to clarify the regional responsibilities for implementation of the directives. The Fifth Environmental Action Programme of the European Union for a durable and sustainable development set by the EU in 1992 constitutes a particularly important reference for Italy, with the necessity for preparing and promoting a medium and long-term national plan of environmental action.

F14. The preliminary studies for the 10-year plan for the environment have been directed, promoted and presented in 1992 by the *Ministero dell'Ambiente*. The plan has the function of:

- Defining instruments for the integration of the environment with sector policies for the introduction of environmental considerations in decision-making processes, and in particular, the evaluation of the environmental impact of plans and programmes.
- Promoting projects for the environmental recovery of the more polluting activities, directly intervening in sectors such as industry, energy, transport, agriculture, tourism, building construction and the domestic consumption cycle, with the intent of reducing the drawing down of resources and the emission of pollutants, making processes more efficient and reducing unnecessary and unsustainable consumption.
- Adopting economic measures for internalising environmental costs. The known economic instruments (the assumption of indicators for environmental sustainability in the budget of the national economy) and of intervention (taxes, tariffs incentives) can be very efficient in modifying the behaviour of consumer producers/operators.
- Adopting legislative instruments and strengthening the institutional structures established for the control and monitoring of the implementation of policies. The legislative environ-

ment programme for the law in Italy is still suffering from delays, incompleteness and incoherence. Even more fragile is the institutional structure predisposed for the control and to the promotion of environmental policies. There is also a lack of monitoring and evaluation instruments for checking the implementation and the effect of the policies themselves.

- Honouring the commitments made at the international level and promoting the implementation in other countries also. Italy must contribute to the implementation of the commitments made in Rio and with the EU, by applying in its own country the objectives of cooperation with the southern world, and the protection of resources of global interest (climate, biodiversity, forests) and by having an important role in the international organisations where participation is called for (ONU, CEE, OCSE).
- Promoting the involvement and joint responsibility of all actors. It is important, therefore, to exploit the role that environmental organisations can play, in producing ideas projects, and in publicising and promoting them.

National-level policies

F15. The environmental policy is essentially managed at the national central level, in the absence of a coordinating institution, for legislation and the management. Such a role will probably be undertaken by the creation of *Agenzia Nazionale per la Protezione Ambientale (ANPA)*. Programming and financing of projects are partially coordinated in the three-year plans, issued by the *Ministero dell'Ambiente*, which was established in 1986. In the absence of framework legislation the principal regulations are contained in different sectors of the law. The principal laws concerning environmental planning are No 431 of 1985, 183 of 1989, 305 of 1989 and 394 of 1991. The Law 305 of 28 August 1989 on programming and caring for the environment, undoubtedly represents an important step for Italian environmental policies. With this law, the method of programming in the environmental field was introduced for the first time.

The three-year programme 1989-91 for the care of the environment was approved by the inter-ministerial committee for economic planning of 3 August 1990, and it is the planning document elaborating this law. The programme emerges from the strong participation of the political institutions of the *comuni*, *regioni* and *province*.

F16. Even in its experimental form the programme is profoundly innovative in the way in which it makes a first attempt at coordination of general environmental costs, through the construction of a single picture of the resources that are available for clean-up interventions and environmental safeguards controlled by the *Ministero dell'Ambiente* and by other administrative authorities, statal, regional and local. General programmes, planning directives and strategic projects are part of the three-year programme. For the activation of the programmes the following are foreseen: intention statements of programmes between *regioni* and the *province autonome*, programme agreements with the administrations and local public authority programmed contracts with the major industrial groups.

Directives and strategic programmes

F17. The programmatic directives have been established on the basis of environmental priorities identified in the direction of water, sewage treatment and reduction of atmospheric and acoustic pollution concerning the Po Valley, the Appennino ridge and urban areas. The strategic programmes are based on general operatives programmes:

- the hydrographic basins (Po basin and other basins of national interest);
- the Adriatic Sea (including interregional basins);
- the experimental basins for the pursuit of activities started in the annual plan 1988 (in particular the basin of Aterno-Pescara and of Serchio);
- lagoon and lake areas (in particular lakes Maggiore, Garda, Como, Lugano and the Venezia lagoon);
- the Appennino ridge;
- the southern Italy (programme agreement between the ministries of environment and the budget);
- the areas at environmental risks;
- urban areas (atmospheric and acoustic pollution, traffic, public green space); the protected areas.

Operative areas

There are 11 areas of programme:

1. The programme of waste disposal.
2. The programme for water purification (Deac).
3. The programme for reduction of atmospheric and acoustic pollution in urban areas (Disia).
4. The programme for environmental monitoring and the national information system (Sina); the construction of the system is based on :
 - informative systems of the *regioni*, local authorities, central administrations and public authorities (the unification of the acquisition and formation of information flow, methodology and procedure of collection and transfer of data, monitoring networks, hydrographic basins, etc.);
 - the central module (procedure for integrating the data bases, development of models for the forecast of future environmental dynamics, etc.);
 - institutional collaborations between *regioni*, *ministeri* and basin authorities for the definition of Community standards.
5. The programme for the protection of nature (Pronac), specially dedicated to safeguard and enrich the areas protected through:
 - the enclosure and supervision of parks;
 - professional training of personnel, information and education;
 - the development of infrastructure and services to serve the parks and sustain the economic activities of the resident population.
7. The programme for the restructuring of production processes and control and prevention of risk from industrial activities (Derisp).
8. The programme for national geologic mapping (Carg).
9. The programme for new occupation for environmental purpose (Noc).
10. The programme for environmental education and information (Infea) this includes:
 - furnishing information and promoting educational activities through the means of en-

vironmentally focused mass communication;

- promotion of a central permanent network for environmental education in agreement with the *regioni*.

11. The programme for the areas of high risk of environmental crisis (Aris).

F18. The method of financing the implementation of the projects of the three-year plan are: .

- national government funds;
- concessions to private and public operators;
- financing concessions in advance to contractors interested in investing in the implementation of projects for the transformation and modernisation of production plants to private companies that have been given concessions for infrastructure;
- financing through low interest loans (Law No 64 of 1 March 1986), limited to production plants and infrastructure in southern Italy;
- substitution of companies with mixed ownership, public and private;
- special credit institutions.

F19. The repartitioning for *regioni* and hydrographic basins is defined according to parameters approved by the conference for the relations between *stato*, *regioni* and *autonomus provincie*. The division of resources by basins is essentially concerned with national hydrographic basins (with priority assigned to the basins *Aterno-Pescara*, *Marecchia*, *Serchio*, *Tronto* and *Ofanto*). The three-year programme coordinates the financial resources assigned to the *Ministero dell'Ambiente* through the several laws. Other resources that become operative after parliamentary approval of provisional legislation are those in the global fund of the financial law of 1981. Further resources for recovery projects and the protection of the environment come finally from the Community programme Envireg. Financing of about ITL 200 million is provided by the European Community and ITL 200 billion provided by national funds.

F20. Another aspect of environmental policy to consider is the national plan for energy No 9 and 10 of 1991, in which the lines of action can be defined on one hand for the husbanding of re-

sources and the elimination of waste, and on the other hand improvement of energy efficiency. It is axiomatic that a relationship exists between the reduction of energy consumption and the positive responses on the environment. The plan speaks of the development of sources of renewable energy (by hydroelectric and geothermal sources).

Regional-level policies

F21. In Italy the responsibility for making legislation for land-use planning in accordance with national directives and to enact national decisions is given to the *regioni*. In particular, the drawing of territorial plans with landscape concerns and/or the landscape plan, is the responsibility of these authorities. The *regioni* have responsibility to enact their own system of area protection based on what has been established by the laws on this subject, 394 of 1991 and the implementation of the regulation of the regional laws. The implementation of the three-year programme, as mentioned above, is the responsibility of the *regioni*, according to the formula of *intese di programma* that assures their autonomy in the choice of projects and in their involvement in the environmental concourses in the light of a verified overall programme put into effect together with the *Ministero dell'Ambiente*.

F22. The agreements between the *regioni* and the autonomous *province* are based on the following elements:

- the estimate of present demand, compared with what was anticipated in the corresponding budget;
- the actual services and infrastructure available;
- indication of the projects already completed, of those in progress and the others that have resources already assigned and of the objectives in technical and financial terms;
- the indication of priorities by sector and territory and the specification of the relative projects;
- the budget estimate and formulation of the financial plans, with indication of the amounts due from the *stato*, from the *regioni* and from the local authorities and eventually, private investors;
- the listing of projects to be completed with the distribution of financial resources made available from the programme;

- feasibility analysis and the relative technical schedule for each individual project.

The *Ministero dell'Ambiente* has made agreements with all the *regioni* and with the Autonomous *province* of Bolzano and Trento.

Local-level policies

F23. The *comuni* and *province* receive the directives issued on a regional and State level and transform them into operational programmes and designs for the territory under their jurisdiction. The activity of the *comuni* is being increasingly oriented toward the concept of creation of a sustainable urban eco-system, to be realised through the formulation of planning and urban management policies that take into consideration the ecological, climatic and hydro-geological aspects of the cities.

The municipal administrations are involving all levels of social authorities active on the urban scene in order to draw out new administrative and technical approaches to the territorial and urban planning process and to the planning of transportation, waste management, impact containment and energy conservation.

F24. From these global objectives flow several concrete strategies, among which is the necessity to reverse the historical tendency, that lasted about a century, toward uncontrolled expansion, through the promotion of interventions aimed at restoring the balance between the developed areas and the extensive environmental systems. Several of the operational programmes already under way in many of the larger cities in Italy address the following aspects:

- Protection of the park system, interpreted as the historical-environmental bio-perimeter of the city, and considered an identifying factor of the urban character.
- Rehabilitation of the peripheral urban areas, which are very often lacking in fundamental infrastructural services, water collection and treatment services, energy distribution networks, public transportation lines, and therefore are also lacking in elements that ensure the equilibrium of the environmental system, given that the lack of these services forces the residents of such areas to depend excessively on private means of transportation; in addition, in the absence of public waste-treatment facilities, the waste waters produced by these

areas end up polluting drainage canals and streams.

- Containment of the environmental impact through the application of diversified strategies that are aimed at, on the one hand, reducing polluting emissions produced by manufacturing processes, energy consumption and residential areas, and on the other, encouraging the development of low-environmental-impact activities in the agricultural sector and in the areas subject to environmental protection.
- Limitation on the consumption of the unoccupied surface area, by encouraging the cooperation among the owners of still undeveloped land or not-yet-complete construction projects, to establish cooperatives that would condense the new construction units into a more limited area. This type of strategy is aimed at minimising the occupation of the surface area, optimising the utilisation of the infrastructures and the technological systems, and safeguarding the natural character of the lands not yet developed.

Heritage

F25. The new notion of *bene culturale* replaces the obsolete categories still in use in the present legislation. *Cose di interesse artistico, antichità e belle arti, bellezze naturali o beni culturali* is used today to indicate the archaeological and artistic heritage and the manuscripts, documents of historic importance are maps, books, and other items of rarity and value. Also other cultural expressions such as folklore tradition, historical public and private buildings (cafés, libraries, traditional workshops), which have a cultural role in the past will be classified as *beni culturali*, in accordance with the new safeguarding legislation.

European Union policies

F26. The free movement of *beni culturali* in Europe is not possible in theory with the opening of borders. This has been an important event, which has made necessary the resolution of some problems related to the safeguard of works of art against theft. To this end, and in order to stop illegal transfer of works of art, the *Ministero dei beni culturali e ambientali* has promoted a systematic cataloguing, which is still not complete. This catalogue makes the characteristics

and place of origin of works of art well known and this should make any attempt of illegal export more difficult. Some voluntary associations have created *Forum*, a center in Rome for European coordination that is able to work on these subjects together with the Council of Europe, to define basic legislation at European level, and to widen of the concept of cultural wealth to all the other States in the European Union.

National-level policies

F27. The *Ministero dei beni culturali e ambientali* works autonomously at national level to promote culture and art, working abroad with the *Ministero degli Affari Esteri*. The laws for the safeguarding of the national heritage go back to 1939, and are Nos 1089 and 1497, and have remained substantially unchanged until today. On the basis of the laws mentioned, the buildings, and areas, etc., are subject to a *vincolo*, an administrative act issued by the *Ministero dei beni culturali e ambientali*. Following studies and research, the local *sovrintendenza* propose the *vincolo* and watch over its enforcement.

The *Ministero dei beni culturali e ambientali* and the *Sovrintendenze* have their own budgets which are allocated by the *legge finanziaria* (a special annual financial law).

F28. The funds which the Italian Government directs to this sector are not adequate to meet their needs, and are always less than those allocated to other ministries. A large part of the budget is used for preservation activity, restoration, enrichment and listing of the cultural wealth.

Another part of the budget is allocated to the funding of cultural bodies. From time to time special financing laws directed to specific issues concerned with monuments and building are enacted, such as:

- Law No 92 of 1981 for the restoration of the archeological wealth of Rome;
- Law No 449 of 1986 for the restoration of historic buildings and in particular those destined for cultural use;
- Law No 396 of 1990, so called *Roma capitale*, law which in addition, allocates funds for restoration of monuments.

F29. Generally the users of government funds are the *Ministero dei beni culturali e ambientali* itself

and the *sovrintendenze*. In some cases the users can be other public bodies which manage listed and protected treasures. Between 1976 and 1986 the budget allocated to the *Ministero dei beni culturali ed ambientali* has varied from ITL 25 000 to 150 000 million (value in 1986) for restorations, improvement and research activities.

F30. With the exception of funds for ecclesiastic monuments and historic properties, the Italian legislative routine procedure does not give any standing to intervention on private listed properties. Because of the lack of resources available to the administrations for promoting interventions in this sector, the participation of private capital is becoming more frequent.

Law No 512 of 1982 is in existence but not yet in use because the regulations for its implementation are not ready. This law can facilitate cultural sponsorship from private and public companies, and establish the possibility of deducting from income, for tax purposes, any expenses incurred for restoration and improvement work. Difficulties in connection with the cultural sponsorship in Italy are due to the unclear relations between the competent authority and *Ministero dei beni culturali e ambientali*. These difficulties are created principally by the lack of clarification about division of responsibilities of the private as opposed to the public sector.

F31. The recent Law No 4 of 1993 introduced urgent measures for the funding of State museums, and important innovations in the management of cultural wealth and in particular of historic-artistic wealth, by promoting private management and contracting of some of the museum services. The new legislation, which is underway, is taking into consideration the following points:

- all museums, libraries and government archives must offer to the public a series of services (editorial service and sale of reproduction of works of art, catalogues and other informational material, refreshment services, cloakrooms, etc.);
- the management of services complementary to the main functions, will be given to private and public organisations, also companies and cooperatives;
- the same *Ministero dei beni culturali e ambientali* can entrust to a franchise the use of properties for which the government is re-

sponsible, and establish the sum that must be paid by the concessionaire before starting.

Regional-level policies

F32. The *regioni* with the assistance of the *Ministero dei beni culturali e ambientali* have been responsible from 1975 for the safeguarding and enrichment of the artistic and historic wealth. The *regioni* collaborate on programmes agreed with the State administration.

Because of the law No 431 of 1985 the *regioni* are obliged to prepare *Piani Territoriali Paesistici* for the correct management of the territory and landscape, which indicate and control waterways, panoramic roads, historic urban developments, parks and natural reserves, monumental trees, archaeological areas, etc.

The territories with special status, such as *regione Sicilia*, *provincia di Bolzano* etc., are locally autonomous and take on the responsibility which are traditionally that of the *Ministero dei beni culturali e ambientali*.

F33. For the implementation of projects in accordance with the *Piani Territoriali Paesistici*, the *regioni* receive from the State, some parts of the funds of the *legge finanziaria* (see National-level policies).

F34. The *regioni* have also their own autonomous legislative activities concerned with a programme of restoration and improvement of historic buildings. The *regioni* enact specific legislation directed to projects concerned with properties (*province, comuni*) and of the private sector.

Local-level policies

F35. On a local level, the municipal administrations are responsible for the protection of the historic-architectural heritage. The *comuni* are required to regulate the development and transformation of their territories through the urban planning instrument known as the *Piano Regolatore Generale* (see Compendium, first part, Section B, Policy instruments paragraph), which must define, as set forth in Decree No 1444/1968 of the *Ministero dei Lavori Pubblici*, the areas within the *comune* that are subject to protection and that in general correspond to the zones labelled A in the *Piano Regolatore Generale*.

F36. The only interventions that are authorised in the A zones are those involving preservation,

restoration or recovery. This category includes almost all of the area that represents the historic-architectural heritage of the cities, and of the smaller historic settlements, with the exception of those examples located in isolated rural areas. The *comuni* dictate the norms for the approval of proposals involving A (see the Glossary) zones of the *Piano Regolatore Generale*, both in terms of the use types allowed, and in terms of the characteristics of the proposed works to be executed. Occasionally, in very particular cases, such as the specific case of Rome, the *comune* may request an opinion from the local State authority as to the admissibility of proposed interventions and works.

For interventions on buildings located in A zones, the *comuni* may provide financial incentives or direct financing. Many proposals for such interventions have been submitted (such as those regarding the ornamental rehabilitation of urban areas, including, for example, requests for financial assistance for the re-painting of building facades), but the considerable limits imposed by municipal budgets, especially in the case of the larger cities, render such interventions episodic at best.

In addition, a reduction in the value added tax rate is applied to all works that qualify as preservation, restoration or restructuring; this incentive is regularly exploited by public agencies but much more rarely by private operators, due to the tendency on the part of some real estate owners to evade such taxes.

Housing

F37. The activity of the housing sector in Italy is based on three policy areas:

- A. Public housing policy
- B. Private housing policy
- C. Fiscal policy

A. Public housing policy

F38. In Italy there is a housing stock of 24 800 000 dwellings. The number of dwellings occupied as principal residences is 19.5 % compared to number of families. Some 21.3 % of the total number of dwellings are empty (second homes, temporary dwellings, stock to be reused, dwellings kept empty for financial convenience instead of being put on the market). The public owned stock is about 5 % of the total. The build-

ing industry has traditionally been concerned with building new residential developments but in the last decade an increasing number of investments both public and private, has been directed towards the reuse of the existing stock. Until the middle of the 1970s the residential sector was clearly divided into two compartments: the private, dealing with the great majority of the market and the public (historically with a total of 10 % of total production).

F39. From 1975 to date the picture has drastically changed. A crisis in the private residential market (high costs and price in relation to the demand) has created a very articulated market: the exclusively private sector has been drastically reduced. The exclusively public sector has not been transformed into a mixed public-private one formed by developments on expropriated properties with a value lower than the market. Housing supply is characterised by the following groups: free market building (for sale or rent), *edilizia convenzionata* (see the Glossary) (carried out by the private sector with costs agreed by the municipal administrations, with controlled sale prices and rents); *edilizia agevolata* (see the Glossary) (buildings erected by the private sector for public sale, often cooperatives, with costs agreed with the municipal administrations and with financial contributions and the State); *edilizia sovvenzionata* (see the Glossary) (buildings erected by the municipal administrations and by the IACP with public funds, let to low income families). With the exception of the first type the other three are carried out on expropriated properties with a renewable 60-year lease. Characteristic of this scheme is the large proportion represented by the cost of the land (initially expropriated as agricultural land, representing half of the market value of today).

B. Private housing policy and the control of rents

F40. A large proportion of private sector properties is used by the same families that own them (owner occupiers).

During the last 15 years there has been a move from renting to property ownership and from property for income to property for self and family use. This phenomenon has been caused by the introduction of rent control laws for private dwellings (*equo canone*). The low rental income deriving from these properties has forced a large number of landlords to sell their dwellings to the families which occupied them. Another sector of owners prefer instead to keep their dwellings

empty and this explains the large number of properties not in use. These procedures are so long and complex that the owners prefer to keep dwellings empty. Recently new legislation has been introduced (*legge per i patti in deroga*) which allows a liberalisation of the rents (with an increase up to 300 %) tied to the cost of living. It is hoped that this will revitalise the private rental property market, which has been almost non-existent in the last few years, and bring an upsurge in the number of dwellings available on the rental market.

C. Fiscal policy

F41. The dynamic of the residential sector is strongly influenced by fiscal policy which is chaotic and irrational for the following reasons. Taxes on the real estate: (there are at least 15 main types of tax which directly or indirectly affect real estate); the presence of different taxable levels of tax (the income, the value, of the property), and the decision of the level of taxation, made by the *catasto edilizio urbano* (see: Glossary) which is an out-of-date organisation and a cause of inequality between citizens.

Despite the presence of important improvements such as the introduction of a fiscal policy based on the value of the property and the beginning of a process for establishing local taxation, elements of rigidity in the present fiscal system persist. This is reflected in the increasing effect of home taxation on the family income. These factors increase the distance between the functioning logic of the fiscal system and the new emerging needs of the social structure (for example the need for frequent residential moves, dwellings with adequate dimensions for everyone's needs, such as disabled or old people), contributing to an increment of the irrational use of the property.

European Union policies

F42. With regards to housing, there are no specific actions included within the operational programmes of the southern regions or those of the Objective 2 and 5B regions (all the other regions). The European Union recently financed several Community initiatives that involved urban renewal, though not specifically housing. These programmes are generally considered integrated socio-economic renewal programmes that provide for the co-financing of initiatives aimed at improving urban infrastructure and the overall quality of life.

F43. The first of these programmes was the 'Urban' programme, which has already seen the completion of the process of selection from among the requests filed on the part of *comuni* with more than 100 000 inhabitants. The more recent 'urban pilot programmes' take a similar approach; the deadline for presenting applications for this programme, which is open to cities with more than 100 000 inhabitants, just expired recently.

The objectives of the urban pilot programmes are fairly similar to those set forth in the urban programme, although the investment available for each individual programme is considerably more limited. While the urban programmes provide ITL 15-20 billion per city, the urban pilot programmes underwrite ITL 4-6 billion.

National-level policies

F44. The housing sector is totally based on policies determined at national level. The central government through the *Ministero dei Lavori Pubblici, Segretariato Generale del Comitato per l'edilizia Residenziale (CER)*, outlines the priorities of the housing policy implemented by specific legislation (Law No 475 of 1978 and Law 179 of 1991). These laws are for the financing of *edilizia sovvenzionata*, *edilizia agevolata* and for the acquisition of sites and their development. Three categories are established: refurbishment, new construction and urban renewal and the CER divides the financing among them accordingly while deciding the minimum percentages to be given to priority cases. The criteria for the allocation of funds is based on the burden carried by the population, with some adjustments.

Central government, through the fiscal policy for the housing sector which is generally independent from the spatial housing policy, in fact does not have specific objectives policy in mind (facilitating housing improvements mobility within the stock in owner, etc.) but only the aim of resources. Central government is also responsible for the legislation which controls the *canoni di locazione* (see the Glossary).

Regional-level policies

F45. The main duty of the *regioni* is to prepare a four-year programme for the distribution of resources to the various *comuni*. The policy does not generate additional financial resources but simply allocates those received from the CER.

The policy also decides measures which establish procedures to be respected by the private operators in some particular types of interventions such as the *edilizia agevolata* and programmes for urban renewal.

Local-level policies

F46. Once the financial resources of the *regione* have been allocated, the *comune* has the responsibility for locating the areas necessary for the construction of council dwellings. To this end areas must be selected, without changing their specific use indicated in the *Piani Regolatori Generali*. After the primary urbanisation and the connections for the general urbanisation, the areas are released, according to their size, to public agencies, the private sector (companies and co-operatives which benefit from public contributions) or operators without public financial support.

The *comune* must also prepare the *Piano esecutivo* of public initiative. Its approval by the *Consiglio Comunale* will constitute a declaration of public utility and allows the starting of the expropriation procedures.

Industrial

F47. As mentioned, the economic development policies of the country take on specific territorial content through the regional policy.

F48. Starting in 1992 (Law 488), the national regional policy was transformed – after more than 40 years of a policy that favoured the Mezzogiorno region to the exclusion of all others – into a more general approach to public intervention in economically depressed areas.

F49. In this context, the effect on industrial policy of the decision to align the regional policy of the country with that of the Community, has been to create a situation in which concessions for industrial investments are granted according to the criteria and within the maximum limits allowed by the currently effective EU regulations regarding competition and regional aid.

European Union policies

F50. In accordance with Community policy, the aid granted to industry can be assigned – albeit

with certain exceptions – only to actions that target ‘depressed areas of the national territory’ (and in particular those covered by Objectives 1 and 2 of the Community Structural Funds, and by Article 92.3.c. of the EU Treaty of Rome). The areas so defined are those of the Mezzogiorno affected by delayed development (Objective 1) and the central-northern areas of the country affected by industrial decline (Objective 2).

National-level policies

F51. The industrial policy instruments provided for by currently effective norms are as follows:

- Concessions for industrial investments, available to all participants in the mining and manufacturing sectors, for construction of new plant, the enlargement or modernisation of existing facilities, and the restructuring, conversion, reactivation and/or transfer of existing plant. Such aid is granted to projects that target the aforementioned depressed areas of the country.
- Automatic aid, available to all operators in the mining and manufacturing sectors in the targeted economically depressed zones, who make investments in plant and equipment.
- Guarantee Fund, which promotes the rationalisation of the financial equilibrium of small and medium-size firms (referred to as category *PMI* firms) operating in the south through, among other techniques, the achievement of more adequate levels of capitalisation; the fund is available to all those *PMI* firms operating in Objective 1 zones, in the industrial sector (as well as in commerce, tourism, services, agriculture and trades).
- Research incentives, earmarked for basic industrial research, applied research, investments in construction of research centres that support productive activities, and in the enlargement, modernisation, restructuring and/or conversion of existing research centres; these funds are available to producers of goods and services in the depressed areas of the country.
- Tax-exemption for reinvested earnings, for all firms that in any given year, effect a level of investment in excess of the average investment over the previous 15-year period; this subsidy applies both to the depressed areas and –

using different guidelines and time frames – to the other parts of the country.

Regional-level policies

F52. The regional policies for firms concentrate on making advanced services available to *PMI* firms, and developing incentive and support systems for the trades. Flanking these 'direct' policies, there are also various 'indirect' strategies, such as the realisation of the information highways (optic fibre/ISDN cable networks), the creation of trade and business centres, and the enhancement and network link-up of infrastructures aimed at research, development, innovation and technological transfer. This array of policies has a dual objective: to support those sectors in crisis and to create an 'environment' that will facilitate an increase in the level of competitiveness.

Local-level policies

F53. The *comuni*, as the institutional level responsible for the planning and management of land-use, are charged with creating development conditions that will enable the area under their jurisdiction to host various types of productive operations, or allow the transfer of such activities into their territory. This objective is achieved through plans aimed at the renewal and re-utilisation of abandoned buildings or areas, through infrastructural policies, and through the urbanisation of areas zoned for productive activities.

Leisure and tourism

European level policies

F54. Actions to be taken in the tourism sector are generally included in the operational programmes of Objective 1 *regioni* (southern *regioni*), under specific action measures that vary by region. Sometimes emphasis is given to infrastructural works such as airports, touristic ports, etc., and at other times the measures concentrate on support for construction or the management of private development efforts. In terms of the *regioni* of the central-northern zone of the country, there are a variety of measures, which vary by region, that are planned for the so-called Objective 5B areas, which in each *regione* are identified in specific lists of *comuni* as areas of rehabilitation of the agricultural economy. In this case, the actions in the area of tourism tend to be oriented toward

a more thorough exploitation of the natural beauty and spaces offered by these areas, in the form of agrotourism.

F55. There is, however, a 'multi-regional tourism' programme, managed by the *Presidenza del Consiglio dei Ministri-Dipartimento del Turismo*, for the regions categorised as Objective 1, which foresees a total investment for the 1994-99 period of ECU 302 810 million.

This programme is divided into three sub-programmes:

Subprogramme 1. Exploitation of the resources of tourist interest:

- measure 1: creation of centers to provide services of information, reception and environmental education in protected areas;
- measure 2: development of sustainable tourism in protected areas;
- measure 3: development of inter-regional cultural itineraries;
- measure 4: services for cultural tourism.

Subprogramme 2. Assistance to the operators and to the tourist:

- measure 1: assistance centres for operators and consumers (tourists).

Subprogramme 3. Implementation:

- measure 1: advertising, and efforts aimed at making the public more sensitive;
- measure 2: technical assistance, monitoring and evaluation.

National-level policies

F56. In Italy the promotion of tourism and leisure activities in general (sports, recreation activities, free time), is not part of any specific government activity, even though tourism is an important sector and always profitable in the economic health of the country, and contributes to the general well-being. At present in the tourism and leisure sector the government has only the function of coordinator through the issuing of guidelines and legislation. All the administrative functions have been transferred to the *regioni* which also have also the responsibility for promotion and financial support.

Regional-level policies

F57. The function of the *regioni* in the majority of the cases, is of financial support to the municipal

administrations, or directly to the companies, in order to increase the capacity of hotel trade and sport facilities. Because of the modest scale of financial contribution, which does not reflect the real necessity of the tourist area, programming and promotion are left to the private sector, which with its initiative creates the market or directs the flow of licencing where development logic has more possibility of success. Nevertheless, it is possible to find a theoretical reaction between planning development and the legislation and regulation of tourism development. There are, for example, relevant friction points between the planning of public works for tourism (ports, transportation infrastructures) and regional planning implemented through instruments of general character: *PTC (Piano Territoriale di Coordinamento)* plans of the territory, plans for rural landscaping, etc. The *regioni* have a series of instruments for programming and financing the different sectors: baths/spas, camping, historical-touristic itineraries, agrotourism, conservation of protected areas, support for the rural economy etc. Often these sectors are not coordinated and in some cases there are some conflicts between one and the other.

F58. The traditional motivation for tourism concentrating on the economy and jobs, has produced an enormous environmental impact, notably the increase of urban developments along the coast produced by tourism or the construction of tourist centres in mountain areas which have high natural values. This distortion caused by tourism has made it necessary to address the entire regional planning issue in order to create a better balance. The economic benefits of tourism must be reconsidered in light of the conservation and exploitation of the historical, natural and environmental wealth of the country. The EU policies support agricultural activities, have had in some cases a negative impact on rural landscaping, which is also a very important resource. In fact the policies created to promote some cultivation have caused a substantial transformation of the local rural environment due to the introduction of the mono-cultivation which has, in a progressive way, caused the abandonment and neglect of historical sites. Other EU legislation (for example the Objective 5b) funding envisages programmes for new forests and the protection of fragile areas in order to stop the tendency to decay and to encourage the development of environmental tourism.

F59. The metropolitan areas in Italy that have an important historical and cultural character of

great value for tourism and leisure, are rarely the object of spatial planning because of the total absence of comprehensive policy on leisure. As regards leisure, there are only indications on partial policies related to sports baths/spas and agrotourism. In Italy there are no examples of leisure centres and mixed commercial centres with sports, cinema, dancing, music, play, etc. Both on the legislature and the developers' side the lack of interest and consequent delays are still very considerable. For example, for the construction of theme parks, the local authorities have experimented with a new judicial administrative procedure in the absence of regulations and programmes at either regional or national level. These projects are often located in peripheral areas, are not integrated with the new development plans created for the upgrading of large metropolitan suburban areas. On the basis of new legislation regarding redundant industrial areas and urban upgrading, new possibilities have been created for the introduction of tourism and leisure activities as strategic new balancing elements in an equilibrium in high density urban developments.

Local-level policies

F60. In general, the local administrations do not play an important role in policy making and implementation in the field of leisure and tourism, which is managed primarily on a regional and national level. The cases in which municipal administrations have planned local interventions in the area of tourism are rare. One such example was the *comune* of Rome, which sponsored the '*Spazi verdi qualità*' competition in 1995. This competition awarded the maintenance of 79 green areas within the city of Rome to private operators. In exchange for their pledge to care for their assigned areas, the operators are permitted to build light, non-permanent structures to serve as community gathering points and leisure centres. The green areas identified by the competition are currently in a state of decay; the operators are expected to clean up and restore the areas and take care of on-going maintenance, and to guarantee free and open access to the citizenry. The actions planned under the project call for the realisation of amusement parks, refreshment stands, space for expositions and cultural events, and public hygiene services. Also permitted is the construction of parking lots, restaurants, sports centres and retail outlets authorised to sell only biological and sports-related products. All of the areas are entrusted free of

charge in concession to the private operators selected under the competition.

Natural resources

F61. In the past few years, the limited supply of natural resources, has been recognised and people are more aware that resources must be used more rationally. This maturity is also developing through the examination of serious phenomena such as strong urbanisation in some areas and abandonment in others and their repercussions on the territory. It also must be remembered that the national territory is subject to natural calamities (flooding, earthquakes, etc.) due to its physical and geological formation.

European Union policies

F62. Important new legislation has been introduced in order to regulate and control water borne discharges and to protect water from pollution. This new legislation was enacted following numerous directives authorised by Law No 428 of 1990 concerning the widening of Italy's obligations due to its membership to the European Community:

Legislative decree of 27 January 1992, No 98 implementing the Community Directives regarding the control methods for the biodegradation of the surface active ionic and non ionic;

Legislative decree of 27 January 1992, No 100 implements the directives regarding titanium dioxide pollution due to industrial waste;

Legislative decree of 27 January 1992, No 130 implements the Community Directives on the improvement and protection of fresh water suitable for fish life through natural indicators such as fish. The decree defines restrictions and quality criteria of water and safeguards the water habitat against pollution;

Legislative decree of 27 January 1992, No 131 implements the Community Directive of the quality requirement for water used for the cultivation of shellfish;

Legislative decree of 27 January 1992, No 132 implements the Community Directive concerned with the protection of underground water against pollution caused by dangerous substances;

Legislative decree of 27 January 1992, No 133 implements the directives on discharge of dangerous substances into water.

National-level policies

F63. On natural resource matters the State intervenes through two principal procedures: legislation and research activities. In addition to the legislation, already mentioned, with regard to environmental policies the preservation of the cultural heritage, and pollution policies, there are laws which regulate the use of water and land resources and regulations which control the collection and the disposal of water. In this case it is impossible to identify, for each of the mentioned sectors, framework law, but rather an ensemble of regulations.

Laws No 319 of 1976 and No 39 of 1986 are concerned with water resources while Law No 979 of 1992 is concerned with marine resources. These laws generally regulate water use and impose requirements as on developments for the installation of treatment plants for discharges. They also require the *regioni* to adopt plans for the improvement of water supply.

The regulation of the use of the land is represented by laws for the control of urban land-use through the instrument of urban and regional planning already mentioned; Laws No 1150 of 1942, No 19 of 1977, No 457 of 1978, No 179 of 1992 and No 493 of 1993 and by laws more specifically targeted to the control of land-used for agriculture and forests (law 491 of 1993) and quarries and mines (1143 of 1927). Reference should be made to the national operative programmes in the environment chapter (see Environment).

F64. Through Law No 183 of 1989, the process of coordinating the different management policies regarding the water cycle, has started, including protection of land resources, improvement and safeguarding of water against pollution, and management of water resources.

The operative instrument determined by the law is the *piano di bacino* (basin plan). The Italian territory has been divided into six hydrographic basins. At present, the activities of the authorities and progress, varies both with regards to their organisation and the planning of their interventions. The same difficulties are manifested in the interregional and regional basins planning which have delays. A first definition of the outline programmes relative to the more urgent projects for safeguarding the territory and the protection and management of water, has enabled a first general picture of the topics to be formulated and ad-

dressed. The first summary census of the more diffused phenomena of degradation which concern our territory has been prepared. The financial support required for the implementation of the provisional programmes and plans is suggested to be ITL 9 000 million, and it must be noted that this figure has been determined taking into account the general needs for intervention both on the territory and on water resources.

F65. In 1989/90 a national plan for environmental scientific and technological research was promoted by the *Ministero dell'Ambiente* and *Ministero dell'Università della Ricerca Scientifica e Tecnologica*. The national plan will integrate, at last, the requirements of basic research with those of technological innovation applied to the environment. The plan has established as priority areas of research: the reduction of emission generated by traffic and energy production processes; containment of environmental impact from industries and agricultural activities; water disposal; availability of drinking water; and development of technology for monitoring and managing of environmental resources. In order to start this plan quickly a national research and training programme for the environment, and the control, within short and medium terms, of pollution has been established. A longer-term plan has been considered for the resolution of the water disposal question, the availability of drinking water and the monitoring of natural resources. The *CNR* has initiated a feasibility study of a project for the coordination of environment and land planning. The main aim of the project is to an operative coordination instrument of the contributions of different contributions aspects required for the solution of environmental problems.

F66. Environmental research is activated by the *programma Envireg-Italia* as part of the European Union programme Envireg, instituted in 1990, for the protection of the environment and social-economic development. The operative *programma Envireg-Italia* elaborated by the *Ministero dell'Ambiente* has objectives involution to areas with slow development; the coastal zones of these areas; zones in need of reclamation; and coastal zones of declining industrial areas to be reclaimed; coastal zones of dune areas to be developed. The financial plan forecasts an expenditure in three years (with equal contributions from the European Union and Italy) of ITL 323 million.

F67. In the national plan for environmental research, principal topics and environmental prob-

lems on which will develop the scientific initiatives, will be developed over the next few years have been determined.

They are:

- population and social system;
- environment and resources;
- species and ecosystems;
- energy;
- industrial production;
- urban areas;
- planetary environment long-term atmospheric pollution and rain, climate changes, protection of oceans, safeguarding Antarctica, deforestation and desertification, regulation and protection of space: ozone layer, orbital space pollution, telesurveying;
- management of environmental knowledge, environmental demand and acquisition of knowledge in the legislation and the decision-making processes: environmental impact evaluation; acquisition, elaboration and management of environmental data; information diffusion and transfer of knowledge; environmental education and training of human resources qualified for the environment).

Regional-level policies

F68. As indicated previously, the planning process in the area of the environment and natural resource protection is managed on a national level. The three-year environmental protection programme is a national document that governs and organises the planning of interventions that will have an impact on the environment. The programme is the fruit of an extensive, multi-levelled participation in the process on the part of the various political-institutional elements in the *regioni*, the *province* and the *comuni*. The guidelines set forth in the national plan are then translated by the individual regional administrations in three-year regional environmental protection plans, that lay out the works and interventions to be executed and the funds available to finance such efforts.

F69. The *regioni* are also responsible for the oversight and protection of the specific environmental resources; for example, in the case of water for human consumption, the *regione* sets the

required quality standards (as per DPR No 239 of 1988, which applied Directive No 80 of 778 of the European Union), and exceptions to these requirements in cases that pose the greatest risk or contamination of underground waters. There are restrictions that apply to such exceptions, which must fall within certain pre-set maximum allowable limits for each specific situation. These limits have been set forth in decrees issued by the *Ministero della Sanità* and the *Ministero dell'Ambiente*.

Local-level policies

F70. The environmental protection and enhancement policies pursued by the *comunale* administrations, with regard to rivers and marine and coastal areas, are generally correlated with those set forth in the territorial and urban plans, given that the planning and execution of the approved interventions are fruit of the urban-planning strategies and choices made with regards to the territory under the jurisdiction of the *comune*, as well as the water-treatment interventions.

F71. Frequently, riverside and coastal areas are set aside for the development of environmental compatible economic activities in the sectors of environmental education, tourism and recreation. Often the *comuni* earmark specific financing for such efforts. Protection of the parks and other protected areas within the urban context is effected through the application of restrictions that not only severely limit the types of transformation allowed in these areas but make authorisation of such interventions conditional on the execution of special procedures, and the definition of the perimeter and design of the park areas.

F72. The primary objective of the administrations in this area is to guarantee the existence of a biological community, of plants and animals, that together in the physical environment, represent rich, diversified eco-systems, capable of ensuring a high quality of life in the individual urban context. This objective is to be achieved through initiatives aimed at protection of natural areas and proper management of public park areas, to ensure the survival and reproduction of the existing plant and animal species as well as the possibility of on-going study and research.

F73. In terms of the rehabilitation and protection of the water resources within the urban environment, the fundamental objective of the administrations – in addition to ensuring that national wa-

ter-protection laws are respected – is to continually develop efforts to reduce water consumption and increase recycling of waste waters. With regards to the distribution of drinking water, a service managed by the specific municipal authorities, the administrations work to ensure the high quality of the water by protecting the sources, and promote more rational use of this resource through water-conservation efforts.

Transport

F74. The geographical position of Italy and its form make its territory a natural bridge between some very important European States and other Mediterranean countries. To this historical situation one must also add the well-known accessibility to Italian harbours through the Suez Canal, making them more competitive than those in northern Europe. Consequently all policies which are intended to solve the congestion in the port system such as the Alpine crossing networks and a bridge over the *Messina* Strait, when built, will have the effect of making the Italian terminals an important direct link between northern Europe and the other Mediterranean ports.

European Union policies

F75. For the relation with other European policies, only in the last contractual programme the railway system received an EU directive (91/440) regarding the separation between the railway organisations responsible for infrastructure and railway organisations dedicated to transport activity. The structural lines of the transport network are connected to the wider strategy of the 'Community master plan' which integrates the Italian routes into a proposal where the *corridoio plurimodale Pedeappenninico-Adriatico* is part of a wider 'Euro-African route'.

Currently underway are several European-level proposals for experimental interventions in the fields of mobility, of energy conservation and application of clean technologies (Jupiter, Thermie), of telematics applied to vehicles and means of control (Gaudi, Quartet, Drive), of technological innovation applied to public transportation (Antares). These include efforts already launched in several large and medium-sized cities in Italy such as Florence, Bologna, Turin and Perugia, while other Italian cities such as Rome, Palermo, Naples and Venice have recently submitted fi-

nancing requests to the European Union for interventions in the field of mobility.

Moreover, March 1994 saw the birth, in Amsterdam, of the Car-Free Cities Club, under the auspices of Eurocities, the European alliance of cities. Its purpose, clearly implied in its name, is to promote sustainable urban mobility based on reduced use of private automobiles. Among the Italian cities taking part in this network are Aosta, Bologna, Palermo, Perugia and Torino. The principal objective of the association is to exert pressure on the European Union to support strategies for a sustainable urban mobility, through EU directives, targeted projects and financial resources.

National-level policies

F76. A full picture of the national transport policies is given by the transport master plan *Piano Generale dei Trasporti (PGT)*, approved with DPCM 10 April of 1986, Law 15 June of 1984, No 245 and subsequently updated with DPR 12 November No 123) the *PGT* is subdivided into regional plans (*Piano Regionale Trasporti*) (*PRT*) which are also subdivided into 'basin plans' (foreseen by the Law 10 April of 1981 No 151).

The transport of goods and people as identified by the *PGT* is divided into the following sections:

- (a) *corridoi plurimodali* (railway network, road network, highway network, airways network, etc.) with nodes along them providing long distance national and international services;
- (b) structural system (ports, passes, airports, inter-ports);
- (c) organisation institutional and organisational arrangement (the *Ferrovie dello Stato*) (*FS*) railroad and highway organisations, merchant marine fleet and the air fleet);
- (d) urban transport with specific problems related to each individual situation.

F77. The principal objectives of transport policies, both for goods and passengers, is the development of the railway system, not just for environmental reasons but also for organisational and cost reasons. Transport by rail answers in a suitable way the needs imposed by new production processes and in particular the sophisticated movement of goods integrated with the production cycle itself. The development of combined systems road-rail and 'full train' represent, there-

fore, the new trends in the rail transport sector. In the presence of widely distributed and diffused demand it is necessary to multiply points of access to the railway network both for goods and passengers, with essential infrastructure integrated with the local planning system.

Another trend which is becoming important is the integration between large transport projects of regional importance that are instrumental in reducing the physical impact and governing the transformation of the territory, thus creating a balance between the local needs and the national interest of the projects.

It will be necessary to monitor the impact and the repercussions that the implementation of the structural network will cause to the territory, with particular attention to the modification created around the ports, airports, etc. and at the access points of such structures.

F78. In addition to what has been previously mentioned in the context of the transport policies, the following points are also relevant:

- Attention to the environment by the impact of transport, and regard to evaluating this and restricting circulation of private vehicles which have atmospheric pollution rates higher than established safety levels.
- Urban traffic is one of the most controversial questions which confronts the municipal administrations today. The answers (with not yet very encouraging results) vary from improvements to the public transport system, and the creation of interconnections to other transport systems, to measures that restrict the use of private vehicles, and more complex proposals directed toward making the population aware of such topics, and proposals for the solution of the traffic problems not necessarily wed to the transport sector (for example the question of business hours, times, and responsibilities, etc.).

F79. With regard to the implementation of public projects, the direction already indicated by the *PGT* confronting a multiplicity of subjects, is that one of the *progetti integrati*. This has been tested in Rome, Turin, Milan, Genoa, Naples, and Bologna in the beginning of the 1980s. The FS S.p.A. has developed through the instrument of the *protocolli d'intesa*, an integrated approach among the different parties involved in the implementation process, and in some cases such as

in Lombardy and Piedmont, this has developed into a proper regional railway service.

F80. The multiplicity of authorities involved in the transport sector makes for difficulties in monitoring their success in reaching stated objectives. Because of other factors not necessarily related to the transport sector, such as the economic recovery, started in 1994, it has been possible to identify a strong increment in the quantity of passengers and goods transported by rail. A marked increase at an urban level was registered in the use of public transport, a tendency which is proportionally related to the quality of public service offered.

F81. The multiplicity of parties involved in the transport sector, among all 21 centres for public expenditure, has made it necessary in the first instance, to create a single centre for the programming of public projects, and in the last government the *Ministero dei Lavori Pubblici* was integrated with the *Ministero dei Trasporti* responsible for the railway and civil aviation. Together with the institutional bodies, the employers in the transport sectors have a significant role, and claim a decision-making position not only regarding their contractual arrangements but also in relation to the organisation of the entire sector. Such claims can also have negative results and produce more constraints and difficulties in the transport system. For example, the various difficulties encountered during the integration of road and rail in public transport. These originate from the specific interest of employees not properly subservient to the favour of the general public interest.

F82. Other non-institutional factors are groups and associations for the protection of the environment, which have the function of pressuring public administrations by always requesting better quality planning and projects in their activities.

Regional-level policies

F83. Regional transport policies need to take into consideration some very important factors:

- orography
- widespread rural and urban settlements throughout the territory
- the balance between the rail network system
- the lack of integration between the transport policies and urban and regional planning.

These factors make any infrastructural intervention more complex and onerous and sometimes jeopardise their success.

F84. The *Piano Regionale dei Trasporti*, the policy instrument administered on a regional level, pursues general objectives in terms of the rationalisation and improvement of existing transportation services and the balancing of the range of transportation options, through policies aimed at achieving the following specific objectives:

- an increase in the service level and coverage of the transportation services available, to ensure that demand is adequately met;
- an increase in the efficiency of the transportation services through the integration of the various individual means of transportation;
- a reduction in levels of congestion on suburban roadways;
- an equilibration of the regional territory through the creation of direct links with national transportation networks;
- an equilibration of the relative shares held by railway and road traffic;
- assimilate the choices made by local public administrations.

Local-level policies

F85. Transport in urban areas is regulated by the *Piani Urbani di Traffico (PUT)*; recently introduced together with the updating of the road code; but already foreseen as an instrument in the *PGT* itself and the *Programma Urbano di Parcheggi (PUP)* which was introduced by the Law of 24 March 1989 No 122.

F86. All Italian *comuni* with populations in excess of 30 000 residents are required to formulate *Piani Urbani di Traffico* by June 1996, in fulfillment of the directives issued by the *Ministero dei Lavori Pubblici*, in cooperation with the *Ministero dell'Ambiente*, which were published in Supplement No 77 of the *Gazzetta Ufficiale* of 24 June 24 1995, No 146, in compliance with Article No 36 of the New Roadways Code.

F87. The guidelines for the drawing up of these *Piani Urbani di Traffico* are summarised in the following points:

- the design of the interventions is to be in accordance with a global logic that responds to the needs of the mobility system, the environment and urban planning;
- the measures utilised must be aimed at improving both the range of transportation options offered and the orientation of the demand for mobility;
- particular care must be taken in planning for interventions in historic, archeological, natural, or otherwise protected zones;
- specific solutions must be formulated to traffic problems experienced by those *comuni* affected by seasonal peaks in tourist traffic.

F88. The national directives specify that the *Piano Urbano di Traffico* is an instrument subordinate to the effective *Piano Regolatore Generale*, but that can, in certain specific cases, propose revisions in the *Piano Regolatore Generale* itself or to the implementational instruments applied on a local level. In each case, an analysis must be made of the degree to which the infrastructural interventions proposed by the *Piano Urbano di Traffico* are congruous with the provisions of the *Piano Regolatore Generale*; if such is not the case, the procedures necessary to pass a variation in the urban-planning instrument may be initiated.

F89. As a result of the introduction of the new Roadways Code and the State directive for the adoption of the *Piani Urbani di Traffico*, the various *comuni* have been developing, over the last two years, urban mobility strategies. Some, such as the cities of Milan, Genoa and Bologna have already adopted such instruments, while others such as Rome, Turin, Florence and Naples, have entrusted consultants with the formulation of these instruments, in collaboration with the relative city offices. It is not only the large metropolitan *comuni* that are adopting or formulating *Piani Urbani di Traffico*, but also the small and medium-sized towns as well.

The choices included in the *Piani Urbani di Traffico* will drive the activation of the relative financing, which, depending on the orientation expressed in the *Piano*, could be invested in solutions of a more traditional transportation nature, or in the consolidation of the idea of urban mobility based on the use of the automobile, or in ecologically compatible choices that embrace the realisation of integrated transportation systems that respect the specific historic, cultural and en-

vironmental characteristics of the individual urban reality.

Waste management and pollution

F90. Waste disposal and pollution are increasingly becoming very important issues which demand, more than any other environmental factors, particular attention due to their direct impact on public health. In Italy the main problem regarding this subject is represented by the difficulty in maintaining adequate monitoring. Nevertheless some data is available: 30 % of industrial waste is discharged into waterways, in the sea or lakes; in 1990 the estimated emission of polluting elements in the atmosphere, such as sulphur dioxide and nitrous oxide and other organic volatile compounds, was equal to 35 kg per inhabitant for each polluting element and of 6.5 tonnes per km², for each element. The total production of waste was about 100 million tonnes (20 of urban rubbish and 77 of special waste of which 45 % is represented by industrial waste). In 1989 a fall in the use of fertilisers of 73 kg/ha was recorded whilst the use of chemicals is increasing.

European Union policies

F91. Italy has contributed in an active way to the formulation of Community measures regarding pollution and waste, especially in the second part of 1990 when Italy held the position of president of the European Union. The directives approved in the first half of 1990, regarding atmospheric pollution, included the introduction of severe measures on car emissions; the introduction of rules and fiscal tax incentives for the production of the so-called 'clean cars' (Directive December 1990); new urban waste regulation of the emissions from incinerators (existing and new); the bioenergetic sector and the control of material which causes the reduction of the ozone layer. Directives on the discharge of waste containing titanium dioxide have been enacted for the reduction, or in some cases, the elimination of such waste.

F92. Italy has delayed assimilating save the EU directives on the recycling and disposal of dangerous substances for example, the following directives are those with major delays.

- 90/415/EEC relative to the modification of the document II of the 86/280/EEC on the mini-

mum values and quality objectives for dangerous substances included in the document I of the Directive 76/464/EEC;

- 92/14/EEC on the limitation of air borne emissions;
- Three adjustments to Directive 67/548/EEC on classification, packing, etc.

National level policies

F93. With the formation of a *Ministero dell'Ambiente* in 1986 came the beginning of a government policy for the containment of various forms of pollution and their problems. Before that date, with the exception of the law of 3/9/76 and 431/85 regarding the battle against water pollution, there was no legislation on this subject.

The activity of the *Ministero dell'Ambiente* developed in the first three year plan (*CIPE*) of August 1990. A three-year programme, 1989/91, for the safeguard of the environment was directed to the focusing on a solution to the more urgent and difficult problems, and has partially answered all the environmental emergencies. In particular, the operative programmes for the implementation of the 'three year plan' for pollution and waste, are as follows:

- Programmes for the disposal of waste were directed at:
 - the development of technological innovations in the productive processes concerned with the reduction and recycling of raw materials, energy, process waste, and for the production of goods which have a longer life span and can be easily reused or recycled;
 - the creation of services for the differentiated collection of large and dangerous waste, of glass containers, plastic, metal, vegetables and animal market refuse and also from homes and restaurants;
 - the expansion and construction of plants for waste disposal with priority for those assigned for the reuse and recycling of material and energy;
 - the reclaiming of sites contaminated by waste with priority for cases of polluted water-table, and of dumps and the creation of dumps for special waste in the Mezzogiorno.
- Programme for depuration (DEAC) directed to:
 - the safeguarding of drinking water resources including those of contaminated water, the expansion and strengthening of the network, purification plants, sewers and the nationalisation of agricultural practices;
 - the safeguarding of catchment basins for non-drinking purposes. The use of less valuable water and the recycling of non-drinking water;
 - the development of automatic systems for monitoring the quality of water in the proximity of catchment basin outlets and the distribution infrastructure;
 - the preparation of general plans for the Adriatic Sea and the Mediterranean Basin;
 - the monitoring of eutrophy in the sea.
- Programme for the elimination of atmospheric and acoustic pollution in urban areas (DISIA) which anticipates:
 - taking of a census of the pollution sources and the collection and analysis of all the data supplied by the monitoring network for air quality;
 - the prevention and control of polluting emissions with priority to transport and heating installations in the public sector.
- Programme for scientific research on environment (RICSA) directed to the investigation of the causes and effect of the degradation of natural resources, with priority to:
 - the study of eutrophy, with particular attention to the control of algae blossoming and nutrition levels and the behaviour and recovery models of the catchment basins;
 - the development of services, models and analytical and decision-support instruments for the recovery and management of the water and land resources;
 - the improvement of the present procedures for the disposal of waste.
- Programme for the rehabilitation of the production processes and the control and prevention against risk in industrial activities (DE-RISP) which includes:
 - the optimisation and the development of the industrial processes with less environmental impact;
 - the relocation of dangerous plants to more suitable sites.

An employment programme for environmental purposes (NOC), which has the purpose of

promoting short-term employment for young people, in particular for the following activities:

- management of water resources (*catasto* (tax) of the discharges in the catchment basins, purification, etc.);
 - the survey of dumps and the reclamation of land polluted by waste;
 - the protection of nature (enrichment of protected areas, recovery of abandoned quarries, etc.).
- Programme for areas with high risk of environmental crisis (ARIS) which anticipates the risk area recognised:
 - carrying out plans and interventions for the recovery and protection of the environment.

The programme anticipates also different forms of financing and concessions.

Most of the financial resources available for general programmes are used to solve present emergencies; almost 10 % of the budget is, in fact, directed to programmes for the disposal of waste, and water purification funds are shared out among the *regioni* and water basins. In particular the *regioni* have also at their disposal, resources for the programme against atmospheric and noise pollution which concerns urban areas selected by the Law of 8 June 1990 No 142.

Regional-level policies

F95. The *regioni* have responsibility for the implementation of the three-year programme through the formula of *protocolli d'intesa* which ensures

the autonomy in their design and operation choices. The *regioni* have responsibility for preparing a plan for waste disposal. This instrument represents a very important step in tackling the problem in a controlled way, and to discourage the uncontrolled and illegal discharge and disposal of polluting waste. Locations are indicated where the waste is to be disposed of and treated, and in some cases recycled. The areas of responsibility determined by the regional plan for the various basins extended beyond the normal municipal boundaries, and are often in conflict with other planning developments (areas for economic developments, mountain communities, etc.) which has contributed to the resistance and non-collaboration of the *comuni*. The location of these disposal areas is determined on the basis of estimated data rather than objective values, in the absence of a land register for waste. The *regioni*, in addition to this type of instrument, are obliged to prepare a plan for the purification of water resources.

Local-level policies

F96. Both the *province* and the *comuni* have responsibilities for waste disposal. The *province* are obliged to prepare a plan for the territory which is under their competence. The *comuni*, on the other hand, individually or associated in a consortium are responsible for the collection of waste. Furthermore the *comuni* must adopt measures, indicated by the directives, for the control and reduction of atmospheric pollution, such as the reduction of car traffic in urban areas, use of catalytic converters in cars and controls of emissions.

Appendix I — Glossary

Abusivismo

Unauthorised building activity (see *Costruzione illegittima/Abuso edilizio*).

Accordo di programma

The administrative agreement that governs the forms of cooperation and facilitates the decision-making relative to interventions and works whose realisation requires an integrated effort on the part of a variety of public authorities.

The *Accordo di Programma* involves the unanimous consensus, on the part of the various public authorities involved, on the definition and implementation of the works and interventions whose realisation requires the coordinated efforts of the *comuni*, the *province*, the *regioni*, national level authorities, and other public entities.

The *Accordo* can be promoted by the president of the *regione*, the president of the *provincia*, or the mayor of the *comune*, depending on which level has primary responsibility for the specific project or programme.

The scope of the agreement is to coordinate the actions and define the working schedules, methodology and financing related to the realisation of those works that are the responsibility of local authorities (*regioni, provincia, comune*).

Appalto

A contract by which one party undertakes to provide together with the organisation of the necessary means and with operations at its own risk – a work of construction or a service for a monetary consideration.

Area metropolitana/Città metropolitana

A system comprising a chief city and other minor centres linked to it by daily and intense economic, social and cultural ties.

Assetto del territorio

(see *Urbanistica*).

Autorizzazione

Is granted by the municipal administration without the payment of fees and is requested by the private operator who intends to carry out maintenance work or refurbishments which do not effect the urban structure.

Aziende municipalizzate

Organisations which operate the principal services (water, electricity supply, refuse collection, etc.) on behalf of the local authority. Entrusting of services to such organisations is permitted by law, since it ensures regularity and lower costs of the service, and a revenue-producing asset for the municipality concerned.

Aziende speciali

These are those indicated in Article 23 of Law 142 of 1990, which enables entrustment to private industry of the execution of certain public services under a contract that provides for an appointment to execute only the material activities inherent in the service.

Azzonamento

An operation in which an area of territory is divided into homogeneous and specialised areas, each of which may be reserved to a specific function (residential, production, public, etc.), restricted to a particular use, restricted to a specific type of building or to particular construction parameters.

Canone di locazione

Valuable consideration paid periodically for the leasing of real estate or an apartment (see also *Equo Canone*).

Catasto edilizio urbano

The registry office housing the documents – legal and otherwise – that establish the size and income of real estate holdings (land and buildings) for the purposes of calculating the relative tax.

Commissione edilizia

The composition of the *Commissione edilizia* is decided by the municipal council which chooses its elected members among citizens who possess verified technical, legal and aesthetic competence in building and urban planning matters. The *Commissione* expresses opinions on works of maintenance, new construction projects, on urban renewal and on demolitions. It also expresses opinions on legal instruments implementing urban planning, and on local building regulations (*Regolamento Edilizio*).

Compensazione/indennizzo

(see: *Esproprio*).

Comprensorio

An area that includes more than one *comune* and that is clearly geographically organic, in other words, is homogeneous from a physical, social, economic and infrastructural point of view.

Concessione di edificare/licenza

This is a procedure by which the mayor issues, to the applicant, authorisations to create a new construction or to act on existing properties to modify, restructure or extend them on the basis of current regulations.

Conferenza di servizi

This is an institution established under various laws, as an extraordinary administrative procedure aimed at streamlining and simplifying the slow-moving bureaucratic process provided for by the norms of administrative law, and bringing them into line with modern requirements for quick, sure decision-making that involves various public authorities. The *Conferen* is in effect a coordinating body that eliminates the down times that normally characterise the execution of the interventions, works and programmes that require the involvement of various levels of governments (State, regional, provincial and municipal). The *Conferen* makes it possible to reach an agreement and make decisions relative to the location and financing of a public work, thereby bypassing the myriad agreements, *nulla osta*, authorisations and approvals that would otherwise be necessary.

The agreements stipulated by the *Conferen* replace for all intents and purposes the aforementioned legal documents.

Consigliere comunale

Elected member of the municipal council.

Consiglio Comunale

The *Consiglio comunale* (municipal council) is an organisation of political and administrative guidance and control with competences limited to the fundamental acts of the municipality, among which are res-

olutions concerning approval of town and country plans, annual and multi-year programmes for their implementation and any derogations from the same.

Contratto di programma

Allows joint venture companies to take out franchises on lines and infrastructures in the high-speed rail system.

Costi di urbanizzazione

Urbanisation costs relating to the works required to make the installations technically and socially suitable for their function (residential, production, offices or mixed) assigned to them by urban planning.

Costo di costruzione e quota di costruzione

The *Costo di costruzione* (building cost) is determined annually by a Ministry of Public Works decree. The issue of a building permit is subordinated not only to payment of the costs of urbanisation but also to a payment called *quota di costruzione* proportional to the deemed building cost.

Costruzione illegittima/Abuso edilizio

This is a construction created in conflict with the planning or building bylaw or with other relevant standards or regulations, or created without a building permit or in partial or total conflict with the same. *Abuso edilizio* (unauthorised building) is subject to both administrative and criminal prosecution.

Destinazione d'uso

The complex of uses or functions permitted in the town plan for the area or building.

Diritto urbanistico

The body of laws and regulations that govern building activities, urban planning and the like.

Edilizia agevolata

Building financed by low-cost loans; that is, loans provided by property or building credit institutions but subsidised by a contribution from the State.

Edilizia convenzionata

New or existing building is said to be *convenzionata* when the *concessione* has an arrangement with the municipal administration, made by a *convenzione* or unilateral act of commitment, to apply specific sale prices or rents for a specific period of time.

Edilizia sovvenzionata

Relates to public sector actions; that is, promoted and implemented by public administration.

Equo Canone

Rent rate established under the law that governs real estate leases.

Esproprio/Espropriazione

Expropriation is that public law institution on the basis of which a subject, on payment of a fair indemnity, is deprived in whole or part of one or more fixed assets owned by it for a reason of public interest. The act of expropriation has as its effect the compulsory transfer of an asset from the private party to the public administration on payment to the expropriated party of a sum in money as indemnity (*Compensazione/Indennizzo*).

Fidejussione

Contract issued to a creditor which gives the guarantee of a third party.

Giunta regionale

The board, made up of regional counsellors led by a president, responsible for executive functions within the administration of a region.

Imposta Comunale sugli Immobili

The local authority (*comune*) tax on real assets has been passed in 1992. The owners of real assets, building grounds and agricultural territories are compelled to pay out such tax to the belonging local authority. The amount is fixed directly from local authorities, on the bases of ones' needs, in a percentage which goes from 4 % to 7 %. *ICI's* taxable base is constituted by buildings, building areas and agricultural territories' value. The value is determined by *cadastre* yield multiplied by 100. For a building considered as first house, a sum of ITL 180 000 could be deducted at the most.

Indotto

The sum of all the small and medium-sized productive activities that are generated by the operation of a great industrial complex, for the purposes of supplying that complex with goods or services.

Iter procedurale

The administrative process that a given measure must follow to be approved/rejected.

Norme tecniche di attuazione

Rules set by the authority responsible for generating the urban development plan, that must be respected in order to realise certain types of intervention in the areas covered by the plan.

Nulla osta

Legal act by which the administration lifts the limitations, imposed by the law, to the operation of an activity, or attests to the fact that there are no valid obstacles to the performance of such activity.

Oneri concessori/Contributo di concessione

The issue of a building permit is subordinated to payment of a fee. This fee generally comprises two parts:

- *quota di urbanizzazione*, proportionate to the incidence of primary and secondary urbanisation works (see also *Costi di urbanizzazione*); and
- *quota di costruzione*, proportionate to the real or deemed cost of construction (see also *Costo di costruzione*).

Pianificatore/Urbanista/Esperto di urbanistica

Planner.

Piano di Bacino

The Basin plan is considered a sectoral plan. It is aimed at planning and programming actions, measures and regulations for use aimed at conservation, defence and exploitation of the soil, as well as of correct use of waters.

Piano esecutivo/attuativo

Implementation plan (see *Piano urbanistico*).

Piano urbanistico

Instrument of town and country planning, provided for by current laws and aiming at the utilisation of the territory in the most coherent way with the objective of the best economy in the use of the areas and of the maximum productivity and utility of public infrastructures and of the resources available to that end.

Comprise:

- framework plan: *PTP/PTCR/PTCP*
- general plans: *PRG*
- executive plans: *PP/PdRe/PdL/PEEP*

Programma Pluriennale d'Attuazione

Programme drawn up by local government (*comune*); defines, within the framework of the provisions governing the *PRG*'s areas of expansion, work which may be carried out in a period of from three to five years.

The *PPA* is a planning instrument used by the local administration to identify those areas (targeted for expansion or renewal) in which – in accordance with the general master plan and budget capabilities of the *comune* and in the time frame covered by the *PPA* – the implementation of the urban zoning plan will be effected. Specifically, the *PPA* involves:

- the study and approval of the implementation plans;
- the implementation of the urban-development actions;
- the implementation of the environmental protection actions.

Through the *PPA*, the municipal administration determines the expenditures required for the planned actions and decides the division of these funds between the *comune* and the public or private operators.

Programmi di recupero urbano

Covering a systematic group of work aimed at the creation or adaptation of primary and secondary urbanisations and the reclamation of existing buildings.

Programmi Integrati d'intervento

These are promoted by *comuni* in order to rehabilitate the urban structure, buildings and environment and are distinguished by the presence of multiple functions, by integration of various types of action including urban infrastructure works, by the presence of several operators and public and private sector financial resources. The programmes are not true urban planning instruments in that they have legal effect only if they assume, even partially and subsequently, the character of executive plans following the traditional approval procedures.

Risanamento integrato

An action is such when, in addition to safeguarding the physical structures and architectural environment, it also preserves the *tessuto sociale* (social fabric).

Ristrutturazione urbanistica

These are actions aimed at replacing the existing urban and building fabric with another, different one, through a systematic set of building operations associated with modifications to the design of plots, blocks and road networks.

Salvaguardia

A situation in which a urban planning instrument has been adopted but not yet approved; that is *in itinere* (in course) of approval.

Silenzio-assenso

For some types of construction work there is provision for the so-called *silenzio-assenso* (meaning literally: silence means consent); that is the right to start works in the event that the municipality does not issue the authorisation or building permit within a specific time.

Soprintendenza/Sovrintendenza:

The branch of the *Ministero dei Beni Culturali* charged with protecting the artistic, monumental and archeological heritage of a given area.

Standard o dotazione

This is the point ratio between facilities of public and social interest and the installations (residential, production, multifunction).

Tribunale Amministrativo Regionale

The authority that has jurisdiction, in a civil context, for administrative acts, in the manner and the cases set forth by the law.

Unità Sanitaria Locale

The *USL*, a decentralised organ of the national health service which, under Law 833 of 23 December 1978, issues an obligatory opinion, to the ends of building permit issue, on the health and hygiene profiles of the work to be constructed.

Urbanistica

Is the subject relating to discipline of land-use, including all other aspects, cognitive, regulatory and operational regarding operations of safeguarding and transformation of the ground, as well as protection of the environment.

Urbanizzazione

The set of works necessary to render an unbuilt area suitable for residential and/or productive installations.

Usufrutto

The right to use or enjoy the property of another, making its fruits one's own, but respecting the original economic destination.

Valutazione d'Impatto Ambientale

(environmental impact assessment). The procedure consists in a preliminary study on the work to be constructed to the end of issuing a *nulla-osta* for its environmental compatibility; it is necessary and indispensable for some categories of works with a great impact on the environment and on the territory.

Variante di recupero

Varianti di recupero are those variances from the general master plans (zoning plans) aimed at urban renewal of areas that have been illegally developed. Thus, the purpose is to provide adequate primary and secondary infrastructures and facilitate the rational incorporation of these areas in the territorial and urban fabric, while ensuring respect for assets of an historical, artistic, archeological, landscape, environmental and hydro-geological nature.

Variante in corso d'opera

These are variances to an approved project that: are in accordance with the various planning instruments and the operative building regulations and do not conflict with the adopted regulations; do not involve modifications to the land profile; do not change the assigned use of the building and the individual units, nor the number of units. These variances – when they do not concern real estate restricted under Law No 1089 and No 1497 of 1939 – are subject to indemnification payments (Art. 15 Law No 47/1985).

Vincolo

A specific restriction on the rights of ownership of a fixed asset, area or building, imposed by law. A town plan may establish various *destinazioni d'uso* for a restricted area, provided that these do not conflict with the restriction.

Zona di recupero

This is an urban area where the decay of the existing buildings and infrastructure require action to preserve, restore, reconstruct and use these assets to the best advantage.

Zona industriale

In current planning practice, this is considered an area designed and equipped to host a given number of manufacturing activities, that respect the criteria and parameters dictated by regulations that implement a planning instrument.

Zona omogenea A

This includes the sections of the territory characterised by historical or artistic interest or particular environmental values, as well as nearby areas which, because they have assets similar in nature to those cited above, are to be considered an integral part of this zone.

Zona omogenea B

This zone includes the areas of the territory that are totally or partially developed and that do not represent areas of particular historical, artistic, or environmental interest. Zone B includes areas in which the surface occupied by existing buildings exceeds – as per Decree No 1444 of 2 April 1968 – 12.5 % of the total land surface, and the construction density is in excess of 1.5 c.m./s.m.

Zona omogenea C

Zone C includes the sections that have not yet been developed but that are earmarked for residential development, or that have not been developed to the same extent as zone B, in terms of occupied land surface and construction density.

Zona omogenea D

This zone embraces parts of the territory designated for new productive development (industrial, commercial, etc.).

Zona omogenea E

Zone E includes the sections of the territory considered agricultural, as long as there has been no subdivision of the land holdings that, agricultural use notwithstanding, would cause them to be included in Zone C.

Zona omogenea F

Zone F includes those sections of the territory assigned to systems and facilities of general interest.

Zone territoriale omogenea

These are the zones into which the municipal territory must be divided to the ends of application of inderogable limits of building density, height, distance between buildings and calculation of minimum urban planning standards under Decree 1444 of 2 April 1968.

Appendix II — Acronyms and abbreviations

AV:	<i>Sistema Ferroviario ad Alta Velocità</i> (high-speed rail system)
ANCE:	<i>Associazione Nazionale Costruttori Edili</i>
ANCSA:	<i>Associazione Nazionale Centri Storico Artistici</i>
ANPA:	<i>Agenzia Nazionale per la Protezione dell'Ambiente</i> (National Agency for Protection of the Environment)
BUR:	<i>Bollettino ufficiale regionale</i>
CC:	<i>Consiglio Comunale</i>
CE:	<i>Commissione Edilizia</i>
CER:	<i>Comitato per l'Edilizia Residenziale</i> (Committee for Residential Building)
CEU:	<i>Catasto edilizio urbano</i>
CIPE:	<i>Comitato Interministeriale per la Programmazione Economica</i> (Inter-Ministerial Committee for Economic Planning)
CNR:	<i>Consiglio Nazionale della Ricerche</i> (National Research Committee)
CORECO:	<i>Comitato Regionale di Controllo</i>
DI:	<i>Decreto Interministeriale</i>
DL:	<i>Decreto Legge</i>
Dlgs:	<i>Decreto legislativo</i>
DM:	<i>Decreto Ministeriale</i>
DPGR:	<i>Decreto Presidente Giunta Regionale</i>
DPR:	<i>Decreto Presidente della Repubblica</i>
ENAS:	<i>Ente Nazionale Autonomo per le Strade</i> (National Highway Agency)
ENEA:	<i>Comitato nazionale per la ricerca e lo sviluppo dell'Energia Nucleare e della Energia Alternativa</i> (National Committee for nuclear and alternative energy development)
ENEL:	<i>Ente Nazionale Energia Elettrica</i> (the national electrical energy distribution corporation)
ENIT:	<i>Ente Nazionale Italiano per il Turismo</i> (National Tourist Organisation)
FIO:	<i>Fondo Investimenti ed Occupazione</i> (Investment and Employment Fund)
FS:	<i>Ferrovie dello Stato SpA</i> (State Railways)
FAI:	<i>Fondo per l'Ambiente Italiano</i>
IACP:	<i>Istituto Autonomo Case Popolari</i> (Independent Council Housing Institute)
GU:	<i>Gazzetta ufficiale</i>
ICI:	<i>Imposta Comunale Immobili</i> (Local authority taxation; see: Glossary)
IN/ARCH:	<i>Istituto Nazionale di Architettura</i>
INU:	<i>Istituto Nazionale di Urbanistica</i>
LIPU:	<i>Lega Italiana per la Protezione degli Uccelli</i>
LR:	<i>Legge regionale</i>
LU:	<i>Legge urbanistica</i>
M.LL.PP:	<i>Ministero dei Lavori Pubblici</i>
PdL:	<i>Piano di Lottizzazione convenzionata</i>
PdRe:	<i>Piano di Recupero</i>
PEEP:	<i>Piano per l'Edilizia Economica e Popolare</i>

<i>PF:</i>	<i>Programma di fabbricazione</i>
<i>PIM:</i>	<i>Programmi Integrati Mediterranei (Integrated Mediterranean programmes)</i>
<i>PIP:</i>	<i>Piano per gli Impianti Produttivi</i>
<i>PL:</i>	<i>Piano di lottizzazione</i>
<i>PP:</i>	<i>Piano Particolareggiato</i>
<i>PPA:</i>	<i>Programma Pluriennale di Attuazione</i>
<i>PRG:</i>	<i>Piano Regolatore Generale</i>
<i>PRU:</i>	<i>Programma di riqualificazione urbana</i>
<i>PTC:</i>	<i>Piano Territoriale di Coordinamento</i>
<i>PTCP:</i>	<i>Piano Territoriale di Coordinamento provinciale</i>
<i>PTCR:</i>	<i>Piano Territoriale di Coordinamento regionale</i>
<i>PGT:</i>	<i>Piano Generale Trasporti</i>
<i>PTP:</i>	<i>Piano Territoriale Paesistico</i>
<i>PUT:</i>	<i>Piano Urbano di Traffico</i>
<i>RD:</i>	<i>Regio decreto</i>
<i>RDL:</i>	<i>Regio decreto legge</i>
<i>TAR:</i>	<i>Tribunale Amministrativo regionale (Regional Administrative Court)</i>
<i>USL:</i>	<i>Unità Sanitaria Locale (Local health unit)</i>
<i>UTE:</i>	<i>Ufficio tecnico erariale</i>
<i>VIA:</i>	<i>Valutazione d'Impatto Ambientale (environmental impact assessment)</i>

Appendix III — Addresses

National Government

ENIT - Ente Nazionale Italiano per il Turismo
2, Via Marghera
00185 Rome
Tel. (39-6) 497 11

ISPEL
8, Via Bargoni
00153 Rome
Tel. (39-6) 58 33 06 80

ISTAT - Istituto Nazionale di Statistica
16, Via C.Balbo
00184 Rome
Tel. (39-6) 467 31

Istituto Superiore di Sanità
299, V.le Regina Elena
00161 Rome
Tel. (39-6) 499 01

Ministero dei Beni Culturali ed Ambientali (Ministry of Cultural Heritage)
27, Via del Collegio Romano
00186 Rome
Tel. (39-6) 672 31

Ministero dei Lavori Pubblici (Ministry of Public Works)
2, Via Nomentana
00161 Rome
Tel. (39-6) 848 21

Ministero dei Trasporti (Ministry of Transportation)
1, Piazza della Croce Rossa
00161 Rome
Tel. (39-6) 849 01

Ministero dell'Ambiente (Ministry of the Environment)
11, Piazza Venezia
00187 Rome
Tel. (39-6) 703 61

Ministero della Marina Mercantile (Ministry of the Merchant Navy)
16, Via dell'Arte
00144 Rome
Tel. (39-6) 590 81

Ministero della Sanità (Ministry of Health)
20, P.le Dell'Industria
00144 Rome
Tel. (39-6) 599 41

Servizio Geologico Nazionale (National geological service)
13, L.go di S. Susanna
00187 Rome
Tel. (39-6) 481 97 47

Servizio Sismico Nazionale (National earthquake service) and
Servizio Idrografico e mareografico (National hydrographic service)
2, Via Nomentana
00161 Rome
Tel. (39-6) 848 21

National agencies/organisations

ANCE - Associazione Nazionale Costruttori Edili
16, Via Guattani
00161 Rome
Tel. (39-6) 848 81

ANCSA - Associazione Nazionale Centri Storico Artistici
3, P.oderisi
06024 Gubbio (Perugia)
Tel. (39-75) 92 20 06 93

CNR - Consiglio Nazionale della Ricerche
11, V.le Università
00185 Rome
Tel. (39-6) 494 11 59

ENEA - Comitato Nazionale per la ricerca e lo sviluppo dell'Energia Nucleare e dell'Energia Alternativa
125, V.le Regina Margherita
00198 Rome
Tel. (39-6) 852 81

ENEL - Ente Nazionale Energia Elettrica
3, Via G.B. Martini
00198 Rome
Tel. (39-6) 850 91

IN/ARCH - Istituto Nazionale di Architettura
5, Via Catalana
00188 Rome
Tel. (39-6) 654 22 54

INU - Istituto Nazionale di Urbanistica
46, Via S.Caterina da Siena
00186 Rome
Tel. (39-6) 679 35 59

Italia Nostra
22, Via Porpora
00198 Rome
Tel. (39-6) 854 23 33

Legambiente
280, Via Salaria
00199 Rome
Tel. (39-6) 884 15 52

WWF Italia
290, Via Salaria
00199 Rome
Tel. (39-6) 841 72 32

Regional Government

Consiglio Regionale Abruzzo
Via Jacobucci
67100 L'Aquila
Tel. (39-862) 64 41

Amministrazione Provinciale L'Aquila
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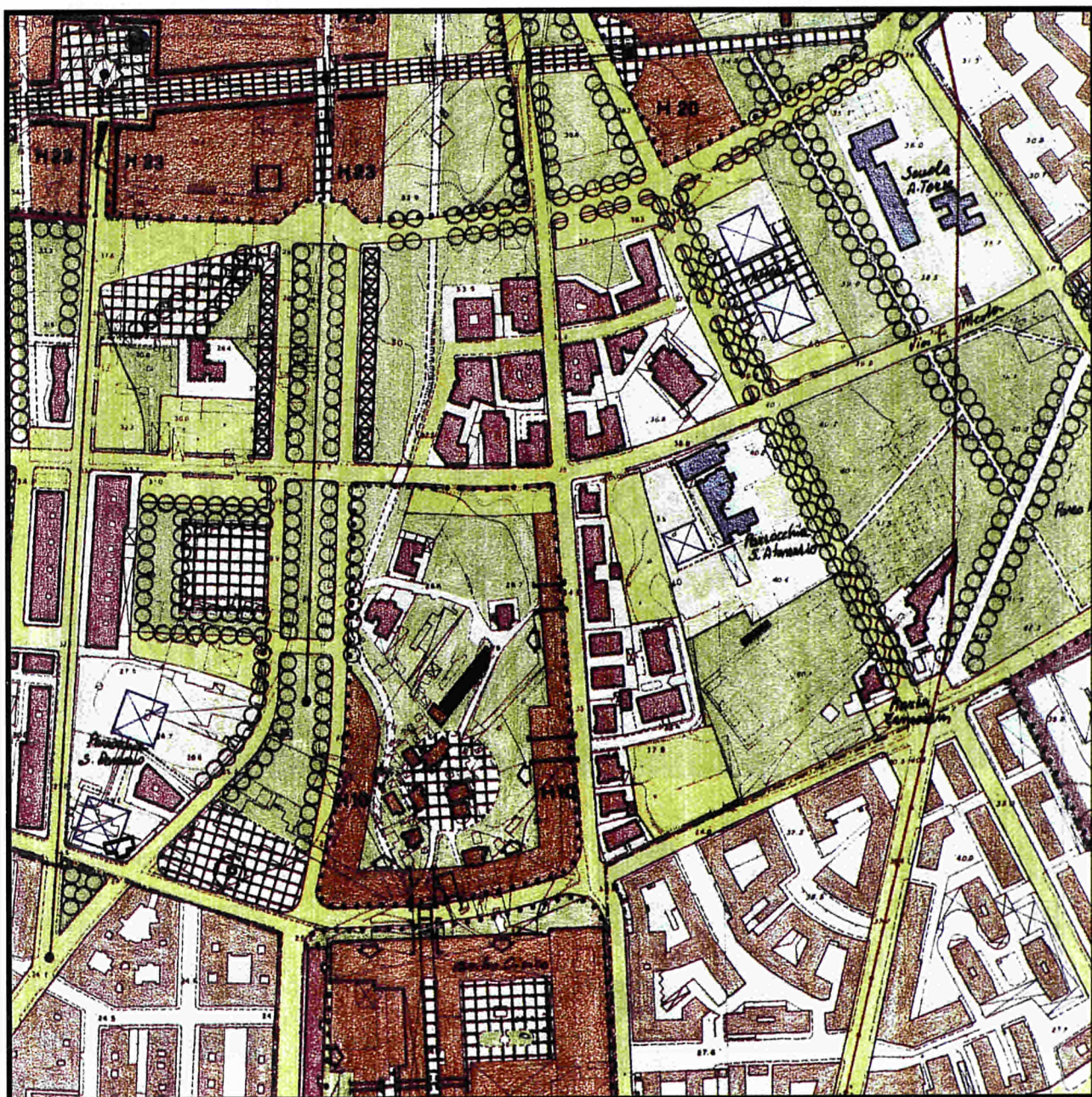
Maps



Part of the key :

	Private green areas with existing buildings		Urban redevelopment areas: (designated areas)	Regulated areas	
	Reinforced hillside areas: Reception activities Services (letter = classification)		Services		Residential R2
	Woodland		Residential		Residential R3
			Tertiary activities and facilities for personal and business services		Residential R4
			General interest amenities (university, music academy, etc.)		

Map B.2: Piano Regolatore Generale, Turin



Map B.3: Extract from the *Piano Particolareggiato Compensorio Pietralata*, Rome

Part of the key :

Area use



Urban public facilities.



Local public facilities.



Public green spaces or public areas.



Concentrations of cubic capacity in areas intended for directional and tertiary activities and in tertiary processing areas.



Mixed plots for transformation.



Residential areas for restructuring.



Residential plots for preservation.



Existing buildings to be preserved.

Functional elements



Railway.



Underground stations.



Roads.



Public car parks.



Underground multi-storey public car parks.



Pedestrian spaces and plazas.



Pedestrian paths.



Pedestrian crossings.



Cycle tracks.

Three-dimensional plan



Unit projection.

H. max m



Maximum building height.



Direction of main axis.



Architectural backdrops.



Integration with existing structures.



Arcades.



Passageways.



Internal unbuilt spaces.



Axes of correspondence.



Vertical landscape elements.

Environmental elements



Green areas for environmental protection.



Rows of trees.



Restoration of quarry system.



Viewpoint.



Historic buildings.



Archaeological sites.



Acquedotto Vergine.



Line of ancient road.



Environmental observatory.

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