



BETTER
REGULATION
AIMED AT
VALORISING EMAS

Annex 1.4 Italian case study



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1 Introduction to the case study

This case study has been carried out within the EU Life Project BRAVE with the general aim of investigating the Italian initiatives related to regulatory relieves and better regulation measures as incentives to the diffusion of the *Environmental Management Systems* (EMSs) certified according to the EMAS European Scheme (Reg. 1221/2009/CE) and/or to the ISO 14001 Standard.

The case study focuses, in particular, on the relieves and measures targeted to the waste treatment and recycling sectors (the 24 “*Recovery and Recycling*” and the 39 “*Disposal of solid waste and sewage*” according to the EA Codes) with the aim to shed some light on their effectiveness in terms of an actual increase in the diffusion of environmental certifications among enterprises. The approach adopted is mainly based on a series of interviews with a selected target of actors involved in these sectors, both as national consortia for the management of different kinds of waste and as enterprise-representative associations.

1.1 Motivation of the case-study

As today, the Italian regulatory framework foresees a wide series of national and regional measures aimed at simplifying regulations in favour of environmentally certified companies. These measures cover a wide range of issues, varying from simplifications of the procedures for issuing permits, to reduction of administrative costs and of financial guarantees, tax relief tools and many other deregulation initiatives.

Despite the richness and variety of these measures¹, regulatory relieves (RRs) and better regulation (BR) initiatives in Italy have not always proved to be effective in terms of real benefits for certified companies, for a number of reasons, such as for example (Assolombarda, 2009):

- **late adoption** and/or **inconsistent implementation** of the measures, i.e. regardless of their actual *ratio*;
- **administrative difficulties** within their enforcement;
- **limited scope** of the measures, i.e. their adoption and implementation has sometimes been limited to certain sectors and/or regional contexts.

Overall, the efficiency of the simplification measures is also hindered by the **general complexity** and **redundancy** of the Italian environmental regulatory system.

In such a context, the main goal of the case study is investigating how the effectiveness of regulatory relieves can be better pursued by focusing on some specific measures, whose context of implementation could be more easily bounded and assessed. To this end, the measures to focus on have been selected on the basis of two criteria: *a*) the significance of the administrative simplification(s) they introduced, as well as their positive impact on the existing situation – also as cost reduction for businesses – according to various socio-economic stakeholders, and *b*) their applicability to a specific group of companies – those operating in the waste management and recycling sectors – thus easing the assessment of their effectiveness on the basis of specific evidence.

¹ See next paragraph for a brief overview.

The selected measures were some of the administrative simplifications introduced by the Legislative Decree 152/2006 (the Italian consolidated environmental act “*Testo Unico Ambientale*”) within the Section IV (“*Waste management and drainage of polluted sites Rules*”) and, in particular:

- the *reduction of financial guarantees for trans-border shipment of waste* (Art.194, co. 3, a);
- the possibility to *self-certify the renewal of authorizations* for waste disposal, management and recovery of plants (Article 209);
- the *reduction of financial guarantees to obtain the authorization* for waste management plants (Art. 210);
- the *reduction of financial guarantees for inclusion in the National Waste Managers Register* (Art. 212).

It has to be specified that not all these measures are still in force, as some of the above mentioned articles have been recently revised or repealed by the national competent authorities. In particular, Article 212 and Article 210 have been respectively modified and abrogated by Art. 24 of the Legislative Decree 3rd December 2010, nr. 205 (see *section 2.1* for a detailed description of the measures). However, considering the extent of these simplifications, as well as one of the most important goal of the BRAVE project – i.e. to identify, analyze and test the most effective relieves *regardless* of their legislative prevision and enforcement at a certain time – the above reported formulations of the Articles were maintained as the main reference framework to analyze the effectiveness of the simplification measures for the sectors investigated.

The main research issue addressed by the case study may thus be summarized in an analysis of the simplification measures targeted to a couple of selected sectors in order to verify their effectiveness, in terms of an increase of the number of environmental certifications.

1.2 Background

As anticipated, in the last decades Italy has witnessed the adoption of a series of measures aimed at simplifying regulations in favour of certified companies. Several projects, part of local *Agenda XXI* initiatives, carried out by public administrations and/or by private trade associations such as *Confindustria* (the Italian main confederation of business companies), developed proposals that were sometimes integrated in the current administrative procedures. These initiatives tried to promote the adoption of regulatory relief tools for various reasons: first, as Italy is a country where the certified Environmental Management Systems ISO14001 and EMAS are widely disseminated (see **Tables 1** and **2**); secondly, as notwithstanding the efforts that led to the publication of the above mentioned *Testo Unico Ambientale*, the environmental regulatory system is still very complex and therefore spurs action on simplification.

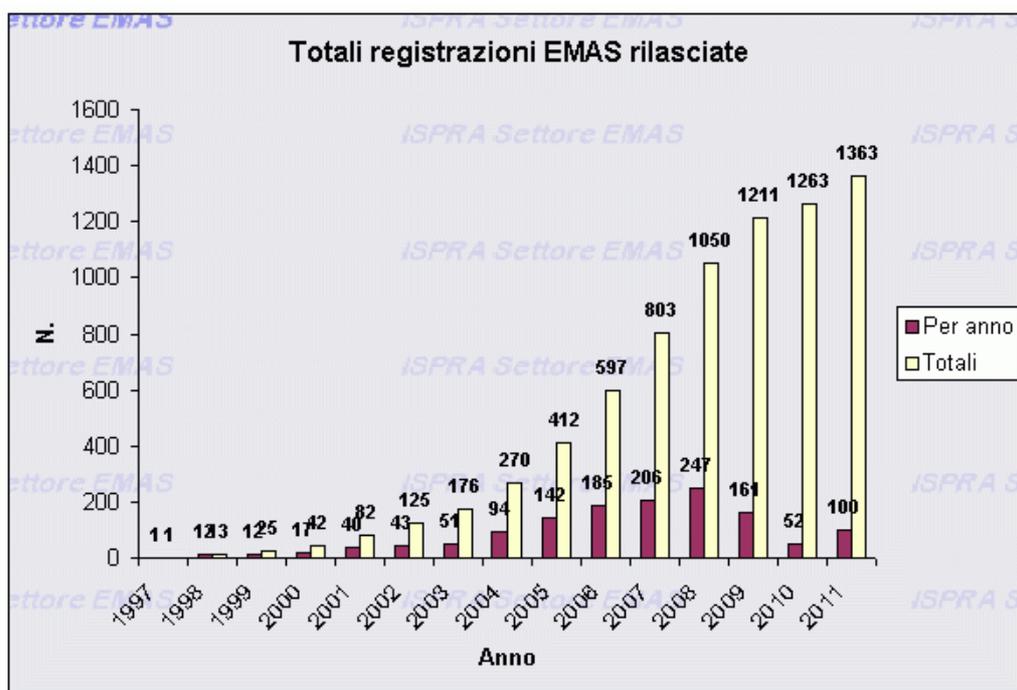


Table 1 – EMAS Registrations in Italy (June 2011, source: ISPRA www.isprambiente.gov.it)

The simplification measures introduced in Italy in both national and regional regulations may be classified in three main categories:

- 1) *simplifications of the procedures for issuing permits* – One of the main simplifications introduced in the granting of permits relates to companies that fall within the scope of the *IPPC Directive* (ex Directive 96/61/EC, now *Industrial Emissions Directive* 2010/75/EC). Article 29 of the Leg. Decree 152/2006 provides for a longer lasting “Integrated Environmental Authorisation” for certified companies. In particular, the standard 5-year duration of this authorization is extended to 6 years for companies certified ISO 14001 and to 8 years for EMAS companies². Still, the simplified procedure for obtaining an authorization offers the possibility to use the documentation produced within the EMS in administrative procedures. As part of the process to obtain an authorization under IPPC, Article 29 grants the use of documentation collected under EMS. At regional level, in the field of IPPC Directive, the Region of Emilia Romagna also favours certified companies by reducing the timeframe for issuing integrated environmental authorizations. While the standard timeframe for issuing the authorization is 150 days, Regional Law nr. 21/2004 reduces such timeframe for EMAS registered companies to 120 days. When it comes to the renewal of authorizations, important changes were introduced by the Legislative Decree 152/2006, through the already cited Article 209.

² A similar approach is established by Article 6 of the Legislative Decree 2009/2003, and by Article 10 of Legislative Decree No. 36/2003. The first decree implements Directive 2000/53/EC on end-of-life vehicles; the second decree applies Directive 1999/31/EC on waste landfills. In these two cases the duration of the authorization for treatment plants for end-of-life vehicles and waste landfills is increased from 5 to 8 years for EMAS registered companies, while no extension is planned for those companies having only the ISO 14001 certification.

Statistiche dei certificati suddivisi per Norma

Marzo 2012

Norma	Siti Produttivi	Certificati
TOTALE	156521	104685
AVSQ MIA	4	3
BS OHSAS 18001:2007	7068	2781
ISO 27001:2005	-	-
ISO/IEC 20000-1:2005	20	3
OHSAS 18001:1999	-	-
UNI EN 9100:2005	233	164
UNI EN ISO 13485:2004	2021	1710
UNI EN ISO 14001:2004	15652	8976
UNI EN ISO 3834:2006	1031	870
UNI EN ISO 9001:2000	-	-
UNI EN ISO 9001:2008	130492	90178

Table 2 – ISO14001 Certifications in Italy (March 2012, source: Accredia www.accredia.it)

2) *reduction of administrative costs and of financial guarantees; tax relief tools* – Apart from the measures described in the previous paragraph, another significant measure related to this category is the reduction applied by the Regional Government of Tuscany on one of the main taxes paid by companies: the Regional Tax on Productive Activities (the “IRAP”). This tax affects the value of the net production of companies, that is the income before costs for staff and expenses and proceeds of a financial nature. With the Regional Law nr.71/2004, the Region of Tuscany has reduced the rate from 4.25% to 3.85% for companies complying with ISO 14001, and 3.50% for companies complying with EMAS. Regularly renewed and still in force until 2013, such reduction will maintain its proportionality even if the initial percentage is reduced. A similar reduction of IRAP was also adopted by the Region Marche with its Regional Law 11/10/2005 nr.24, which reduced the tax percentage from 5.15% to 4.50% for both EMAS and ISO 14001 certified companies.

A third kind of cost cuts for certified companies refers to the expenses that companies have to bear for controls and procedures in respect to the IPPC issuing and renewal of permits. The Ministerial Decree of 24th April 2008 that sets the above mentioned rates provides for a reduction of the expenses both for EMAS registered companies and, to a lesser extent, for ISO14001 companies. In some cases the reduction amounts to a few thousand euros. A similar initiative was adopted by the Region of Emilia Romagna. The Deliberation of the Regional Government nr.938 of 17/05/2004 establishes the rates that companies falling under the Directive 82/501/EEC on the major-accident hazards of certain Industrial activities (the “Seveso Directive”) should pay for controls and inspections. These rates are reduced by 50% if the company has EMAS or ISO 14001 certification.³

³ There are also other numerous initiatives implemented at the local level by individual municipalities that envisage a reduction of the TIA (the Urban Hygiene Fee) a fee to fund the municipal waste management system.

- 3) *other forms of deregulation* – this category comprises other initiatives that cannot be classified in the previous ones, such as: simplifications related to the frequency of environmental controls, amendments in the range of application of the law, priority granted to certified companies in case of multiple competing applications for authorization.

A first measure was introduced by Regional Law nr. 9/99 of Emilia Romagna. It states that if an EMAS registered plant is in the process of expanding its business, the dimensional threshold to request the *Environmental Impact Assessment* (EIA) for expanding may increase by 30%. Similarly, the Region of Marche provides under Regional Law nr.7/2004 for an increase of the dimensional threshold by 30% for certain activities subject to EIA. In this case, the simplification may be applied both to EMAS registered companies and to those certified ISO14001.

Another kind of simplification is represented by the priority granted to certified companies in case of multiple competing applications. Article 96 of the Leg. Decree 152/06 foresees that applications coming from companies certified ISO14001 or EMAS are given priority in case of multiple competing applications to obtain authorizations for public water bypasses.

With respect to the issue of environmental controls, authorities seldom give value to environmental certification by planning a smaller number of controls for certified companies, in spite of overall references provided for in various articles of laws (e.g. art.197 of Leg. Decree 152/06 requires that when planning environmental inspections, and specifically when determining their frequency, Provinces can take into account the EMAS certification). Another reference to environmental controls is included in the decree n. 216/2006, which implements the Directives 2003/87 and 2004/101/EC concerning the Emission Trading System (ETS). Annex D invites the environmental inspectors responsible for validating the annual quotas of emitted CO₂ to take into account the EMAS certificates obtained by the company being inspected.

To sum up, the overview of the Italian regulatory relieves shows a number of opportunities for certified companies, even if these cannot always develop all their potentials in terms of promotion and diffusion of the environmental certifications. Within this context, the acknowledgements granted to certified companies in the waste sectors are relevant in terms of the nature and the extent of the measures foreseen, but they are limited in their scope and, above all, as we have seen, the most promising among them have been repealed.

Looking at the European context, the best reference document on regulatory incentives (even if focused on the EMAS registration only) is probably the report regularly updated by the European Commission on “*Incentives for EMAS registered organizations*” (the last available report was issued in 2010 and refers to the period 2004-2006 [COM(2010)6 final]. Still, focusing on the environmental incentives in the waste sector across Member States, the document of the Commission reports on incentives targeted to the sector only in general terms, within the reduction of reporting obligations and the simplifications of procedures for permit applications. Oosterhuis *et al.* (2009) report that some countries apply lower rates to landfill sites that meet certain environmental criteria. In Austria, Estonia and Norway, these criteria are related to the presence of environmental protection measures. In France, landfills with an environmental management system (EMAS or ISO 14000 certified) qualify for a reduced rate.

Finally, as regards the effectiveness of these measures at European level, a recent study was carried out with the aim to provide an in-depth analysis of the expected benefits of better implementation and enforcement of EU waste legislation, and the means with which this can be achieved (BIO, 2011). To our ends, it is relevant to point out that the “*lack of regulatory incentives*” is highlighted as one of the main barriers to the full implementation of the Waste Framework Directive (2008/98/EC). Administrative complexity, potentially long processing time required for permitting and a lack of guidance documents on permitting procedures are potential barriers to the implementation of a permitting system in line with the Waste Framework Directive’s requirements. Lack of administrative capacities for permit enforcement is an additional barrier to effective implementation for some Member States.

1.3 Methodology

The methodology applied in the case study analysis is based on the carrying out of a series of interviews with a selected target of actors involved in the waste treatment and recycling sectors, both as national consortia for the management of different kinds of waste and as enterprise-representative associations. The aim was to enrich the overall evidence emerging from the BRAVE case studies (mainly based on surveys targeted to companies) with specific results coming from other relevant stakeholders, whose roles, institutional missions and initiatives could contribute to collect a better framework on the actual effectiveness of regulatory relieves and better regulation initiatives. Secondary data from previous studies were also collected and reported when necessary.

The interviews were based upon a questionnaire (**Appendix I**), structured in three parts, in order to progressively investigate the opinions of the interviewees on the regulatory relieves’ issue:

- 1) the first part was aimed at investigating the opinion of the waste consortia and enterprise-representative associations in terms of: i) current diffusion on the environmental certifications in Italy, and ii) role and *relative* effectiveness of the regulatory relieves and better regulation measures within the various tools and initiatives adopted by the institutions at different levels, to promote the environmental certifications;
- 2) the second part addressed the opinion of the interviewed as regards the relative effectiveness of the *different kinds* of regulatory relieves and better regulation measures, as well as the main barriers faced by certified companies willing to take advantage of them;
- 3) finally, the third part specifically dealt with the measures targeted to the waste and recycling sectors, in order to investigate the knowledge and the opinion of the interviewed on their existence, effectiveness and potential for future development.

The total number of interviews carried out was 7, of which 4 with national consortia and 3 with enterprise-representative associations. All the interviews were carried out “face to face”.

The consortia interviewed are:

- *Comieco*, which is the Italian consortium for the recovery and recycling of cellulose-based packaging. Its members are mainly paper manufacturers, importers of paper and board packaging, recycling companies;
- *Ecopneus*, a non-profit limited company for the traceability, collection, treatment and recovery of end of life tyres, set up by the leading tyre manufacturers operating in Italy;
- *Cial*, the Italian aluminium packaging consortium, whose mission is to assure the recovery of aluminium packaging found among urban solid waste, through the promotion of the collection and recovery, mainly through recycling, and
- *Ecolamp*, the Italian consortium for the recovery and processing of spent fluorescent lamps.

The association of enterprises interviewed are:

- *Confcommercio*, which is the Italian general confederation of enterprises, professional occupations and self-employment. It is the largest enterprise-representative in Italy, with more than 770.000 members from the trade, tourist, service and transportation sectors;
- the *Milan Chamber of Commerce*, a public body whose mission is to support and promote services of interest to the firms and enterprises located in the province of Milan. It promotes activities that focus on, inter alia, encouraging entrepreneurial training, innovation and transfer of technologies, as well as on the protection of the environment in relation to manufacturing activities, and
- *FISE (Federazione Italiana Imprese di Servizi)*, the federation of companies working in the field of environmental services set up within the Italian confederation of Italian companies *Confindustria*.

2 The simplification measures

2.1 Description of the measures

The already cited measures of the case study (introduced by the Legislative Decree nr. 152/2006) may be described as follows:

- within the regulatory framework of the trans-border shipment of waste, **Article 194**, co. 3, a) of the Decree foresees that **the financial guarantees required to operate are reduced by 50% and 40%** respectively for EMAS registered and ISO14001 certified companies;
- **Article 209** sets the possibility to **self-certify the renewal of authorizations** for waste disposal, management and recovery of plants. In particular, the measure establishes that companies certified under ISO14001 or EMAS may obtain the renewal of the authorization to operate a waste treatment plant or the renewal of their enrolment in the register of waste managers via self-certification. This measure allows companies to avoid undergoing the usual procedure needed for the renewal of authorizations. Still, in the case of a EMAS certified company active in the waste industry (e.g. landfill), it will also benefit from a longer lasting period of authorization (8 years instead of 5), after

which the company may obtain the renewal for another 8 years through a simple self-certification;

- the **reduction of financial guarantees to obtain the authorization** for waste management plants was ruled by the **Article 210** of the Decree, which has been repealed at the end of 2010. Similarly to Article 194, it foresaw that the financial guarantees required within the procedure to obtain the authorization for waste management plants were reduced by 50% and 40% respectively for EMAS registered and ISO14001 certified companies;
- finally, the **Article 212** provides for the **reduction of financial guarantees**: i) for **inclusion in the National Waste Managers Register** (paragraph 10) and ii) **required within the procedures adopted and the related measures taken to reclaim polluted sites and assets** (paragraph 11).

According to the BRAVE classification, all the measures addressed by the case study belong to the “Regulatory relief” category (“I level case”), as shown below:

I level case	II level case
Regulatory relief	Self declaration in the procedure of extension of a permission
	Self declaration in the procedure of achieving/renewing a permission
	Extension of permit period
	Fast track permits
	Modification in the aim of application
	Information required for permits
	Reduced reporting and monitoring requirements,
	Reduced inspections
	Other deregulation proposals
	Financial guarantee required for specific activities
	Reduction of administrative fees (environmental law)
Better regulation	Fiscal benefits
	Public Procurement
	Credit access
	Funding support
	Technical and information support
	Other promotional incentives aimed to overcome participation burdens
Enforcement Tool	<i>Please specify, using short sentences (highlights approach), how EMAS and EMS approach could be included in the legislative text</i>

Table 3 – The BRAVE classification of incentives and simplification measures

2.2 Description of the characteristics of the sector

The waste management sector in Italy is large and diverse. The **total national production** of waste in Italy in 2007 was of **140 million tons**. Table 4 summarizes some key figures concerning the generation of waste. For a better interpretation, one should take into account that the “**municipal**” **waste flow (23%)** also includes other categories of waste that are legally assimilated and collected by the public service, namely waste arising from public spaces and commercial waste that are compulsory associated to the public service. In turn, “**commercial**” **waste (40%)** also include flows that originate from public activities, namely

sewage sludge and residuals from the treatment of municipal waste. There is then a small double counting (the same waste is counted as municipal waste first and later as commercial waste after treatment).

	Municipal	Commercial	Hazardous	Construction & Demolition	Total
North-west	8.275	15.782	2.483	14.094	40.634
North-East	6.327	17.583	1.751	5.034	40.695
Center	7.363	8.932	685	8.282	25.262
South	6.978	9.642	484	5.336	22.440
Islands	3.579	3.709	502	3.108	10.898
Italy	32.522	55.648	5.905	45.854	139.929

Table 4 – Generation of waste in Italy, 2007 (,000 tons) (source: Massarutto, 2010)

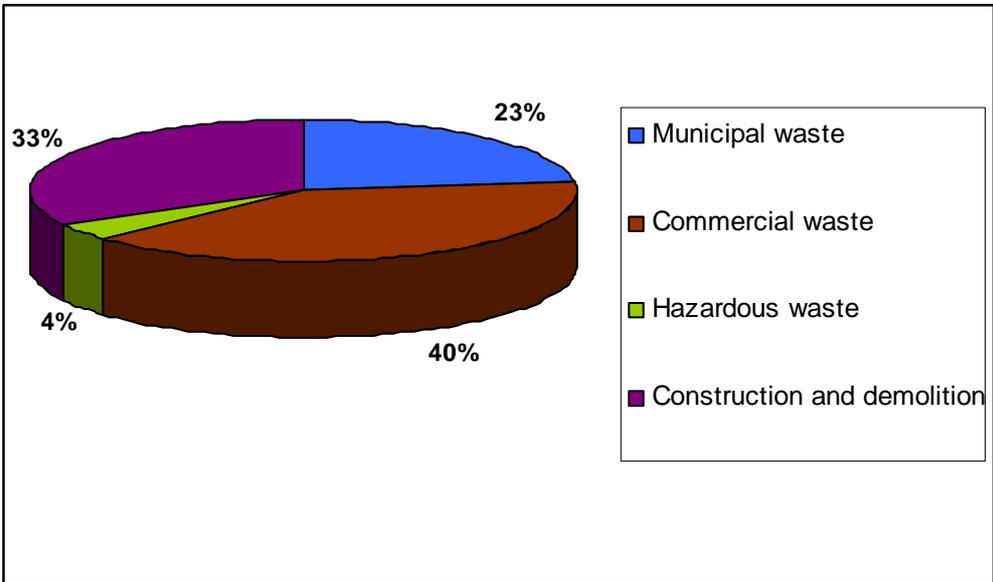


Figure 1 – Generation of waste in Italy, 2007 (,000 tons) (source: Massarutto, 2010)

According to ISTAT, the *Italian National Institute of Statistics*, in 2009 **national expenditure** for waste management was **over 21 billion euros**, amounting to **1.4% of GDP**. The “mere” management of municipal solid waste costs approximately 7 billion euros per year, whilst the recycling industry’s turnover is approximately 4 billion euros.

The **regulatory framework** is represented by the already introduced Legislative Decree 152/2006. The Decree regulates, *inter alia*, the management of packaging waste, by defining the responsibilities of the entities in the national waste management system. Producers are allowed to create consortia to coordinate the recycling and recovery of packaging waste. Other options, such as organizing collection independently or operating a bail system, are also permitted. Most producers in Italy have opted to establish consortia based on the type of packaging material used: steel, aluminium, paper, wood, plastic or glass. Six of the most

relevant consortia⁴ are represented by the *National Packaging Consortium*⁵, which is empowered by law to: i) coordinate recovery and recycling activities for all types of packaging waste in Italy, and ii) sign framework agreements with the *National Association of Italian Municipalities* to set out the operative and economic conditions for the collection of waste in public areas. These agreements establish a common framework under which local authorities, with exclusive rights to waste collection in public areas, collect materials that are then allocated to recycling consortia.

As far as *business waste* is concerned, the **institutional setting** is based on the legal responsibility of waste owners to dispose of them in an authorized way, namely (i) running their own treatment and disposal phases, or more easily (ii) entrusting them to specialized operators. Companies providing these services operate on the national market under a regime of authorization. In all cases, in harmony with EU waste legislation, the law foresees classification criteria, duties of care, technical prescriptions etc. Authorizations are subject to the possess of certain features and the provision of guarantees, but no special privileges are foreseen. As a result, waste management services dedicated to business waste can be assumed as a fairly competitive industry, as repeatedly certified by the Competition Authority. In this segment, a significant interexchange can also be detected. According to *FISE-Assoambiente* (2009), 1,3 million tons of non hazardous industrial waste (2% of total) and 0,5 million tons of hazardous waste (10% of total) are exported to other Countries (90% in the EU), while 1,4 million are imported.

The **environmental impacts** of the waste management sector vary widely according to activity. The bulk of emissions to air come from incineration and landfill, in particular greenhouse gases including carbon dioxide (CO₂), and methane (landfill gas). Emissions of particulates (PM10) from handling operations and traffic movement can be a problem at a local level, as can odours from organic waste (recovery activities and landfill). Pollutants can leach into the water supply from decaying organic matter in landfills and treatment of aqueous wastes. Poor storage can also lead to run-off problems with some soluble compounds. Certain hazardous wastes, such as fibrous asbestos, can damage health. These wastes are often difficult and expensive to dispose of properly, and therefore attractive to illegal operators.

3 Analysis

3.1 Analysis of the “level of application” of a measure

As a first step of analysis, it is useful to focus on the level of adoption of the above illustrated measures targeted to the waste management and recycling sectors that have to be investigated. In the absence of data directly measuring the extent to which EMAS registered and/or ISO 14001 certified companies have benefitted from such specific measures, it is however

⁴ CNA – National consortium for the recovery and recycling of steel packaging; CIAL – Aluminium packaging consortium; COMIECO – National consortium for the recovery and recycling of paper and board packaging; RILEGNO – National consortium for the collection, recovery and recycling of wood packaging; COREPLA – National consortium for the collection, recovery and recycling of plastic packaging waste and COREVE – Glass recovery consortium.

⁵ CONAI.

possible to provide some evidence based on the outcomes of the interviews, namely how the application of the simplification measures may affect the adoption of the environmental schemes.

As anticipated, the questionnaire to carry out the interviews was structured in order to progressively investigate the view of the consortia and the associations of enterprises on the regulatory relieves' issue. To this end, the first two questions asked the interviewees about (i) the current diffusion on the environmental certifications in Italy, and (ii) the role and relative effectiveness of the RRs and BR measures within the different kinds of tools and initiatives adopted to promote them:

- on the whole, the diffusion of the environmental certification is considered adequate by **71%** of the sample (*Good plus Sufficient*, see **Figure 2**). Still, the distinction of the answers between ISO 14001 and EMAS leads to a significant decrease for the European scheme, which is deemed adequately diffused by **28%** of the interviewed only;
- with reference to the relative effectiveness of the tools adopted by public authorities, at different institutional levels, to promote the environmental certification schemes, **100%** of the sample **considered the better regulation and regulatory relieves initiatives as “very important” measures**: other tools were considered important, but **no other option received the same level of consensus (Table 5)**.

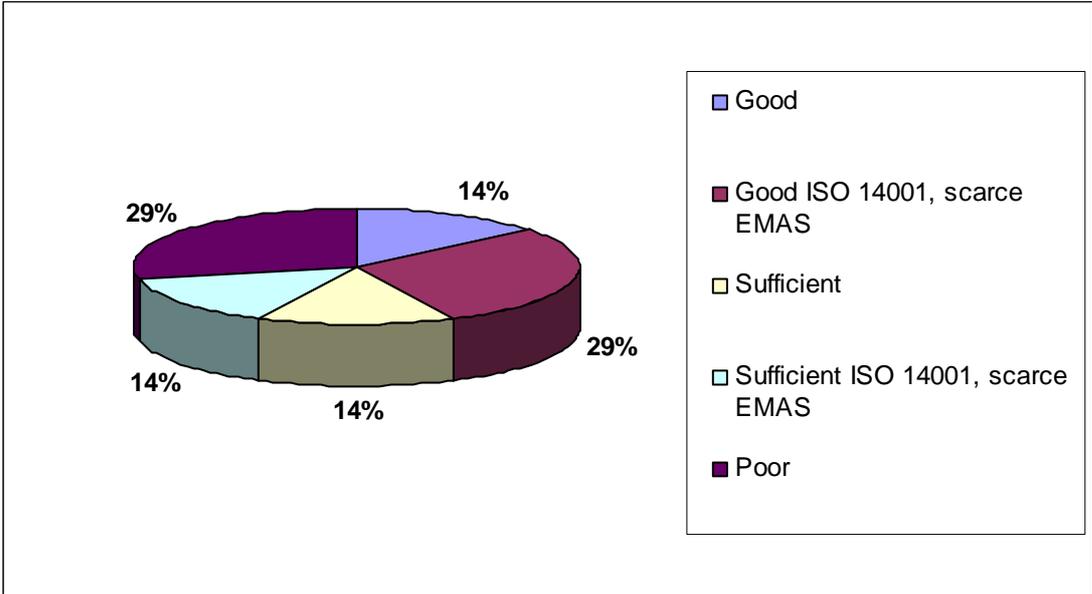


Figure 2 – Diffusion of ISO 14001 and EMAS

	Don't know	Not important	Moderately important	Very important	Very + Moderately important
Better regulation and regulatory relieves				7	7
Financial contributions and subsidies to obtain the certification		2	3	2	5

Incentive tools granted by banks or insurance companies	1		2	4	6
Training and communication initiatives to promote the knowledge of the certification schemes		1	3	3	6
Rewards within competitive tenders		1	2	4	6

Table 5 – The effectiveness of the different tools to promote the schemes

The second part of the questionnaire enters into the merits of the simplification issue, by exploring the opinion of the sample in relation to the relative effectiveness of the different kinds of RR and BR measures. Here, the resulting picture essentially shows how **all the measures proposed within the questionnaire are rewarded moderately or very important by the interviewed**, with a preference, in particular, for the “simplifications of the inspections” and the “fiscal and/or tax relieves” (Table 6). The reduction of costs and financial guarantees totalizes three “very important” and four “very important” answers.

	Don't know	Not important	Moderately important	Very important	Very + Moderately Important
Simplification of the inspections				7	7
Fiscal/Tax relieves			1	6	7
Simplification of permitting procedures			3	4	7
Reduction of costs and financial guarantees required for specific activities			4	3	7
Reduction of the time-frames of administrative procedures			3	4	7

Table 6 – The effectiveness of the better regulation and regulatory relieves measures

3.2 Analysis of Adopters' benefits

According to the BRAVE project's objectives, major inputs emerging from case studies should refer to the benefits that the analyzed measures have generated, thus supporting the subsequent developing and testing of those measures that imply higher benefits for the companies. As the aim of this case study is to enrich the overall evidence emerging from the other BRAVE case studies (mainly based on surveys targeted to companies) with specific results coming from relevant stakeholders, this strand of analysis was carried out by exploring the opinion of the consortia and the associations of enterprises on both simplifications' benefits and main barriers faced by certified companies willing to benefit from them.

According to the whole sample, RRs and BR measures are most attractive to companies and are most effective when they are automatically applied and when the burden reduction is

tangible, i.e. when the company can clearly see a benefit, such as a reduced operational downtime via reduced regulatory inspection, or the generation of revenues via economic incentives. Though, with reference to companies' difficulties in taking advantage of simplifications, it is relevant to point out that, according to the sample, the incompleteness of the legislative framework regulating the measures is considered the major barrier, whereas its (presumed) lack of clarity is not actually viewed as an obstacle. The inconsistency of the simplification measures foreseen and/or enforced at national level and, to a lesser extent, the lack of knowledge of the issue of both companies and institutions, also hamper their fruition (**Table 7**).

	Don't know	Disagree	Agree	Strongly agree	Strongly agree + Agree
Companies' lack of knowledge of better regulation and regulatory reliefs opportunities	1	3	3		3
Lack of clarity of the legislative texts regulating the measures	1	4	1	1	2
Incompleteness of the legislative framework regulating the measures	1	1	5		5
Lack of knowledge and competences of the authorities in charge of enforcing the measures	2	2	1	2	3
Inconsistency of the measures foreseen and/or enforced at national level	2	1	2	2	4

Table 7 – Major barriers to the fruition of the simplification measures

3.3 Environmental benefit analysis

According to the sample, simplifications have a high potential in terms of companies' environmental performance, as they can change the weight of the drivers and barriers that affect companies' attitude towards their performance. Regulatory relieves, in particular, may encourage companies to reduce their environmental impact and facilitate compliance with existing legislation by designing measures that reduce the burden (and/or the cost) of regulatory compliance. Reduced inspection frequency and permit extensions are relevant examples in this sense. Inspections can be a major administrative burden to companies, particularly those in certain high risk sectors, such as waste. The staff time, permitting, monitoring and reporting requirements of inspections all impose costs to companies. Companies' drive to reduce costs means that measures that offer to reduce inspection frequency or severity, or that move to longer permitting periods, in exchange for proof of EMSs or good environmental performance can be powerful incentives for companies to act in these areas.

3.4 Analysis of the achieved results at the macro level

This strand of analysis was not explicitly addressed by the questionnaire. However, it is possible to draw some conclusions based on secondary data elaborated by Daddi *at al.* (2012). In order to verify the effectiveness of the measures foreseen by the Articles 194, 209, 210 and 2012 of the Legislative Decree 152/2006, the authors collected the number of certificates ISO14001 issued for the waste managing sector by the time they were introduced (April 2006) and the number of certificates granted in June 2011. The trend in this sector was then compared with the general trend for the number of ISO14001 certificates in all sectors, in order to check any higher increase relative to the national average. They found an over average increase of the certificates in the waste management sectors considered (+224% for the EA code 24 “recovery and recycling companies” and +233% for the EA code 39 “Disposal of solid waste and sewage”), compared to the average increase of all EA codes (+217%) in the same time period. These data provide preliminary evidence of the effectiveness of the measures analyzed as regards the increase of the number of certifications.

3.5 Awareness analysis

Before exploring (the opinions on) the waste management sector, the questionnaire set out some open questions to the consortia and the associations of enterprises on the activities they carried out to promote the environmental certifications in Italy and on the possible role, among them, of the initiatives tailored to the simplification issue. Most important, the interviewed were asked:

- (i) on the actions and measures that, according to them, could be most useful to strengthen the existing BR and RR measures, and
- (ii) on possible new and innovative measures that could be effectively introduced with the aim to support and reward certified companies.

A final question of the second part of the questionnaire referred to the most adequate channels and tools that should be used to inform companies on new and/or existing simplification measures.

Overall, the evidence resulting from this part of the survey may be summarized as follows:

- generally speaking, **all interviewed organizations carry out some kind of initiative to directly or indirectly spur on companies’ environmental certification.** As foreseeable, the associations of enterprises play the most active role, as they have always promoted the environmental schemes ISO 14001 and EMAS within their institutional mission to support companies, mostly by way of “traditional” activities, such as communication and training initiatives. On the other hand, some waste management consortia, even if not directly engaged in promotional activities, include the environmental certification within the criteria adopted awarding waste management companies competing in their call for bids with a higher score. With reference to the initiatives addressing the simplification issue, these are carried out by the associations of enterprises only and essentially take place in two forms: **specific assistance provided to companies** in the applications of the legislative measures and **lobbying activity within international and national context and boards**, such as the Italian institute of the *Conferenza dei Servizi*.

- With regard to, the initiatives that could be pursued in order to improve the effectiveness of existing RRs and BR measures, the most relevant proposals cited by the sample refer to:
 - initiatives aimed at **homogenizing the measures foreseen at national level**, even through the issuing of implementation guidelines for competent authorities aimed at providing univocal interpretations of the legislative texts addressing the measures (as regards in particular the assessment of the substantial changes of plants and/or productive processes within the authorization procedures);
 - the streamlining of the bureaucratic system through the (a) **further reduction of the time-frames of administrative procedures** for issuing permits and for the renewal of the authorizations and (b) **the extension of the measures allowing for self-certification**;
 - the **strengthening of the measures foreseen** by of some Articles of the *Testo Unico Ambientale*, and in particular:
 - Art. 194, by way of (i) a further reduction the financial guarantees required to operate within the trans-border shipment of waste, and (ii) the extension of the aim of application of the article to the third party transport of waste;
 - Art. 209, by way of an extension of the aim of application to the first issuing of the authorization;
 - Art. 212, by way of a further reduction of the foreseen financial guarantees up to 65% for certified companies.

- With reference to the introduction of *new* forms of simplification aimed at rewarding the proper environmental management of certified companies, the interviewed especially **focused on the issue of inspections and controls** and mentioned, *inter alia*:
 - the need to rationalise the organization and carrying out of inspections and controls on companies by way of:
 - an harmonization of the time-frames of the inspections conducted by different public authorities, that should furthermore be aligned (or at least somehow coordinated) with the controls planned and carried out within the EMS' activities of companies, as well as with the periodic "Management review" carried out by the top management;
 - the fixing up of a defined period of a maximum of two weeks a year for the carrying out of these inspections and controls in each company;
 - the strengthening of the role of the Chambers of Commerce as an effective intermediary/interface between companies and competent authorities for the inspections, on the basis of the so called "German model";
 - the general need to develop initiatives aimed at increasing the awareness and knowledge of the authorities in charge of inspections and controls (e.g. the environmental protection agencies, but also other kind of authorities in charge of the protection of the environment) on the actual nature, *ratio* and value of the environmental certification schemes.

- When asked on the most adequate channels to inform companies on new and/or existing simplification measures, **46%** of the sample cited the “*institutional communication by enterprise-representative association*”, followed by the “*periodical update by competent authorities*” (**27%**) (**Figure 3**).

Still, even if a specific option was not envisaged within those proposed, some consortia explicitly call for their own role as a channel to inform companies o BR measures and RRs.

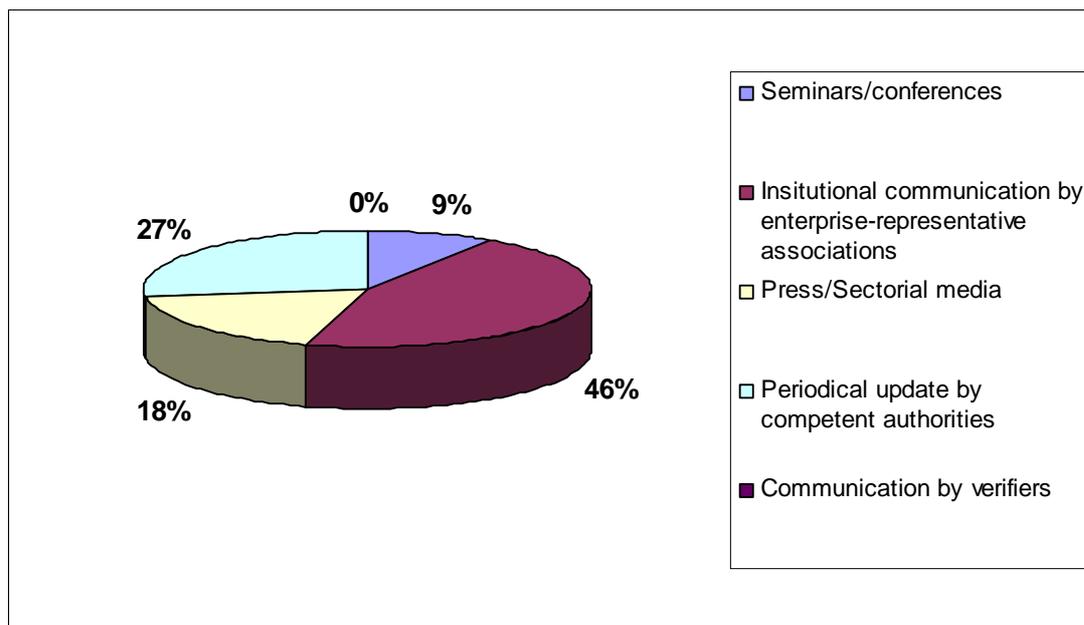


Figure 3 – The most relevant channels to inform companies on BR and RR measures

3.6 Satisfaction analysis

The last section of the questionnaire focused on the waste management and recycling sector. First, it investigated the knowledge of the interviewed on the existence and relative effectiveness of the current simplifications targeted to the sector. Second – similarly to the previous general part of the interview – it explored their opinion on the initiatives that could be most useful to strengthen the existing measures, as well as on potential new better regulation measures and/or regulatory relieves. As predictable, almost all respondents (**5 out of 7**) were well aware of the existence of such sectorial measures, as further demonstrated by the “waste management targeted” answers they provided within the general section of the questionnaire. Here, it is relevant to point out that – apart from the doubling of some already provided answers – some other interesting proposals were formulated, such as:

- the **re-introduction of the measure foreseen by the repealed Article 210** – Even if this cannot be properly considered a new measure, the reduction of the financial guarantees to obtain the authorization to run waste management plants emerge as one of the most appreciated way to reward certified companies within the sector, and its re-introduction is widely desirable;

- the **matching of the** (already foreseen) **reduction of the financial guarantees for the trans-border shipment of waste with a reduction of the customs controls;**
- the acknowledgement of some form of **reward** for certified companies **within the annual payment of the rights due for the inclusion in the National Waste Managers.**

4 References

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5 Appendix I : Questionnaire (Italian)



PROGETTO LIFE+ BRAVE

“Better Regulation Aimed at Valorising Emas”

Il progetto LIFE+ Brave (www.braveproject.eu) mira a supportare la piena integrazione di EMAS e degli altri strumenti volontari di certificazione nella legislazione ambientale Europea e dei Paesi Membri, al fine di promuoverne l'adozione da parte delle organizzazioni, di rimuovere gli ostacoli e di ridurre i costi di natura amministrativa a carico delle organizzazioni registrate EMAS.

Nell'ambito del progetto, il presente questionario mira ad approfondire l'opinione di alcuni attori e interlocutori chiave del sistema (associazioni di categoria, consorzi, etc.) in merito al ruolo e all'importanza delle diverse forme di semplificazione amministrativa e normativa a favore delle imprese registrate EMAS e/o certificate ISO 14001, al loro stato di effettiva applicazione e alle misure che potrebbero essere adottate, in prospettiva, per migliorarne l'efficacia. Un approfondimento specifico interessa il settore dei rifiuti, nei due ambiti riconducibili ai Codici EA 24 "Recovery and Recycling" ed EA 39 "Disposal of solid waste and sewage".

DATA _____

ORGANIZZAZIONE _____

NOME _____

E-mail _____

1. DIFFUSIONE DELLE CERTIFICAZIONI

1.1 Come giudica il livello di diffusione delle certificazioni ambientali (Registrazione secondo il Regolamento EMAS 1221/2009/CE e certificazione secondo lo standard ISO 14001) oggi in Italia?

- | | |
|-------------|--------------------------|
| Ottimo | <input type="checkbox"/> |
| Buono | <input type="checkbox"/> |
| Sufficiente | <input type="checkbox"/> |
| Scarso | <input type="checkbox"/> |

1.2 Quali sono, a suo giudizio, gli strumenti e le modalità più efficaci per sostenere lo sviluppo di tali forme di certificazione nel nostro Paese?

	Non importante	Moderatamente importante	Molto importante
Misure di semplificazione e agevolazione normativa e amministrativa	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Concessione di contributi e sovvenzioni per l'ottenimento della registrazione/certificazione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strumenti di incentivazione sviluppati in ambito creditizio e assicurativo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Iniziative di formazione e/o di comunicazione mirate a promuovere la conoscenza degli strumenti di certificazione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attribuzione di maggiori punteggi per le organizzazioni certificate nell'ambito di bandi di gara	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Altro:			

2. FORME DI SEMPLIFICAZIONE E AGEVOLAZIONE NORMATIVA E AMMINISTRATIVA

2.1 Nell'ambito delle diverse forme di semplificazione e agevolazione normativa e amministrativa a favore delle organizzazioni registrate/certificate, quali sono, a suo giudizio, le misure più efficaci per premiare l'impegno di tali organizzazioni e per sostenere lo sviluppo delle certificazioni ambientali?

	Non importante	Moderatamente importante	Molto importante
Semplificazione dei controlli	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Agevolazioni di natura fiscale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Semplificazione degli adempimenti relativi alle autorizzazioni	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Riduzione delle spese e delle garanzie finanziarie richieste per determinate attività	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Riduzione dei tempi dei procedimenti amministrativi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Altro:

2.2 Quali sono, nella sua esperienza, le maggiori difficoltà incontrate dalle imprese registrate EMAS e/o certificate ISO 14001 nell'avvalersi di tali forme di semplificazione?

	Pienamente d'accordo	D'accordo	In disaccordo
Mancata conoscenza delle imprese dell'esistenza di specifiche misure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scarsa chiarezza del dettato normativo che sancisce le misure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Incompletezza del quadro normativo che sancisce le misure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scarsa competenza/conoscenza delle misure da parte delle autorità competenti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disomogeneità delle misure previste e/o applicate sul territorio nazionale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Altro:



2.3 La sua organizzazione ha realizzato/realizza iniziative specifiche a sostegno della certificazione ambientale? Se sì, di che tipo (es.: iniziative di formazione, iniziative di supporto all'adozione e applicazione da parte delle imprese, eventi di comunicazione, etc.)

2.4 Nell'ambito di tali iniziative, la sua organizzazione ha mai svolto/svolge un ruolo in particolare nel supportare le imprese nella conoscenza e nell'applicazione delle forme di agevolazione e semplificazione normativa e amministrativa?
Come potrebbe essere rafforzato tale ruolo in futuro?

2.5 In prospettiva, quali misure potrebbero essere introdotte, a suo giudizio, per il potenziamento e/o l'effettiva attuazione delle attuali forme di semplificazione a favore delle imprese registrate/certificate, e quindi renderle più efficaci?

2.6 Quali altre e innovative forme di semplificazione potrebbero essere utilmente introdotte a favore delle imprese registrate/certificate, per valorizzarne l'impegno ambientale e rafforzare le certificazioni nel nostro Paese?

2.7 Quali dovrebbero essere, a suo giudizio, i canali/gli strumenti più adeguati per informare le imprese dell'esistenza di forme di agevolazione e semplificazione a favore delle imprese registrate/certificate?

- Seminari/conferenze
- Comunicazioni da parte delle associazioni di categoria
- Stampa/riviste di settore
- Aggiornamento periodico da parte delle istituzioni competenti
- Comunicazioni da parte degli enti di certificazione
- Altro:

SETTORE DEI RIFIUTI

3.1 E' a conoscenza di forme di semplificazione specifiche per il settore dei rifiuti?

SI NO

3.2 In caso affermativo, come valuta l'efficacia delle singole misure?



2.8 In prospettiva, quali misure *specifiche per il settore* potrebbero essere introdotte, a suo giudizio, per il potenziamento e/o l'effettiva attuazione delle attuali forme di semplificazione a favore delle imprese registrate/certificate, e quindi renderle più efficaci?

2.9 Quali altre e innovative forme di semplificazione *specifiche per il settore* potrebbero essere utilmente introdotte a favore delle imprese registrate/certificate, per valorizzarne l'impegno ambientale e rafforzare le certificazioni nel nostro Paese?
