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BETTER
REGULATION
AIMED AT
VALORISING EMAS

Deliverable 6.2

List of submitted proposals



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The action 6 is characterized by the phase of the adoption of the proposals which is most important phase of the project. To reach the real adoption (sub action 6.3), the partners have developed the methodology for the selection of the proposals of simplification (sub action 6.1) and subsequently they prepared the list of proposals submitted to the regional authority – whenever tested or not- (sub action 6.2).

The followed regional proposals arise from the partners activities with each Regional Working Group and Regional Consultation Board or form the other forms of contacts which took place with regional or national competent bodies. Partners have defined the proposals that have been shared with the regional authorities involved in the project activities; the method of the proposals sharing can be different from partner to partner; for example some of the proposals have been sent by letter or email to the regional stakeholders and to the regional competent departments, some have been proposed by started direct contact and debate with regional stakeholders and regional competent departments.

The test phase of the proposals was carried out through studies, researches and surveys.

The regulatory relief proposals - on the Italian legislations - emerge from a complex process involving many stakeholders operating in different fields on national level (trade organizations, companies, institutions and others) this fact is explained in the specific section in the final part of the deliverable.

In the Spanish proposal the contrary it is difficult to draft amendments to national level legislation. In Spain the environmental responsibilities have been delegated by law to the Regional Governments for Environment. It means that the national level it is competent to establish the basic rules that are specified and implemented by regional authority.

The amendments and the innovative legislation texts prepared by partners in own region, tested or not tested, has been collected in this document (deliberable 6.2) by Confindustria Liguria and Confindustria Genova, which are responsables for Action 6 and that have the task to coordinate the expected activities.

Document aims and structure

The aim of the document is to collect all the simplification proposals concerning every single region and prepared by each partner in one document.

Every partner has the due to explain in the document the reason why he has chosen the contents and the stage of implementation of the proposals, the involvement of the stakeholders, the methodology to evaluate the best proposal and the chance that a not tested proposal has had to be chosen by the competent authority in accordance to the local simplification policy.

The proposals concern both regional and national level.

The regional proposals are 62 in total, 38 of which have been tested, 24 on the contrary has not been tested. Taking into account all the proposals it is possible to underline that 7 has been adopted.

The national Italian proposals has been identified in 29 regulatory reliefs amendments.

In the case of Spain it is difficult to draft amendments to the national level: in Spain environmental responsibilities have been delegated to the Regional Governments for Environment. It means that it is at national level where the regulatory bases are established but the mechanisms or specific measures are taken regionally.

In the following section the regional ad the national submitted proposals are described. They have been divided in function of the concerned Region - both tested and not tested – and with reference to the Nation involved.

Each single proposal has been individuated through a short description aimed to the laws reference individuation that has been decided to modify, the kind of measure that has been evaluated to reach the goal and a summary of each proposal content. The final indication concerns the implementation of adoption .

--Andalusia Proposals--

The followed proposals emerge from the activities with Regional Working Group and Regional Consultation Board. IAT defined the proposals that have been shared with regional authorities involved in the project activities. At present any of those proposals have been adopted.

The tested proposals are assessed by the “Methodology to select simplification proposals” (first deliverable of action 6).

1) List of tested proposals in Andalusia

Law: Order of 17th September 2010, of regulatory bases for granting and support for investments in infrastructure facilities for environmental protection in enterprises.

Type of measure: Funding support.

Brief Content: Expansion of eligible expenses to cover the Environmental Management System maintenance, at least, during the first 3 years of the certificate or registration’s validity.

Not adopted

Law: Regional Law 7/2007 of Integrated Environmental Management.

Type of measure: Reduced inspections.

Brief Content: Reduce the frequency of inspection’s activities in EMAS registered organizations.

Not adopted

Law: Regional Law 7/2007 of Integrated Environmental Management.

Type of measure: Reduced reporting and monitoring requirements.

Brief Content: Simplify environmental information’s procedure in EMAS registered organizations.

Not adopted

Law: Regional Decree 356/2010, for the regulation of Unified Environmental Authorization.

Type of measure: Other

Brief Content: Expand simplification measures proposed (environmental permits revision and update procedure, environmental inspection and control activities and environmental information) for the activities included in Annex I of the Law 7/2007 (Autorización Ambiental Integrada, AIA, in Spanish) to others activities included in Annex I of the same Law (Autorización Ambiental Unificada, AAU, in Spanish).

Not adopted

Law: Regional Law 7/2007 of Integrated Environmental Management.

Type of measure: Information required for permits.

Brief Content: Establish a simplified permitting procedure (revision and update) for the IPPC permits in EMAS registered organizations.

Not adopted

2) List of no tested proposals in Andalusia

In Andalusia all regional proposals submitted have been tested.

--Basilicata proposals --

The followed proposals emerge from the activities with Basilicata Regional Working Group and Consultation Board. Ambiente Italia defined the proposals that have been shared with RCB members and with regional authorities involved in the project activities (proposals were sent by e-mail to regional stakeholders and regional competent departments in March 2013). At present any of those proposals have been adopted.

Ambiente Italia tested 5 proposals through studies, researches and surveys. The tested proposals are assessed by the "Methodology to select simplification proposals" (first deliverable of action 6).

1) List of tested proposals in Basilicata

Law: New regional measure

Type of measure: reduction of inspections

Brief Content: Simplifications of the procedure relating to environmental controls and inspections for organizations with an ISO 14001 or EMAS certified Environmental Management System.

Not adopted

Law: New regional measure

Type of measure: reduction of administration granting and simplification of technical management and documents.

Brief Content: simplifications for enterprises belonging to supply chains: reductions of administrative granting obligations (in particular for waste management)

Not adopted

Law: D.G.R. 1491/2009

Type of measure: financial guarantee required for specific activities

Brief Content: Reduction of financial guarantees for EMAS registered or ISO 14001 organizations from the sector of waste landfill and other waste treatment.

Not adopted

Law: New regional measure

Type of measure: reduction of administrative fees (environmental law)

Brief Content: A new regional DGR for the reduction of costs incurred to achieve and and renew of Integrated environmental authorization (IEA) reserved to companies with an environmental management system certificate ISO 14001 and/or EMAS registered.

Not adopted

Law: New regional measure

Type of measure: Technical and funding support

Brief Content: Public tender for the granting of loans for programs on environmental education and training for increasing the number of registered EMAS school organizations.

Not adopted

2) List of no tested proposals

The below proposals have followed the project process, so Ambiente Italia cooperated with the RWG and regional institution to define these proposals. Ambiente Italia hasn't tested these regulatory relief proposals

and not assessed them by the “Methodology to select simplification proposals”. Proposals were sent by e-mail to regional stakeholders and regional competent departments in March 2013.

Law: Regional Law n. 387/2003, art. 12 and art. 16 (“attuazione alla costruzione e all’esercizio di impianti di produzione di energia elettrica da fonti rinnovabili e linee guida tecniche per la progettazione degli impianti”).

Type of measure: reduction of administrative fees (environmental law)

Brief Content: Reduction of administrative fees for the construction and operation of installations for the production of electricity from renewable sources for enterprises with and Environmental Management System ISO 14001 certified (30% of reduction of administrative fees) or EMAS registered (40%).

Not adopted

Law: ERDF European regional development fund 2007-2013

Type of measure: funding support

Brief Content: Policy change to "adequate quality standards through certification of environmental sustainability"

Not adopted

Law: New regional measure

Type of measure: technical and information support

Brief Content: Introduction in the 2014-2020 plan of specific economic measures applicable to the EU structural funds (ERDF, ESF, EAFRD, EFF) to co-finance environmental investments envisioned by the improvement programs for ISO 14001 and/or EMAS certified environment management systems.

Not adopted

Law: New Regional Law

Type of measure: Public procurement

Brief Content: Incentives to certified organizations (ISO 14001, EMAS) or those with Ecolabel products of supplies to the public bodies (Green public procurement)

Not adopted

Law: Legislative Decree 152/2006, new regional measure

Type of measure: reduction of administrative fees (environmental law)

Brief Content: Rules for the application of municipal waste tax on services (TARES), with reduction of rates for non-domestic users with ISO 14001 and/or EMAS.

Not adopted

Law: D.G.R. 1984/2006

Type of measure: funding support

Brief Content: Reduction of the fee for public hydro-concession if the dealer has obtained EMAS registration or ISO 14001 certification

Not adopted

--Friuli Venezia Giulia Proposals--

The followed proposals emerge from the activities with Friulia Venezia Giulia Regional Working Group and Consultation Board. Ambiente Italia defined the proposals that have been shared with RCB members and with regional authorities involved in the project activities (proposals were sent by e-mail to regional stakeholders and regional competent departments in March 2013). At present any of those proposals have been adopted. Ambiente Italia tested 5 proposals trough studies, researches and surveys. The tested proposals are assessed by the "Methodology to select simplification proposals" (first deliverable of action 6).

1) List of tested proposals in Friuli Venezia Giulia

Law: Regional law n. 3 of 12/02/2001, art. 14.

Type of measure: reduction of inspections

Brief Content: Simplifications of the procedure relating to environmental controls and inspections for organizations with an ISO 14001 or EMAS certified Environmental Management System.

Not adopted

Law: Regional Law n. 11/2009

Type of measure: reduction of administrative fees (environmental law)

Brief Content: Reduction of costs incurred to achieve and renew of Integrated environmental authorization (IEA) reserved to companies with an environmental management system certificate ISO 14001 and/or EMAS registered.

Not adopted

Law: New Regional Law

Type of measure: Public procurement

Brief Content: Incentives to certified organizations (ISO 14001, EMAS) or those with Ecolabel products of supplies to the public bodies (Green public procurement)

Not adopted

Law: Regional Law n. 24/2006 (Conferimento di funzioni e compiti amministrativi agli Enti locali)

Type of measure: funding support

Brief Content: Rewarding conditions and incentives for EMAS registered municipalities relating to their functions in terms of air pollution, noise pollution, light pollution containment and energy saving.

Not adopted

Law: Fiscal Regional annual Law

Type of measure: fiscal incentive

Brief Content: Reduction of IRAP rate for EMAS companies (2,98) and ISO 14001 companies (3,50) in the next financial years.

Not adopted

2) List of no tested proposals

The below proposals have followed the project process, so Ambiente Italia cooperated with the RWG and regional institution to define these proposals. Ambiente Italia hasn't tested these regulatory relief proposals

and not assessed them by the “Methodology to select simplification proposals”. Proposals were sent by e-mail to regional stakeholders and regional competent departments in March 2013.

Law: New regional measure

Type of measure: technical and information support

Brief Content: Introduction in the 2014-2020 plan of specific economic measures applicable to the EU structural funds (ERDF, ESF, EAFRD, EFF) to co-finance environmental investments envisioned by the improvement programs for ISO 14001 and/or EMAS certified environment management systems.

Not adopted

Law: Regional Law n. 35/1986 (Disciplina delle attività estrattive).

Type of measure: financial guarantee required for specific activities

Brief Content: Reduction of financial guarantee connected with mine activities for EMAS companies (-40%) and ISO14001 (-20%).

Not adopted

--Liguria proposals --

The following proposals emerge from the activities with Liguria Regional Consultation Board (RCB). Confindustria defined the proposals that have been shared with RCB members and with regional authorities involved in the BRAVE. Confindustria tested 5 proposals through studies and researches.

The tested proposals are assessed by the "Methodology to select simplification proposals" (first deliverable of action 6). 5 best proposals emerge from the methodology implementation; the lowest evaluation of the proposals concerns the rain water management and the green public procurement, this is due to the lack of interest from the firms and the long time for the implementation of the measure.

Confindustria sent these proposals by letter to Regional Governor (November 2013).

Among all the sent proposals only one has been adopted.

1) List of tested proposals in Liguria

Law: L.R. n.20 del 4 agosto 2006, Art. 26 bis

Type of measure: Regulatory relief- Reduce inspection

Brief Content: Reduce inspection through new rules and operational proposals

Not Adopted

Law: Reg. reg. 10-7-2009 n. 4

Type of measure: Regulatory relief- reduce the procedural times for approval

Brief Content: Implementation of simplification via regulation to reduce the procedural times for approval of rain water management projects

Not Adopted

Law: Delib.G.R. 3-8-2012 n. 1014

Type of measure: Regulatory relief- financial guarantee required for specific activities

Brief Content: Increase the % of the reduction of financial guarantees for waste landfill and other waste treatment

Not Adopted

Law: Public Procurement

Type of measure: Better Regulation - Green Public Procurement

Brief Content: Introduction of reward criteria for the adoption of ISO14001 and/or EMAS certified management systems in the wording of "green" procurement documents for the purchase of goods and services by the Public Administration

Not Adopted

Law: Programmazione regionale FESR -POR 2014-2020

Type of measure: Better regulation -funding support

Brief Content: Introduction in the 2014-2020 plan of specific economic measures applicable to the EU structural funds to co-finance environmental investments envisioned by the improvement programs for ISO 14001 and/or EMAS certified environment management systems.

Not Adopted

2) List of no tested proposals

The two following proposals have not been tested due to different reasons:

1. The first one have been originated by the fact that after several efforts of giving application to the content of DGR n. 262/2010 Confindustria succeeded in obtaining by the competent regional legislative office a law that in its article n.18 “Modifiche alla legge regionale 4 agosto 2006, n. 20 (Nuovo ordinamento dell'Agenzia regionale per la protezione dell'Ambiente Ligure e riorganizzazione delle attività e degli organismi di pianificazione, programmazione, gestione e controllo in campo ambientale). Gives new rules to rationalize, simplify, schedule and abolish environmental controls.
Confindustria gave a formal and official importance to its interest in the matter by sending on the 2012, 11th October a request to the Regional environmental Department.
2. The second one consists in trying to extend the regulatory relief of the reduction of the inspections to the ISO 14001 and EMAS certificated companies with or without the ISO quality certification. The nature of this action speaks by its own and there is no necessity of any testing activity. Confindustria formalized this proposal by a letter to the Regional Governor (November 2013).

Law: DGR n. 262/2010 “Approvazione modulistica e modalità organizzative per la semplificazione dei controlli amministrativi a carico delle imprese liguri non rientranti nel campo di applicazione IPPC e dotate di sistema di gestione ambientale certificato ISO 14001 o registrato EMAS e avvio sperimentazione”

Type of measure: Regulatory relief- Reduce inspection

Brief Content: Implementation of DGR to Reduce inspections for EMAS registered and ISO14001 certified companies

Adopted Regional Law 21/12/12, n. 50 “Disposizioni collegate alla legge finanziaria 2013”, that modifies the L.r. 20/06 , art. 26 bis.

Law: L.r. 20/06 , art. 26 bis, lettera f)

Type of measure: Regulatory relief- Reduce inspection

Brief Content: modifica del campo di applicazione che è necessario faccia riferimento al possesso di un sistema di gestione ambientale certificato ISO 14001 o registrato EMAS

Not Adopted

--Lombardia Proposals --

The proposals listed below emerge from the activities with carried out within the BRAVE Project with the Regional Consultation Board (RCB) set up in Lombardy. IEFE and ARPA Lombardia defined the proposals that have been shared and debated together with the RCB members and with regional authorities involved. 5 proposals have been tested through studies, researches and surveys. The proposals on which the testing in field activities have focused have been selected by mean of the “Methodology to select simplification proposals” (first deliverable of action 5 – see Deliverable 5.1).

ARPA Lombardia and IEFE started a direct contact and debate with regional stakeholders and regional competent departments in Spring 2013.

Two proposals have been adopted and at least two other proposals are undergoing the adoption process within the Regional Council and within ARPA Lombardia.

1) List of tested proposals

Law:

- Linea Guida ARPA del sistema qualità certificato ISO9001; LG.SL.003 REV.00 del 16/11/2009;
- D.g.r. 22 dicembre 2010, n. 9/1036, punto 8 - “Approvazione agenda di governo 2011-2015 per la semplificazione e la modernizzazione del sistema lombardia «Lombardia semplice: azzerare la burocrazia, migliorare le istituzioni»”;
- D.g.r. 14 giugno 2007 n. 8/4799, allegato B, punti 1.3.2 “Ruolo delle ASL e dell’ARPA” e 1.4.2. “definizione di priorità”;
- Istruzione Operativa IO.SL.004 REV.03 “Verifiche Ispettive su Autorizzazioni Integrate Ambientali (AIA) per aziende rientranti nelle categorie dell’All. VIII alla parte seconda Titolo III bis del D.Lgs. 152/2006 e s.m.i. (ad esclusione delle attività di cui al punto 6.6)”.

Type of measure: reduced inspections

Brief Content: Reorganization of inspections by means of the modification of the Operative Instructions as derived from ARPA Guidelines on Controls’ Planning.

Adopted/ not adopted: adoption in progress

Law:

- D.g.r. 19 novembre 2004, n. 7/19461 - “Nuove disposizioni in materia di garanzie finanziarie a carico dei soggetti autorizzati alla realizzazione di impianti ed all’esercizio delle inerenti operazioni di smaltimento e/o recupero rifiuti, ai sensi del d.lgs. 5 febbraio 1997, n. 22 e successive modifiche ed integrazioni”, Allegato C, punto 10.

Type of measure: Financial guarantee required for specific activities

Brief Content: Reduction of financial guarantees for operators with authorization for building plants and managing the related waste disposal and recovery operations:

- -40% for ISO14001 certified companies (by an accredited body) instead of -25%;
- -65% for EMAS registered companies instead of -50%.

Adopted/ not adopted: adoption in progress

Law:

- D.Lgs. 15 dicembre 1997, n. 446: "Istituzione dell'imposta regionale sulle attività produttive, revisione degli scaglioni, delle aliquote e delle detrazioni dell'Irpef e istituzione di una addizionale regionale a

tale imposta, nonché riordino della disciplina dei tributi locali"

- L.R. 21 marzo 2000, n. 12: "Disposizioni in materia di imposta regionale sulle attività produttive e di anagrafe tributaria regionale"
- L.R. 14 luglio 2003, n. 10: "Riordino delle disposizioni legislative regionali in materia tributaria – Testo unico della disciplina dei tributi regionali" Sezione XII, Art. 77
- Art. 1 c. 43 della L. 24 dicembre 2007, n. 244, - "finanziaria 2008", a seguito della quale la variazione regionale dell'aliquota IRAP dovrà essere ricompresa fino ad un massimo di 0,92 punti percentuali.

Type of measure: fiscal benefits

Brief Content: Reduction of the IRAP fee for

- ISO14001 certified companies (by an accredited body): 3.4% (or 3.2%) instead of 3.9%;
- EMAS registered organizations: 2.98% instead of 3.9%.

Adopted/ not adopted: adoption in progress

Law:

- Decreto Legislativo 8 giugno 2001, n. 231, Disciplina della responsabilità amministrativa delle persone giuridiche, delle società e delle associazioni anche prive di personalità giuridica, a norma dell'articolo 11 della legge 29 settembre 2000, n. 300. (GU n.140 del 19-6-2001)
- Decreto Legislativo 7 luglio 2011, n. 121 Attuazione della direttiva 2008/99/CE sulla tutela penale dell'ambiente, nonché della direttiva 2009/123/CE che modifica la direttiva 2005/35/CE relativa all'inquinamento provocato dalle navi e all'introduzione di sanzioni per violazioni. (11G0163) (GU n.177 del 1-8-2011)
- Decreto Legislativo 3 aprile 2006, n. 152, Testo Unico Ambientale;

Type of measure: modification in the aim of application

Brief Content: Presumption of compliance of the EMS (EMAS registered and/or ISO 14001 certified) with the Italian Organizational Model ex. Legislative Decree 231/2001

Adopted/ not adopted: not yet adopted

Law:

- D.Lgs. 152/2006;
- D.G.R. 2 febbraio 2012, n. 9/2970 - "Determinazioni in merito alle procedure e modalità di rinnovo e dei criteri per la caratterizzazione delle modifiche per esercizio uniforme e coordinato dell'autorizzazione integrata ambientale (AIA)

Type of measure: information required for permits: streamlining application

Brief Content: Valorization of the EMAS registration and/or ISO14001 certification when applying for the renewal of the IEA, even in case of substantial and non substantial modifications.

Adopted/ not adopted : modified into a national proposal. New proposal to the Italian Parliament: *Self declaration in case of application for IEA renewal*

2) List of no tested proposals

Some of the below proposals did not follow the project process but emerged from interactions with regional authorities. ARPA Lombardia and IEF Bocconi cooperated with the regional institution to define these proposals and to promote their adoption. These proposals neither have been tested nor assessed by the "Methodology to select simplification proposals".

Totally, the no tested proposals are 5 and Regional authority adopted 2: reduction of the fee related to the release of the first IEA and in case of substantial modifications for companies with a certified EMS and reduction of the fee related to standard activities during inspections.

Law: D.G.R. 4626 del 28/12/2012: Determinazione delle tariffe da applicare alle istruttorie e ai controlli in materia di autorizzazione integrata ambientale, ai sensi dell'art.9 c.4 del D.M. 24 aprile 2008 (revoca della DGR n.10124/2009 e SMI).

Type of measure: Reduction of administrative fees

Brief Content: Reduction of the fee related to the release of the first IEA and in case of substantial modifications for companies with a certified EMS.

Adopted by D.G.R. 4626 del 28/12/2012

Law: D.G.R. 4626 del 28/12/2012: Determinazione delle tariffe da applicare alle istruttorie e ai controlli in materia di autorizzazione integrata ambientale, ai sensi dell'art.9 c.4 del D.M. 24 aprile 2008 (revoca della DGR n.10124/2009 e SMI).

Type of measure: Reduction of administrative fees

Brief Content: Reduction of the fee related to standard activities during inspections.

Adopted by D.G.R. 4626 del 28/12/2012

Law: L.R. 2 febbraio 2010 n.5 "Norme in materia di valutazione di impatto ambientale", art. 2

Type of measure: modification in the aim of application

Brief Content: Increase of the dimensional thresholds determining the applicability of the Environmental Impact Assessment (EIA) proceeding and of the screening for applicability of the EIA.

Not Adopted

Law: ARPA Lombardia internal Guidelines

Type of measure: reduced inspections

Brief Content: Reorganization of inspections by means of the modification of the ARPA Guidelines on controls' planning.

Not Adopted

Law: L.R. 10 agosto 2001, n. 13

Type of measure: extension of permit period

Brief Content: Extension of the adjustment period to reach compliance with environment regulation within the registration/certification process.

Not Adopted

--Tuscany Proposals--

The followed proposals emerge from the activities with Tuscany Regional Consultation Board (RCB). SSSUP defined the proposals that have shared with RCB members and with regional authorities involved in the BRAVE. SSSUP tested 9 proposals through studies, researches and surveys. The tested proposals are assessed by the "Methodology to select simplification proposals" (first deliverable of action 6). 8 best proposals emerge from the methodology implementation; these obtained a score greater than 3. Only one proposal (on research activities in mining sector) obtains 2,5; this low score is connected especially with the level of appreciation by companies not interested in the proposal.

SSSUP sent these proposals by e-mail to regional stakeholders and regional competent departments (April 2013). Indeed SSSUP sent the proposals to the regional politicians composing the Regional Council.

Among all the proposals sent some have been adopted.

1) List of tested proposals

Law: Fiscal Regional Law 19/12/2003 n. 58

Type of measure: fiscal incentive

Brief Content: Reduction of IRAP rate (-0,6%) for EMAS companies in the next three financial years (2014-2014).

Adopted Regional Law n.79 del December 2013 art. 4

Law: Legislative decree 3/4/2006 n. 152 Norme in materia ambientale

Type of measure: regulatory reliefs in the local regulations

Brief Content: the article 238 establishes the competence of Municipalities to adopt regulations in the waste management topic. The article provides the adoption of regulatory reliefs in these regulations.

Adopted by Municipality Regulation 30/10/2013

Law: Regional Law 3 November 1998, n.78 Testo unico in materia di cave, torbiere, miniere, recupero di aree escavate e riutilizzo di residui recuperabili. Art. 15

Type of measure: reduction of financial guarantee for mining sector

Brief Content: Reduction of financial guarantee connected with mine activities for EMAS companies (-15%) and ISO14001 (-10%).

Not adopted

Law: Regional Law 3 November 1998, n.78 Testo unico in materia di cave, torbiere, miniere, recupero di aree escavate e riutilizzo di residui recuperabili. Art 15: comma 3.

Type of measure: reduction of local fees

Brief Content: Reduction of local fees for EMAS companies (-15%) and ISO14001 companies (-10%) . operating in mining sector

Not adopted

Law: Regional Law 3 November 1998, n.78 Testo unico in materia di cave, torbiere, miniere, recupero di aree escavate e riutilizzo di residui recuperabili. Art 16

Type of measure: Information required for permits

Brief Content: Valorisation of environmental statement for annual communication with municipalities.

Not adopted

Law: Regional Law 3 November 1998, n.78 Testo unico in materia di cave, torbiere, miniere, recupero di aree escavate e riutilizzo di residui recuperabili. Art 18

Type of measure: extension of permit period

Brief Content: extension of permit until 25 years for ISO14001 companies and 30 for EMAS companies.

Not adopted

Law: D.G.R.T. 885 on 18/10/2010 - Integrated Environmental authorization

Type of measure: reduction of administrative fees

Brief Content: Reduction of fees connected with permit (- 50% for ISO14001 companies and -70% for EMAS companies).

Not adopted

Law: UE 331 2001 Raccomandation

Type of measure: reduced inspections

Brief Content: Homogenizing the frequency of checks for IPPC companies in the Tuscany Provinces and reduction of IPPC inspection frequency for EMAS registered and ISO14001 certified companies

Not adopted

2) List of no tested proposals

The below proposals not have followed the project process but emerge from interactions with regional authorities. SSSUP cooperated with the regional institution to define these proposals and to promote their adoption. SSSUP not tested these regulatory relief proposals and not assessed them by the "Methodology to select simplification proposals". The Regional Council received the proposals sent by SSSUP.

Totally, the no tested proposals are 9 and Regional authority adopted 2: an IRAP incentive for small and medium companies and a reduction of financial guarantee for EMAS and ISO14001 companies operating in the waste sector.

Law: Regional Regulation n.14/2004

Type of measure: fiscal incentive

Brief Content: Reduction of financial guarantee for the for EMAS companies (-50%) and ISO14001 (-40%) operating in the waste sector.

Adopted by Regional act 535/2013

Law: Fiscal annual Regional Law 19/12/2003 n. 58

Type of measure: fiscal incentive

Brief Content: Contribution for small and medium companies implementing two international or European management systems for environmental or safety improvement (EMAS, ISO14001, OSHAS 18001, SA8000). The contribution is connected with IRAP payment and it can be up to 15.000 euros.

Adopted Regional Law n.79 del December 2013 art. 12

Law: Regional Law 27 July 2004, n. 38. Art.10. "Norme per la disciplina della ricerca, della coltivazione e dell'utilizzazione delle acque minerali, di sorgente e termali"

Type of measure: reduction of administrative fees

Brief Content: Reduction of administrative fee for EMAS and ISO 14001 companies respectively by 50% and 30%.

Not adopted

Law: Regional Law 27 July 2004, n. 38. Art.14. “Norme per la disciplina della ricerca, della coltivazione e dell'utilizzazione delle acque minerali, di sorgente e termali”

Type of measure: extension of permit period

Brief Content: extension of permit until 25 years for ISO14001 companies and 30 for EMAS companies.

Not adopted

Law: Regional Law 27 July 2004, n. 38. Art.17. “Norme per la disciplina della ricerca, della coltivazione e dell'utilizzazione delle acque minerali, di sorgente e termali”.

Type of measure: financial guarantee required for specific activities

Brief Content: Reduction of financial guarantee connected with mine activities for EMAS companies (-15%) and ISO14001 (-10%).

Not adopted

Law: Regional Law 27 July 2004, n. 38. Art.22. Art.19. “Norme per la disciplina della ricerca, della coltivazione e dell'utilizzazione delle acque minerali, di sorgente e termali”

Type of measure: reduction of administrative fees (environmental law)

Brief Content: Reduction of administrative fee for EMAS and ISO 14001 companies respectively -15%.

Not adopted

Law: Regional Law 12 February 2010 “Environmental impact assessment”, n. 10. Art. 43

Type of measure: modification in the aim of application

Brief Content: extension of dimensional limits for project proposed by EMAS or ISO14001 companies

Not adopted

Law: Regional Law 12 February 2010 “Environmental impact assessment”, n. 10. Art 47

Type of measure: reduction of administrative fees (environmental law)

Brief Content: the tariffs provided are reduced for EMAS and ISO14001 companies (respectively -15% and 10%).

Not adopted

Law: Regional Law 12 February 2010 “Environmental impact assessment”, n. 10. Art 60

Type of measure: reduced inspections

Brief Content: inspections concerning new plan project or plan modifications are reduced for EMAS and ISO 14001 companies

Not adopted

--Valencia Proposals --

The followed proposals emerge from the activities with Regional Working Group and Regional Consultation Board. Chamber of Commerce has defined the proposals that have been commented and studied together with regional authorities, and other agents, such as organisations with EMAS register, Environmental Verifiers, involved in the project activities. At present two of proposals have a high chance of been adopted.

The tested proposals are assessed by the "Methodology to select simplification proposals" (first deliverable of action 6).

1) List of tested proposals in Valencian Community

Law: Administrative Procedures:

http://www.gva.es/es/web/portal/inicio/procedimientos?id_proc=16567

http://www.gva.es/en/inicio/procedimientos?id_proc=16562

Type of measure: Financial guarantee required for specific activities.

Brief Content: Reduction of Financial Guarantees required by the Administration for certain activities such as waste management, landfill, etc.. to those companies with EMAS registration

Not adopted

Law: Administrative Procedures:

http://www.gva.es/es/web/portal/inicio/procedimientos?id_proc=16567

http://www.gva.es/en/inicio/procedimientos?id_proc=16562

Type of measure: fast track permits.

Brief Content: Indicate in the authorization procedures of waste management activities (solids and liquids) the need to prove an adequate environmental management (equivalent to EMAS / ISO 14001 requirements). Environmental management requirements would be spelled out by the Resolutions for Authorization..

Not adopted

Law: Preliminary Draft Law, from Generalitat, of prevention, control and environmental quality of activities in Valencia

Type of measure: Fast track Permits.

Brief Content: EMAS registration may allow more flexibility in obtaining certain approvals and subsequent regulatory control, by submitting the Environmental Statement with the appropriate data in each case, or any other item of SGA that is considered appropriate

Not adopted

Law: Draft RESOLUTION of xx/yy/2014, from Directorate General of Environmental Quality, which approves the Inspection Program on Environmental Quality in Valencia for the 2014 annuity

Type of measure: reduced inspections

Brief Content: In control of integrated environmental authorizations or environmental assessments to be made, considering the availability of EMAS as a guarantee of fulfillment of applicable legal requirements

Not adopted. Sent proposal of reference to EMAS in new Resolution

Law: RESOLUTION of 12 March 2007, the Directorate General of Environmental Quality, by delegating to the Board of Chambers of Commerce, Industry and Navigation of Valencia, the exercise of certain functions

competence of that Directorate General. Creation of a new procedure inside official web page of Conselleria.

Type of measure: Reduced reporting and monitoring requirements

Brief Content: Establish a simplified permitting procedure (revision and update) for the IPPC permits in EMAS registered organizations.

Adopted. Pending publication

2) List of no tested proposals in Andalusia

Emerging from RCB meetings, there is a proposal for including EMAS, environmental label in public procurement, for evaluate technical performance of contracts and as a not excluding criteria. At this moment Chamber of Commerce is evaluating the legislation in Valencian Community related to this proposal and identifying key staff in Regional Ministry of Finance

1) Italian proposals

This section includes a list of national proposals promoted at national level for the adoption.

The regulatory relief's proposals on Italian legislations emerge from a complex process involving many stakeholders operating in different fields at national level (trade organizations, companies, institutions and others).

At the *national level*, the Italian partners introduced the 33 regulatory relief proposals during the I° Italian PCB (February 2013); the PCB members (around 20 stakeholders) assessed the proposals through a "voting process". The PCB members assigned a rating from 1 to 5 (1 being "does not agree with the proposal" and 5 "strongly agrees") to each proposal, and at the end of the meeting the partners presented the results achieved and the most appreciated regulatory relief (e.g. inspection reduction for EMAS organizations, cost reduction of administrative fees, reduction of financial guarantees). Moreover, The proposals were shared with other stakeholders (not included in the PCB) by an on-line survey on LinkedIn social network. The feedback from LinkedIn survey came from 34 actors: citizens, government, associations, non-governmental organizations, companies, environmental certification, other.

The partners, indeed, assessed the proposals based on their experience. The first result of sharing process is the selection of 22 best proposals.

The II Italian PCB (July 2013) liked the selected proposals and the changes introduced by partners.

From this event other 8 proposals emerge from the participants that suggest to introduce regulatory reliefs on the European directives and Laws are adopting by Italian national institutions.

At the end of the sharing process the partners identify 29 regulatory reliefs proposals sent to Italian Parliament by e-mail in December 2013.

Law: Legislative decree 152/06, section VI "Norme in materia di tutela risarcitoria contro i danni all'ambiente"
"Art. 319

Type of measure: Reduction of financial guarantee

Brief Content: The financial guarantee reduction is defined according to the value of the potential environmental damage calculated as part of the environmental risk assessment.

Not adopted

Law: Legislative decree 152/06, section II, Art. 6, annexes II, III, IV "dimensional limits for the implementation of Environmental Impact Assessment"

Type of measure: other

Brief Content: Increasing the dimensional limits for EMAS companies
Not adopted

Law: Legislative decree 152/06, section II, Art. 29 octies “Rinnovo e riesame”

Type of measure: extension of permit

Brief Content: extension of the Integrated Environmental authorization

Not adopted

Law: Legislative decree 152/06, Section II, Art. 29 decies “Rispetto delle condizioni dell'autorizzazione integrata ambientale”

Type of measure: checks reduction

Brief Content: reduction in the frequency of checks for EMAS companies

Not adopted

Law Legislative decree 152/06, Section II, Title IV, Art. 29 duodecies “Comunicazioni”

Type of measure: valorisation of EMAS documents

Brief Content: valorisation of Environmental statement for periodic communication with institutions.

Not adopted

Law D.M. 24 April 2008, “Modalità, anche contabili, e tariffe relative alle istruttorie e ai controlli previsti dal Dlgs 59/2005” art. 9

Type of measure tariffs reduction

Brief Content: tariffs reduction to obtain the Integrated Environmental authorization for EMAS and ISO14001 companies

Not adopted

Law: Legislative decree 3 April 2006, n. 152, Testo Unico Ambientale;

Decreto Legislativo 7 Luglio 2011, n. 121, Attuazione della direttiva 2008/99/CE sulla tutela penale dell'ambiente, nonché della direttiva 2009/123/CE che modifica la direttiva 2005/35/CE relativa all'inquinamento provocato dalle navi e all'introduzione di sanzioni per violazioni

Decreto Legislativo 8 giugno 2001, n. 2001, Disciplina della responsabilità amministrativa delle persone giuridiche, delle società e delle associazioni anche prive di personalità giuridica, a norma dell'articolo 11 della legge 29 settembre 2000, n. 300.

Brief Content: Presumption of compliance with the Italian organizational model ex. Legislative decree 231/2001

Not adopted

Law: Legislative decree 152/2006, section III, title IV, Art. 124 “Criteri generali”, comma 8

Type of measure: Extension of permits

Brief Content: Extension of water discharge permit for EMAS and ISO 1001 companies

Not adopted

Law: Legislative decree 152/2006, section III, title IV, Art. 129 “Accessi e ispezioni”

Type of measure: checks reduction

Brief Content: reduction in the frequency of water discharge checks for EMAS companies

Not adopted

Law: Legislative decree 152/2006, section III, title IV, Art. 125 “Domanda di autorizzazione agli scarichi di acque reflue industriali

Type of measure: simplification in permitting process

Brief Content: Reducing administrative burdens in the process of issuing permits

Not adopted

Law: D.M. 9 2007, art 6 “Sistema di gestione della sicurezza antincendio”, comma 4

Type of measure: extension of permit duration

Brief Content: extension of certificate concerning the fire prevention.

Not adopted

Law: D.M. 6/2012, Art. 21 “Richiesta di accesso ai meccanismi di incentivazione”

Type of measure: costs reduction

Brief Content: Costs reduction and incentives to develop energy from renewable resource

Not adopted

Law: Legislative decree 3 March 2011, n. 28, Art. 42 “Controlli e sanzioni in materia di incentivi.

Type of measure: Checks reduction

Brief Content: Reduction of checks in the EMAS plans producing energy from renewable resource

Not adopted

Law: Legislative decree 152/06, section IV, Art. 208 “Autorizzazione unica per i nuovi impianti di smaltimento e di recupero dei rifiuti”, comma 11 lett. g

Type of measure: financial guarantee reduction

Brief Content: financial guarantee reduction for EMAS companies or ISO14001 managing waste treatment plants

Not adopted

Law: Legislative decree 152/06, section IV, Art. 194 “Spedizioni transfrontaliere”

Type of measure: financial guarantee reduction

Brief Content: financial guarantee reduction for EMAS companies or ISO14001 managing cross-border waste shipments.

Not adopted

Law: Legislative decree 152/06, section IV, Art. 208 “Autorizzazione unica per i nuovi impianti di smaltimento e di recupero dei rifiuti”.

Type of measure: simplification in permitting process

Brief Content Reducing administrative burdens in the process of issuing permits for the EMAS and ISO14001 waste management plans.

Not adopted

Law: Legislative decree 152/06, section V, Art. 269 “Autorizzazione alle emissioni in atmosfera

Type of measure: simplification in permitting process

Brief Content: Reducing administrative burdens in the process of issuing permits for air emissions

Not adopted

Law: Legislative decree 152/06, section V, Art. 269 “Autorizzazione alle emissioni in atmosfera

Type of measure: simplification in permitting process

Brief Content: simplification in permitting process for changes in the EMAS plans

Not adopted

Law: D.M. 8 Marh 2010, n. 65, Art. 3 “Iscrizione all'Albo nazionale gestori ambientali per le attività di raccolta e trasporto dei Ræe domestici”

Type of measure: simplification in permitting process

Brief Content: simplification in permitting process for the entry register waste management

Not adopted

Law: Legislative decree 152/06, Testo Unico Ambientale;

Decreto Legislativo 25 luglio 2005, n. 151, "Attuazione delle direttive 2002/95/CE, 2002/96/CE e 2003/108/CE,

relative alla riduzione dell'uso di sostanze pericolose nelle apparecchiature elettriche ed elettroniche, nonché allo smaltimento dei rifiuti";

Decreto Ministeriale 8 Marzo 2010, n. 65, "Regolamento recante modalità semplificate di gestione dei rifiuti di apparecchiature elettriche ed elettroniche (RAEE) da parte dei distributori e degli installatori di apparecchiature elettriche ed elettroniche (AEE), nonché dei gestori dei centri di assistenza tecnica di tali apparecchiature"

Type of measure: Financial guarantee reduction

Brief Content: Financial guarantee reduction for producers of electrical appliances for EMAS o ISO 14001 companies.

Not adopted

Law: D.L. 6 July 2011, n. 98, Art. 20 "Nuovo patto di stabilità interno: parametri di virtuosità"

Type of measure: other

Brief Content: Valorisation of EMAS in the municipalities account.

Law: Legislative decree 152/06, section IV, Art. 212 "Albo nazionale gestori ambientali"

Type of measure: extension of entry

Brief Content: extension of entry in the national waste manager register

Not adopted

Law: Law 12 November 2011, n. 183, Art. 31 "Patto di stabilità interno degli enti locali"

Type of measure: other

Brief Content: incentive for local institutions EMAS registered

Not adopted

Law: Legislative decree 152/06, Art. 26 c.1 "conclusione procedimento VIA"

Type of measure: simplification in permitting process

Brief Content: simplification in permitting process for Environmental Impact Assessment

Not adopted

Law: Legislative decree 152/06 Art. 29 quater comma 9 e comma 12 "tempi conferenza servizi e rilascio AIA"

Type of measure: simplification in permitting process

Brief Content: Reduction of time provided for the conference approving the Environmental integrated authorization.

Not adopted

Law: Legislative decree Art. 29 octies "tempi rinnovo AIA"

Type of measure: simplification in permitting process

Brief Content: Reduction of time for Environmental integrated authorization obtainment.

Not adopted

Law: Decree adopted by Republic President 151/2011 art. 4, "Controlli di prevenzione incendi"

Type of measure: checks reduction

Brief Content: the EMAS companies not receive checks concerning fire prevention

Not adopted

Law: Legislative decree 152/06, art. 208

Type of measure: simplification in permitting process

Brief Content: definite times for issuing permits

Not adopted

Law: Legislative decree 152/06, art. 197

Type of measure: checks reduction

Brief Content: checks reduction concerning the waste management
Not adopted

Law: Legislative decree 152/06, art. 269

Type of measure: simplification in permitting process

Brief Content: Time reduction for permitting process concerning the air emission

Not adopted

Law: European Directive 2010/75/UE and Art. 7 of decree draft for the adoption of European Directive

Type of measure: technical support

Brief Content: valorisation of EMAS and ISO14001 documentation in periodic communication with institutions

Not adopted

Law: European Directive 2010/75/UE and art. 7 of decree draft for the adoption of European Directive

Type of measure: financial guarantee reduction

Brief Content: Reduction of financial guarantee for EMAS (-50%) and ISO14001(-40%) for the obtainment of unique environmental authorization

Not adopted

Law: European Directive 2010/75/UE and Legislative decree 152/06 art. 29

Type of measure: extension of permit

Brief Content: extension of permit until 10 years for EMAS companies and 8 years for ISO14001 instead of the time provided by law (6 years).

Not adopted

Law: European Directive 2010/75/UE and Legislative decree 152/06 art.2

Type of measure: Reduction of the obligations of reporting and monitoring

Brief Content: Reduction of the obligations of reporting and monitoring for EMAS plan operating in the waste incineration.

Not adopted

Law: European Directive 2010/75/UE and Legislative decree 152/06 art.237

Type of measure: reduction of tariffs

Brief Content: reduction of tariffs for checks in the EMAS or ISO14001 companies

Not adopted

Law: Law 93/2001art. 18

Type of measure: self declaration

Brief Content: self declaration for EMAS and ISO14001 companies that obtain the unique environmental authorization

Not adopted

Law: Legislative decree 152/06 section I, Art. 3

Type of measure: other

Brief Content: Presumption of compliance with the Italian organizational model ex decree 231/2001

Not adopted

2) Spanish proposals

In the case of Spain is difficult to draft amendments to the national level; infact, in Spain, environmental responsibilities have been delegated to the Regional Governments for Environment. It means that it is at national level where the regulatory bases are established but the mechanisms or specific measures are taken regionally.

This approach has been agreed with both the Ministry of Environment of the Government of Spain and the different Regional Government for Environment participating in the PCB. The representative of the Ministry of Environment remarks that their interest in the project lies in identifying measures that can be implemented at regional level, waiting with great interest the Guidance tool for the EMAS-based regulation and better regulatory relief.