



BETTER
REGULATION
AIMED AT
VALORISING EMAS

Annex 1.9 Liguria case study: Reduction of financial guarantees and simplification of permitting procedures for companies operating in the waste treatment sectors.

Annex 1.10 Liguria case study: Investigating affiliated companies in relation to the benefits derived by applying the Regional Law n. 262/10 concerning controls better regulation of the inspections of regional enterprises not involved in the IPPC



1. Introduction

1.1 Motivation of case study:

The subject of the chosen Case study n.1 subject has been chosen considering its high interest caused by its strict connection with the regional waste policy. The lack of landfills in our territory has been also taken into account, and as a consequence there is no doubt that any regulatory relief or better regulation can simplify the management of such an important function in the environmental care.

1.2 Background:

With reference to the chosen acts year of issue, it is clear that the regional attitude towards any simplification connected to the existence of landfill on the territory is relatively recent. This means a lack of attention on the waste management problem.

1.3 Methodology:

The methodology that has been applied in case study n.1 is the following:

- Check of the existent landfills on the regional territory;
- Check on the number of them that has obtained a environmental certification (ISO 14011, EMAS, ...);
- Check of the level of the application and of the economic value of the measures concerning regulatory relief or better regulation in each chosen case.

To get the necessary information we will use a questionnaire that must be sent to each interested firms and that will contained questions related with the subjects indicated above.

2. The simplification measure

2.1 Description of measure:

The following facilitating measures arise after an accurate study of the regional acts:

a) Delib.G.R. 16-11-2007 n. 1361 Guide Lines for the waste treatment activities preliminar to the conferiment of waste to the landfill . D.Lgs. 36/2003 - All. A. **The VIA procedure is not required for the certificated firms in order to obtain a permit application to waste treatment setting up.**

b) D.G.R. 23-12-2003 n. 1803 First regional indications for the implementation of the D.Lgs n. 13 gennaio 2003, n. 36 "Implementation of the Directive 1999/31/CE about the waste landfill ". DM 13 marzo 2003.- all. 1. **To choose the amount of the financial guarantee that must be given by the landfill that has been closed and has the due to reset the original environmental situation, it will be taken in account the fact that the activity is certificated.**

c) D.P.G.R. 19-3-2002 n. 2/Reg. Regional regulation: "Implementation article 40 of the L.R. n. 18/1999 on the service costs applied on some kind of waste management installations". **On the amount of the tax that a landfill must pay for every kg of treated waste a 40 % reduction is applied in case of ISO and certification and a 50% reduction in case of Emas.**

2.2 Description of the characteristics of the sector within the region:

As has been specified above, the waste management sector in Liguria Region has not been developed as it should have been.

Political reasons due to opposite parties involved in the business has caused delay and lack of organization in the necessary development of a rational waste management system.

Further, problems connected to social concept has stopped the opening of new landfills.

Nonetheless some landfill have been created and they are working properly. But they aren't enough and the lack of service is particularly heavy in the dangerous wastes sector.

3. Analysis

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

In order to analyse the level of application of the above mentioned regulations, we have identified the waste disposal and recovery facilities with ISO 14001 and/or EMAS certification operating in the Liguria territory. We have then checked both the requests for application and the actual applications of the relevant laws.

At the moment there are 20 operational waste disposal facilities in the Liguria region. They are subdivided as follows by county and type of treated waste:

County	Location	Activity
GE	Monte Scarpino	non dangerous (urban and special)
GE	Birra	non dangerous (urban and special)
GE	Ca da Matta	non dangerous (urban and special)
GE	Malsapello	non dangerous (urban and special)
GE	Rio Marsiglia	non dangerous (urban and special)
GE	Colle Caprile	inert
GE	Lerca	inert
GE	Costa del Canale	inert
SV	Boscaccio	non dangerous (urban and special)
SV	Ramognina	non dangerous (urban and special)
SV	Bossarino	non dangerous special
SV	Filippa	non dangerous special
SV	Pria Tecci	inert
SP	Le Gronde	non dangerous (urban and special)
SP	Val Bosca	non dangerous (urban and special)
SP	Bizzetti	inerti
IM	Taggia	non dangerous (urban and special)
IM	Rio Sgorreto	inert
IM	Case Scofferi	inert
IM	Rio Ciapagni fraz. Trucco	inert

Source: Regione Liguria

Six of these have ISO 14001 e/o EMAS certification:

County	Firms	Certification
Monte Scarpino (GE)	AMIU spa	ISO 14001 (2006)
Rio Marsiglia (GE)	Consorzio Intercom. Rio Marsiglia	ISO 14001 (2006)
Taggia (IM)	Idroedil srl	ISO 14001 (2005); EMAS (2006)
Boscaccio (SV)	EcoSavona	ISO 14001 (2002); EMAS (2003)

Bossarino (SV)	Bossarino Srl	ISO 14001 (2003); EMAS (2005)
Filippa (SV)	Ligure Piemontese Laterizi spa	ISO 14001 (2009); EMAS (2010)

Having attention to the procedures in detail, we identified requests for simplified proceedings on behalf of certified entities as well as the reasons for considering the requests not suitable of approval.

None of the entities entitled to ask for an exemption from the **V.I.A treatment process** (DGR 16/10/2007, n.1361) tried to obtain it.

The regulation offers an exemption for certified entities if treatment encompasses recoveries beyond waste treatment (without enlarging the treatment area). The case for exemption anticipated by the law is therefore very specific. Since treatment activities embedded in a process and not involving area enlargement are exempt from the regulation for all entities, whether certified or not, the

Certificated firms	County	Certification	Exclusion V.I.A. procedure	Reduction of service tax	Reduction of money garanted
Monte Scarpino	GE	ISO	no	yes	no
Rio Marsiglia	GE	ISO	no	yes	no
Taggia	IM	ISO/EMAS	no	yes	no
Boscaccio	SV	ISO/EMAS	no	yes	yes
Bossarino	SV	ISO/EMAS	no	yes	yes
Filippa	SV	ISO/EMAS	no	yes	no

simplified application **is not particularly relevant.**

On the other end the **reduction of service charges** (D.P.G.R. 19/03/2002, n.2/Reg) applies to all certified entities. The Regional Council decision contemplates a 40% reduction of service charges owed by ISO 14001 waste treatment facilities and a 50% reduction for EMAS certified facilities. The **economic advantage is therefore considerable** and may also be translated into competitive advantage allowing lower fees for clients. The next chapter offers a more detailed analysis of the economic benefits of this regulation.

The Regional Council decision n.1803 of 23/12/2003 states that the financial guarantees applicable to the post-closing period be adjusted for EMAS or ISO 14001 certification of the waste disposal facility. There have only been 2 requests for exemption with respect to this regulation on guarantees since article 210, Decree 152/2006 which specified the national framework for guarantee reductions was abolished by Decree 205/2010. Barring a pre-existing authorization, no reductions can now be granted.

The two facilities that obtained the benefit of the guarantee reduction have received authorization before Decree 205/2010. It is important to note that no facility subjected to regulation IPPC (applying to highly polluted facilities) benefits any guarantee reduction. The re-enactment of Decree 210 is **essential** for the regular administration of guarantee reductions as decided by the

provincial legislation but that have been made not applicable by the lack of national regulation.

3.2 Analysis of adopter benefits

- savings from reduced guarantees:

- **Ecosavona:** annual savings - € 45.000
- **Bossarino:** annual savings - € 178.000

- savings from lower service charges:

- **Filippa:** in 2009 savings of 240.000 euro on 600.000 (ISO); in 2010 and in 2011 savings of 300.000 euro on 600.000 each year (EMAS). In total therefore savings of 840.000 euro on 1.800.000.
- **Idroedil:** total savings of 530.000 euro on about 1.092.000 from 2005 to 2011 (about 62.400 from ISO benefits and 467.600 from EMAS benefits).
- **Ecosavona:** savings of 415.000 euro a year from EMAS certification for a total of 3.735.000 Euro on 7.470.000 (2003 – 2011).
- **Bossarino** savings of 430.000 Euro a year from EMAS certification for a total of 3.010.000 Euro on 6.020.000 (2005 – 2011). Saving of 259.000 euro a year from ISO certification for a total of 1.036.000 on 2.590.000 (2002 – 2005).

3.3 Environmental benefit analysis

- Environmental improvements resulting from the management system
- Lower operating costs with benefits for customers and greater ability to invest
- Better social impact in the local area

3.4 Awareness / satisfaction

Managers say they are satisfied by the reduction of service tax, but propose new interventions summarized as follows:

- Reintroduction of the possibility to apply for reduced money pawns as a result of ISO 14001 and/of EMAS registration.
- Simplification of ARPA controls and administrative controls
- Introduction of the possibility to benefit as a waste producer user of EMAS registered landfill, a reduction of the “special tax on solid waste” as defined in L.549/95.

1. Introduction

1.1 Motivation of case study:

The case has been chosen due to the severe control attitudes of the organisms entitled by law to manage the inspection of the industrial firms operating in our region. Controls that are often headed to punish instead of cooperate to solve any environmental problem.

1.2 Background:

In Italy and particularly in our Liguria region the attitude of the controllers has often caused problems and the different interpretation of the meaning of law. This is the reason why for many firms is so difficult not to think to be persecuted even if they invest money in the environmental means. The legal reference includes the Regional Act 262/10 Concerning controls better regulation of regional enterprises not involved in the Law IPPC (Integrated Pollution Prevention and Control) and the Law 35/12.

1.3 Methodology:

The methodology that has been applied in case study n.2 is the following:

Having taken into account that there is no regional legislation on the procedure simplification subject, connected or not with certificated firms, has been decided to sent a questionnaire to all associated enterprises to evaluate their attitude towards the future application of the simplified administrative control between certificated firms not involved in the IPPC procedure. The action that is expected to be taken after having received the questionnaire results is to obtained the implementation of any better control regulation.

2. The simplification measure

2.1 Description of measure:

D.G.R. 9/2/2010 n. 262 : Approval of organisation procedures aimed to the simplification of administrative controls connected to a supervision of the Liguria's enterprises that are not involved in the IPPC procedure and that are in charge of a EMS ISO 14001 or EMAS and experiment stage of start up. **The act concerned the experimental starting (one year) to test the implemented procedures concerning controls better regulation of the inspections of regional enterprises not involved in the IPPC law, but having an EMS certificated (ISO 14001 or EMAS) i.e. self certification. The experimental starting will be followed by the achievement of a standard procedure.**

Law 35/12 of amendment to art. 14 of Decree Law 5/12: "Streamline Controls on business " states that the Government is authorized to adopt regulations aimed at streamline, simplify and coordinate the administrative controls on business.

3. Analysis

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

Both the D.G.R.: and the article 14 resulting from the Law 35/12, have never entered into force and no judicial evaluation.

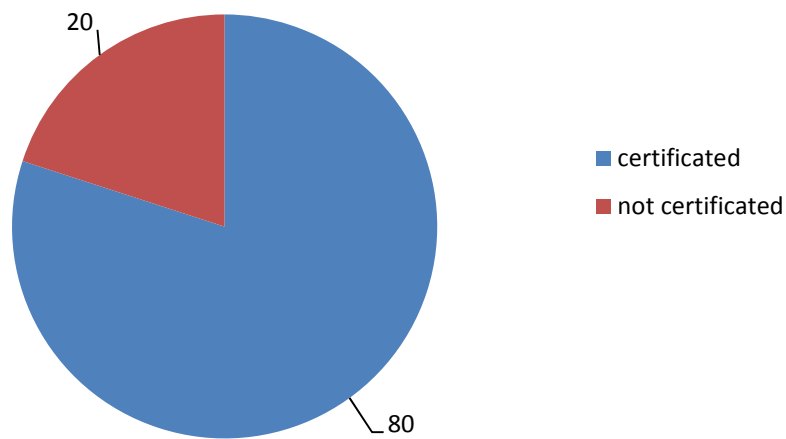
For this reason, our study is aimed to understand wich simplifications the EMS certificated companies hope by the government's action.

The questionnaire was sent to all the companies associated with Confindustria Liguria, distinguishing between those involved in the IPPC law and the others.

3.2 Characteristics of the sample

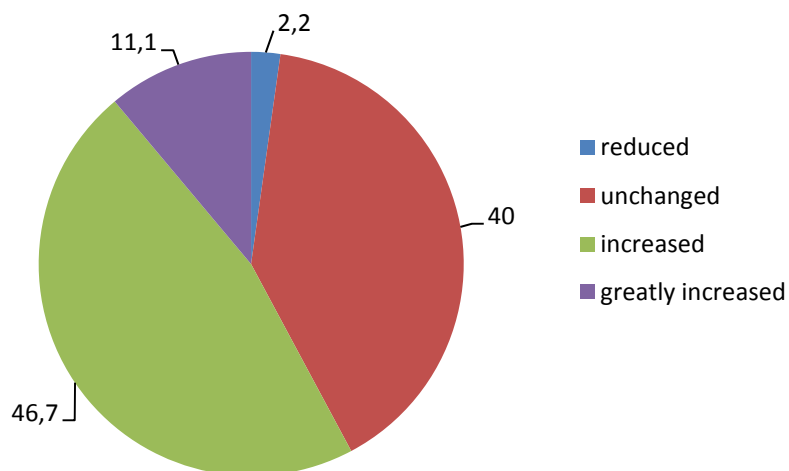
The following data are based on 50 companies, 10 of which (23,8%) involved in the IPPC law). 42% of firms faces mainly with international competitors, 31% works on domestic market, 18% on European market and 9% has only local businesses. EMS certificated firms are the 80% of the sample (78% excluding IPPC companies).

EMS certificated companies (%)



Certifications involve environmental improvement targets that stimulate investments; for this reason 58% of the sample indicates an increase of environmental investments.

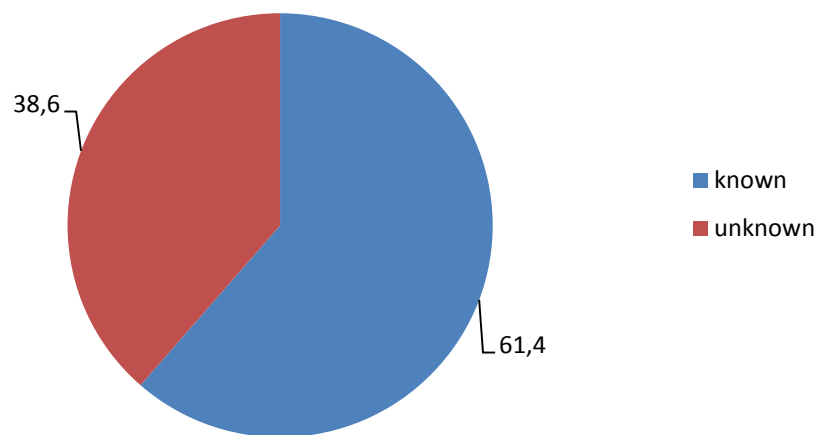
Environmental investiments degree (% sample)



3.3 Degree of knowledge about current simplifications

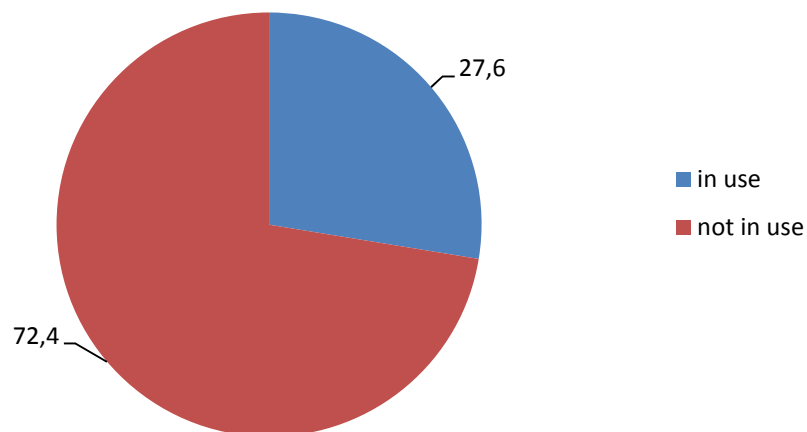
It was found the degree of knowledge by business standards, national or regional, covering the simplifications currently in force for the benefit of companies registered and / or certified. 61,4% of the sample declares to be aware of. If we consider the data concerning the only non-IPPC firms, the percentage of companies aware of the current simplifications drops to 54%. However, the percentage rises to 68% if we consider only the degree of knowledge of certificated firms not involved in the IPPC law and to 75% for the total number of certificated ones.

Degree of knowledge about current simplifications (% sample)

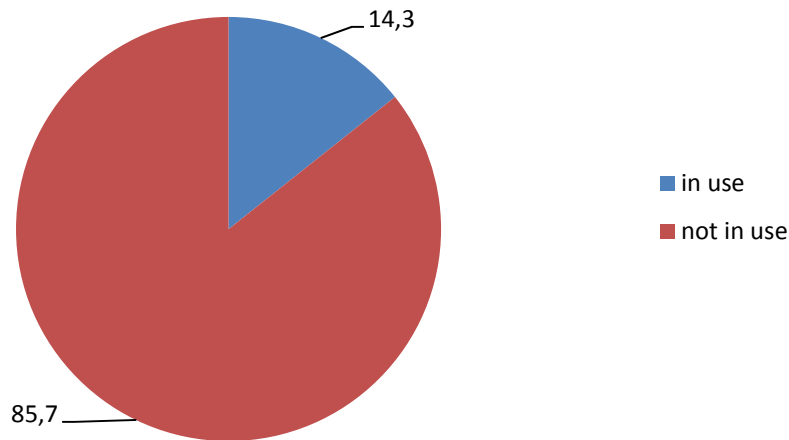


Among the companies aware of these simplifications, only the 27.6% claims to use them effectively, and the percentage drops to 14.3% if we consider only companies falling outside the IPPC law.

Utilization of simplifications provided by national and regional law (% EMS certificated)



Utilization of simplifications provided by national and regional law (% EMS certificated not IPPC)



27.6% of the sample firms benefiting or have benefited from simplifications into force, 62.5% said they rely on the reduction of financial guarantees presented in the application for authorization. The 50% enjoys a longer life authorization, and 12.5% remission of tax or simplifications concerning the relationship techniques to be sent to the competent authority.

For 33% of these businesses the opportunity to obtain such relief was one of the reasons that led to the certification / registration.

3.4 Proposals for simplification of environmental controls

The main part of the case study involved the indication of possible simplifications designed to create a cooperation between institutions and EMS certificated firms not involved in IPPC law, for solving environmental problems.

We have identified a number of simplifications concerning administrative controls in companies with certificated environmental management system.

The interest in such proposals is the high state, both for the entire sample and for those activities not IPPC, with percentages approximated to the two groups.

PROPOSALS	Very interested	
	not IPPC firms	Sample
Date, subject and methodology of the announced and agreed screening	80%	81,60%
Environmental controls performed in a single inspection	73,3%	73,7%
Introduction of self solving and suspension of verbalization	76,6%	76,3%

Sharing documents concerning their environmental management system	48,3%	48,6%
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3.5 Proposals for simplifying the process of renovation and renewal of authorizations

In addition to the above simplifications we have identified and proposed some measures to make more streamlined and efficient the process of renovation and renewal of permits. The interest in such proposals is the high state, both for the entire sample and for those activities not IPPC.

PROPOSALS	Very interested	
	Not IPPC firms	Sample
Less documentation to be submitted for renewal and ability to provide documentation in the system of environmental management, if nothing has changed with regard to the aspects analyzed to obtain authorization	83,9%	82,1%
Introduction of self-labeling processes in the event of changes in structures on which the environmental management systems are based	83,9%	84,6%
Lower costs of renovation and renewal	74,2%	74,4%