8 Implementing SEA in Italy – The Case of the Emilia Romagna Region

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8.1 Introduction

In Italy, attempts to start implementing the SEA Directive started well before the 2004 deadline. In March 2002 Law No. 39/2002 established that the Directive was to be introduced in the Italian legislative system by 26 of March 2003. Another Italian law (Law No. 284/2002) postponed this deadline to the 31 of December 2003. This deadline has again not been respected. The continuous postponing of the implementation of the SEA Directive at a national level is perhaps due to two reasons. Firstly, to the chronic delay with which Italy has started to deal with the environment; and secondly, to the willingness of the politicians of the centre-right government, to \textit{empty} the entire existing legislation (concerning the environment) of its meaning and of its effectiveness. This may also be confirmed by the recent environmental legislations approved (in a hurried manner), which cumulatively are likely to make the application of the SEA Directive, ineffective at a national level (see Sect. 8.8). This situation has therefore decreased the level of general trust towards a national implementation of the SEA Directive and has motivated the regions to hurry the development of their own SEA legislations.

Since 1996, through an Act of Instruction and Coordination (Dpr 1996) EIA competences have been delegated to the regional levels. Regions received full EIA competences, after directly implementing the 1997 EIA Directive, amending the 1985 one (regions have also been delegated full planning competences in 1970s). Therefore, consistency between the European Union and Italy only exists through the regional governments. A national EIA framework is in fact still missing (Gazzola 2002). Furthermore, in 2001 the new Art. 117 of the Italian Constitution has been approved. According to this article, all levels of government (state, regional, provincial and local) are directly subjected to European acts.
Regions (and the two Autonomous Provinces of Trento and Bolzano) in particular, are now allowed to participate in decisions concerning the development of EU legislation and to implement international agreements as well as EU acts. Subsequently, regions will directly implement the SEA Directive and legislation will therefore differ from region to region. Today, most of the Italian regions have developed their own EIA law. Some of these have also introduced SEA provisions anticipating the forthcoming SEA Directive. SEA requirements have in fact been introduced so far in Italy or through urban regional laws or through regional EIA laws. This has occurred in the regions of Emilia Romagna, Puglia, Liguria, Tuscany, Calabria, Umbria, Friuli-Venezia Giulia, Valle d’Aosta and in the two Autonomous Provinces of Trento and Bolzano (Chitotti 2002).

Analysing the implementation status of SEA in Italy, in theory means analysing the implementation status of SEA in the country’s 20 different regions and in its two Autonomous Provinces (Trento and Bolzano). However, by looking at one of Italy’s regions, i.e. Emilia Romagna, an attempt to describe national trends will be made. Fig. 8.1 shows a map of Italy and the location of the Emilia Romagna region.

A brief introduction of why the region of Emilia Romagna has been chosen as a case study to discuss the implementation status of SEA in Italy follows. Subsequently, the general planning context of Italy and of the region of Emilia Romagna, with references to the relationship between strategic planning and SEA and the existing planning instruments, will be presented. The case of the region of Emilia Romagna will be explored through an analysis of the region’s planning law (i.e. Law No. 20/2000) and its environmental assessment procedure for plans and programmes (i.e. VALSAT). Finally, the implementation of SEA in the region of Emilia Romagna and in Italy will be considered, highlighting the opportunities and barriers for effective SEA application. Subsequently, the conclusions will be drawn and recommendations will be provided.

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Fig. 8.1. Map of Italy and location of the region of Emilia Romagna

Region has 9 provinces: Bologna (capital), Ferrara, Forlì-Cesena, Modena, Parma, Piacenza, Ravenna, Reggio nell’Emilia, Rimini
- Surface: 22125 km²
- Population (2002): 4 059 416; Density 181 pop/km²
- Morphology: mountains (25%), plain (48%), hills (27%)