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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes on his mission to Italy

Comments by Italy*

* The present document is being issued without formal editing.



Information about the contents of the advanced unedited version of the report of the visit of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (30 November – 13 December 2021)

Following the reception of the unedited version of the report of the visit of Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana, held from 30 November to 13 December 2021, Italy submits some comments below reported to be taken into consideration in the preparation of the final version of the document.

As for **points 25-26**, please take note that the environmental recovery of the SIN and SIR of Porto Marghera is not under the competence of the Ministry of Ecological Transition.

As for **point 36**, the Solvay plant in Alessandria (Spinetta Marengo) is subject to regional Integrated Environmental Authorization (AIA). This one (downloadable from the institutional website of the province of Alessandria) regulates substances reported (PFAS, specifically PFOAS, and hexavalent chromium) in terms of concentrations at discharges and management of storages and landfills, in accordance with the requirements set for reference at EU level. In the authorization is also confirmed that a historical contamination by hexavalent chromium, chlorinated solvents and fluorides has been recorded at the plant, which is the subject of remediation.

As for **point 59**, information referred therein does not correspond to data collected by the Italian government. In particular, the installation is by no means obsolete, since all plants in operation apply at least the best available techniques based on a community scale, and in some cases even more performing techniques from an environmental point of view.

It should also be noted that ARPA Puglia, as a technical body, is competent to quantify these impacts (in the specific case related risk level) by delegating assessment of their acceptability to the competent administrations. In detail, studies carried out by ARPA Puglia have highlighted a situation of high health risk quantified, with toxicological analysis and with reference to more pollutants, before the implementation of the Integrated Environmental Authorization (2012). Additional studies, referring to the situation authorized as of 2016, reported a generalized reduction of all risk levels below the threshold considered critical by ARPAT, with the sole exception relating to health effects, evaluated through epidemiological analysis, of fine dust emissions in an area adjacent to the plant. These studies are being updated with reference to the currently authorized situation, to take into account all the plant improvements implemented. At present, therefore, none of the studies of ARPA Puglia concerns the current or future operation of the installation. The reference to air quality standards also does not appear consistent. The monitoring carried out, in fact, confirms that currently in the area of Taranto is guaranteed compliance with EU air quality standards, unlike what happens in other large areas of the EU. Finally, as regards the alleged impossibility of regional authorities to adopt more stringent environmental protection measures than the national ones, it is confirmed that the claim is incorrect. Such measures, however, cannot be adopted by a technical body (such as ARPA), as they encompass political choices. They can rather be adopted by regional law or by land planning tools.

As for **point 68**, the authorization to operate the installation does not entail directly site remediation and compatibility with the quality of the environment. These issues, while being able to make use of the information collected through the authorization, must be addressed at a different level (in particular involving local authorities competent in the field of Environmental Quality and remediation) by defining objectives and measures requiring that the authorization is in line with. Hence, since the causes of an environmental criticality are normally multiple, it is not correct to seek a solution within a procedure that concerns only one of them. The solution must be found by involving all stakeholders, each of whom will then have to contribute in a coordinated manner.

With reference to the assertion in chapter V concerning pesticides, in particular for what is reported in **point 69**, the following is specified:

According to article 28, paragraph 1, letter d) of REGULATION (EC) No 1107/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC

- no authorisation shall be required in the following cases:

(d) production, storage or movement of a plant protection product intended for use in a third country provided that the Member State of production, storage or movement has put in place inspection requirements to ensure that the plant protection product is exported from its territory;

In light of the provisions of the afore mentioned regulation, no authorization is issued for the export to third countries of plant protection products not authorised in Italy, only a certification about the authorisation in Italy of the manufacturing plant is issued. These products are manufactured at the request of the importing country and must not be used in our territory.

As for **point 70** the following is specified:

- We are not aware of which authority made the assertion referred to in the comment, with the office responsible for the authorizations of plant protection products this issue has never been addressed. **We reiterate that no authorizations are issued for the export to third countries of plant protection products not authorized in Italy**, pursuant to what is reported in the comment to point 69, it is the responsibility of the exporting company to ensure compliance with the requirements of article 28, paragraph 1, letter d) of REGULATION (EC) No 1107/2009.

As for **point 74** the following is specified. An exemption has been issued for temporary use, limited in time pursuant the provisions of Article 53, paragraph 1, of Regulation (EC) no. 1107/2009, equal to 99 days (from 11 May 2021 to 17 August 2021) to allow, for the control of the Asian bedbug (*Halyomorpha halys*) on apple, pear, peach, nectarine, walnut and stone crops, the use of plant protection products containing chlorpyrifos methyl not chlorpyrifos. It was forbidden to use the product in question in areas classified as sites of the European ecological network Natura 2000. **The derogation was the last one issued, no others will be granted**, and was issued exclusively for the defense against this very dangerous Pentatomidae which, in addition to damage to crops, seeks shelter in homes, creating nuisances due to the bad smell it emanates and because, unlike other bedbugs, the Asian one emits an aggregation pheromone that recalls others.

As for **points 80 and 81**, the following amendments are required (here underlined):

282 containers of waste –around 8,000 tonnes- were illegally shipped from Italy to Tunisia in 2020 with the fraudulent consent released by false Tunisian competent authorities and despite the fact that Tunisia lacked the necessary facilities to ensure its sound management (and the shipment seemed to have been done without its consent). The waste was classified as 191212, a code that per the European catalogue corresponds to "waste (including mixed materials) produced from the mechanical treatment of municipal waste". According to the company that produced the waste in the Polla plant in Italy, it was derived from the industrial processing of differentiated waste and intended to be treated in Tunisia because it was more cost-effective. However, the representative of the Tunisian Ministry of Environment indicated that the containers did not include recyclable material but only "urban and mixed waste, impossible to differentiate" and therefore were destined for disposal in landfills or incineration.

The shipment was contrary to the principles of the Basel Convention and the Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006, on shipments and wastes; it was considered illegal by Italy's Ministry of the Ecological Transition. The regional authorities of Campania - as competent authority of dispatch pursuant to National legislation - engaged in several actions for the return of the waste to Italy.

As for **para. B – Rome waste (paras 85 ff.)**, please take note that since 2013, when Malagrotta's plant was closed, further steps toward a better organization of waste flows have been made. This has been possible due to the Regional Plan for Waste Management which

has been approved in 2020. Currently Lazio Region is actively promoting all the initiatives streambed from PNRR's financing regarding anaerobic composting plants for the treatment of organic waste and plants that can increase the selection of paper and plastic fractions more efficiently.

Furthermore, regional calls have been promoted, aiming for the concessions of financial aid for the construction of collection centers in order to support the separate collection of urban waste. This actions should go in favor of the Municipalities of Lazio, Roma Capitale, Consortia and associations of municipalities and in facilitating measures in favor of composting and self-composting activities aimed at the reduction of the organic fraction for the Municipalities of Lazio and Roma Capitale.

Since the Legislative Decree 50/2022 art 13 entered into force, extraordinary powers will be conferred to the Mayor of Rome, this is meant to be functional to the construction of dedicated plants, which will allow to increase the levels of efficiency of waste management in the Capital.
