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WASTE TRACEABILITY SYSTEM and FUND FOR PROMOTING THE WASTE REDUCTION AND FOR THE DEVELOPMENT OF NEW RECYCLING TECHNOLOGIES

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WASTE MANAGEMENT IN ITALY

- The issue of **waste management** touches on many inextricably linked questions: the relationship between the environment and the market; public services; land-use planning and citizen participation in decision-making processes; the matter of controls, including those entrusted to audit bodies

- The first law to deal with this subject was **Law 366 of 20 March 1941**, which, although relatively modern for the time in which it was enacted, had a number of limits: it dealt only with urban waste; its objective was not to protect the environment, but to ensure the decorum and hygiene of the cities

- The matter was then regulated by the so-called **Ronchi Decree (legislative decree no. 22/1997)**, which gave an innovative structure to the management of the waste service, providing that the municipalities should set up forms of cooperation in large areas, with a supra-municipal dimension.

WASTE MANAGEMENT IN ITALY

- European law has led to a profound renewal of the subject. **Directive 2008/98/EC** covers all waste and introduces an appropriate preventive logic, aimed at full protection of the environment

- In particular, article 17 of such Directive provides that "Member States shall take the necessary action to ensure that the production, collection and transportation of hazardous waste, as well as its storage and treatment, are carried out in conditions **providing protection for the environment and human health** in order to meet the provisions of Article 13, including **action to ensure traceability from production to final destination** and control of hazardous waste in order to meet the requirements of Articles 35 and 36."

- Such traceability **from production to final destination** was initially implemented by **Article 188 bis** of **Legislative Decree 152/2006**

ARTICLE 188 bis LEGISLATIVE DECREE N° 152/2006 (original version)

1. In implementation of the provisions of article 177, paragraph 4, the traceability of waste must be guaranteed from its production to its final destination.

2. To this end, waste management must take place
   a. in compliance with the obligations established through **the waste traceability control system (SISTRI)** referred to in article 14-bis of decree-law no. 78 of 1 July 2009, converted, with amendments, by law no. 102 of 3 August 2009, and in the decree of the Minister of the Environment and Protection of the Territory and the Sea dated 17 December 2009; or
   b. in compliance with **the obligations relating to the keeping of the loading and unloading registers and the identification form referred to in Articles 190 and 193**

THE CRITICAL ASPECTS OF THE SISTRI SYSTEM

ACCORDING TO THE COURT OF AUDIT 4/2016 DECISION

- The smooth operation of the **SISTRI system** would have simplified the procedures for transmitting and collecting information on each stage of waste management, from production, collection, transport and disposal through the installation of an electronic device on each vehicle authorised to transport waste which would have made it possible to locate and monitor the vehicle used for transport purposes

- However, as noted by the Italian Court of Auditors, the necessary information on waste was provided late and the geo-referencing mechanism did not seem to work properly

ARTICLE 188 bis LEGISLATIVE DECREE N° 152/2006 (new version)

The **waste traceability system** is made up of the procedures and waste traceability tools integrated in the **national electronic register for waste traceability** established pursuant to Article 6 of the decree-law of 14 December 2018, no. 135, converted, with amendments, by the law of 11 February 2019, no. 12, and managed with the technical operational support of the National Register of Operators referred to in Article 212. In order to allow an integrated reading of the data, the fulfilments relating to the procedures for the compilation and keeping of the loading and unloading register and the waste transport identification form, referred to in articles 190 and 193, are carried out according to the procedures established by one or more decrees of the Minister of the Environment and of the protection of the territory and the sea, adopted pursuant to article 17, paragraph 3, of law no. 400 of 23 August 1988, in agreement with the Minister of the Environment and of the protection of the territory and the sea. 400, in agreement with the Minister for the Economy and Finance, after consultation with the Minister for Economic Development, the Minister for Public Administration, the Minister for Infrastructure and Transport and, for the aspects falling within his competence, the Minister for Agricultural, Food and Forestry Policy

THE FUND FOR THE PROMOTION OF MEASURES FOR THE DEVELOPMENT OF NEW RECYCLING TECHNOLOGIES

According to the Court of Audit n. 4/2020 decision

- The **Fund for the promotion of measures to reduce and prevent the production of waste and for the development of new recycling technologies** (chapter 7510, Ministry for the Environment, Land and Sea budget), established by Law no. 244 of 24 December 2007 and with final appropriations, in the three-year period 2017-2019, of €31 million, and commitments of €12 million, **finances projects for technological innovation in the treatment of waste electrical and electronic equipment and for the recycling and eco-design of waste** that does not fall into the categories already served by the sector consortia

- Using the resources of the fund, **a cooperation agreement has been signed with ISPRA** for the **development of waste classification in relation to the ecotoxic hazard characteristic - HP14**. On the matter of waste reduction, the **Ministry of the Environment**, in implementation of Law no. 166 of 2016, aimed at combating food waste, has promoted initiatives **aimed at reducing food waste** (SEI ZERO 60 Project; funding of up to €30,000 for the third sector for the purchase of equipment needed to transport and preserve donated food; signing of an implementation agreement with ANCI for initiatives aimed at reducing food waste)

WASTE MANAGEMENT: GOALS AND MEANS

➢ GOALS

- **EU Directive 2018/851: Waste management in EU** should be improved and transformed into sustainable materials management in order to safeguard, protect and improve the quality of the environment, protect human health, ensure the prudent, efficient and rational use of natural resources, promote the principles of the circular economy, increase the use of renewable energies, enhance energy efficiency, reduce the Union's dependence on imported resources, provide new economic opportunities and contribute to long-term competitiveness. In order to create a genuine circular economy, additional measures need to be taken on sustainable production and consumption, focusing on the whole life cycle of products in order to conserve resources and act as a 'missing link'. The more efficient use of resources would also deliver significant net savings to EU businesses, public authorities and consumers, while reducing total annual greenhouse gas emissions

➢ MEANS

- Promoting a waste traceability system adapted to the transnational dimension of environmental crime
- Ensuring timely and real time controls
- Enabling the competent bodies to follow in real time and electronically the life cycle of the waste, from its production to its disposal or recovery
- Promoting the role of the Court of Auditors in this area
- Investing financial resources in waste management