VII. ENVIRONMENT

Law No. 308 of 15 December 2004 (GU Suppl. to No. 302 of 27 December 2004)

Law No. 308/2004 delegates the Government to adopt some legislative decrees for consolidation of the environmental legislation in force in the following areas:
- waste management and soil decontamination;
- water pollution and water resources management;
- soil protection and desertification prevention;
- management of protected areas and conservation of protected fauna and flora specimens;
- remediing of environmental damage;
- environmental impact assessment procedures, environmental strategic assessment procedures and integrated environmental permit;
- air protection and reduction of air pollutants emissions.

Pursuant to Art. 77 of the Italian Constitution, Law No. 308/2005 provides the principles and leading criteria which guides the exercise of the governmental delegated power. Among these:
- the implementation of the principles provided in Art. 174 of the EC Treaty;
- the implementation of the related EC legislation;
- the promotion of the environmental certification on the basis of Regulation (EC) No. 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in to Community eco-management and audit scheme (EMAS);
- the principle that environmental standards referring to soil and groundwater decontamination of polluted sites should be set on the basis of the assessment of health and environmental risks related to the site use, and taking into account the tabular method.

The Government adopted the abovementioned decrees on February 2006, but in March the President of the Italian Republic remanded them to the Government for a further examination of the matter, following some complaints by several Italian Regions for alleged violation of their competences.
Decree of 2 February 2005 (GU No. 164 of 16 July 2005)

Decree 2 February 2005 calls for the realization of the national pilot plans for afforestation and reforestation, pursuant to Law No. 120/2002, which ratified the Kyoto Protocol on Climate Change in Italy, and to this effect allocates EURO 5,250,000 for their realization.

Such plans include actions and initiatives to reduce green house gases emissions trough projects aimed at "carbon sequestration", such as afforestation and reforestation projects, both in the Italian territory and abroad by means of the participation in the Joint Implementation and Clean Development Mechanism of the Kyoto Protocol.

Massimiliano Montini

X. TREATMENT OF ALIENS AND NATIONALITY

1. NATIONALITY

Decree of the General Director for Italian Citizens Abroad of 8 August 2005 (GU No. 196 of 24 August 2005)

Extension of the condition of necessity to repatriate Italian citizens residing in Eritrea.

By Decree of 11 June 1998 (GU No. 140 of 18 June 1998), the Ministry for Foreign Affairs declared the state of necessity to repatriate Italian citizens residing in Eritrea from 7 June 1998 on, in consideration of the political instability in that country. Since the Italian embassy in Asmara determined that the political context was still unstable and that the peace process was going on slowly, it was not considered safe for Italian citizens residing in that country to stay. Therefore, Decree of 8 August 2005 maintains the state of necessity for the period from 8 June 2005 to 7 June 2006. Other Decrees, that is Decrees of 27 July 2004 (GU No. 195 of 20 August 2004), of 7 June 2000 (GU No. 148 of 27 June 2000), of 9 September 2002 (GU No. 253 of 28 October 2002), and of 16 October 2003 (GU No. 249 of 24 October 2003), had determined such state of necessity for the period of time from 7 June 1998 to 7 June 2005.

(Cf. IYIL, 2004, p. 437)

Chiara Battistini

2. IMMIGRATION AND EMIGRATION

DPR of 13 May 2005 (GU No. 169 of 22 July 2005)

Approval of the 2004-2006 planning document over the policy on immigration and aliens residing in the territory of the State.