Public debate on major infrastructure projects: the new Italian legislation

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The public debate has been introduced for the first time into the Italian legislation in 2016 (Code of Public Procurement, Legislative Decree 18 April 2016, N. 50, Article 22), implementing relevant EU legislation and practice.

The May 2018 Decree is the first legal Act that translates such principles into operational and concrete terms.

It provides a regulation on modalities, types and threshold of projects subject to public debate.
Feasibility projects concerning major infrastructures (listed in the annex to the Decree) are submitted to public debate according to times and methods defined by the Decree.

**Objective**

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<th>Improve the design of the intervention</th>
<th>Anticipate and deal with the conflicts that normally arise with the realization of the major works</th>
<th>Strengthen the relationship between citizens and institutions</th>
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Definition and scope

Art. 2: the «public debate» is a process of information and participation of the public on large-scale infrastructure projects.

**WHICH MAJOR WORKS ARE INCLUDED?**

Project categories listed in Annex 1:
Above a specific threshold depending on the type of project.
Cost threshold: EUR 200-500m, according to the type of project.
Projects included in the Procurement Code.

**IN ALL THESE CASES PUBLIC DEBATE IS COMPULSORY**
Voluntary Public Debate

For project cost/size above 2/3 of the threshold there is the possibility to ask for a public debate by:

- National and regional Authorities
- Local authorities (representing more than 100,000 citizens)
- A number of citizens larger than 50,000.
Governance

National Commission for the Public Debate (Ministry of Infrastructures and Transport):
- monitoring/supervision
- information/communication (Ministry web site)
- reporting to Parliament

Proponent: launches and takes care of the debate

Coordinator of the Public Debate:
- definition of programme, themes, dates, modalities, etc.
- acting as facilitator
- communication plan/information
- reporting
Steps of the Procedure

1) The proponent notifies the National Commission and the local Authorities about the beginning of the procedure (announcement on the websites of the Commission and of the interested local Authorities)

2) The proponent prepares (within 90 days) the Project Proposal where the possibility to carry out a project is explained and justified and the various project alternatives are described (in clear and plain language), including social, environmental and economic impacts. The document is also published on the web site.
Steps of the Procedure (cont.)

3) Information meetings, discussions, management of conflicts, collection of citizens’/associations’ proposals (especially in the area concerned). Active participation of the CA.

Time for the debate: 4 MONTHS

4) The Coordinator sends a final report of the public debate (within 1 month from the conclusion of the debate) to the proponent and the Commission, including the issues discussed and the proposals made in the debate.

5) The proponent assesses the results and proposals emerged in the debate and elaborates a final Report for the project (within 2 months, to be published on the website) highlighting:
   ❖ The plan to go on with the project or to stop it;
   ❖ The possible changes to the project;
   ❖ The reasons why some proposals have not been accepted.
Thank you for the attention

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