

The Italian national system of Seveso and IED permits

roles, responsibilities and coordination



MINISTERO DELL'AMBIENTE E
DELLA SICUREZZA ENERGETICA

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Summary



- Introduction on IPPC and SEVESO
- Scope
- Legal requirements
- Control coordination
- Overview of possible developments

Discipline IPPC and SEVESO

Directive 2010/75/UE (IED) - 24.11.201,
trasposed by D.Lgs. 46/2014
modified by directive 2024/1785/UE –
24.11.2024 (to be transpose before July
2026)

The aim is to **prevent and reduce the industrial pollution** pursuing a high level of protection for human health and environment as a whole.

To achieve the objectives, the directive provides that the operation of installations be governed by **permits** that set appropriate conditions; in particular limit values for significant pollutant emissions in normal operating condition and measures to manage foreseeable abnormal operating conditions.

Directive 2012/18/UE (Seveso III)
- 4 .7.2012
transposed by D.Lgs. n. 105/2015

The aim is to **control major-accident hazards** involving certain dangerous substances.

To this end, **rules** are established to prevent major accidents that could arise from industrial activities involving dangerous substances in quantities above certain thresholds, and to mitigate their consequences for human health and the environment.



Comparison between disciplines



Aim:

IPPC: prevent and reduce industrial pollution through permits, to achieve a high level of health and environmental protection. Permit assessment uses an **INTEGRATED APPROACH:** unified technical analysis of all environmental components with reference to the **best available techniques**, that is, among those technically feasible and economically sustainable, the optimal solution in terms of polluting emissions, accident prevention and reduction of consumption of raw materials, products, water and energy.

Seveso: prevent major accidents involving certain dangerous substances and limit their consequences for human health and the environment through plans, programs and controls.

Scope

IPPC: installations in which a production activity specified in Annex I to the IED Directive takes place, regardless of the substances managed (subject to exceptions).

Seveso: establishments that hold hazardous substances that determine the probability of a major accident occurring, regardless of the activity carried out (subject to exceptions).

The two disciplines have areas of common interest, as they have partially overlapping aim and scope, and may be called upon to regulate the technical and operational aspects of the same processes.

Italian IPPC installations with State permits subject to Seveso regulations

Type	Number of installation IPPC and Seveso	Seveso upper threshold	Seveso lower threshold
Refineries	11	11	
Power plants	6	3	3
Chemical industries	26	23	3
Iron & Steel industry	1	1	
Offshore regasification plants	4	4	
TOT	48	42	6

Seveso requirements in Italian IPPC permit

The Italian law provides that **the IPPC permit incorporates the most recent provisions for the control of the risk** of major accidents, which it acquires from the Seveso authority during the authorization process, to allow the IPPC provisions to be harmonized with them (art. 29 -sexies, c. 8 of Legislative Decree 152/06).



Safety Reports
Accident Outcomes
Inspection Outcomes

***Rationale:
SAFETY takes precedence over IPPC environmental issues***

Regulatory references between national laws

1/3

D.Lgs. 105/2015

Art. 27 c.3

The Seveso inspection plans contain also provisions regarding **cooperation between the various authorities carrying out inspections at the plant**, with particular regard to REACH (Reg. No. 1907/2006) and IPPC inspections.

Art. 27 c. 10

Seveso inspections are coordinated with inspections carried out pursuant to other regulations, with particular regard to the controls carried out under REACH (Reg. No. 1907/2006) and under IPPC.

Art. 31 c. 2

The final documents from the Safety Report assessment procedures are sent by the CTR (Regional Technical Committee) to the competent bodies for consideration in the procedures relating to the technical investigations required in environmental matters, particularly in the context of the IPPC Permit.

Regulatory references between national laws

2/3

D.Lgs. 152/2006

Art. 29-ter
c. 3

The information and descriptions provided with the Safety Report may be used for the purposes of submitting the IPPC Permit application and may be included in the application or attached to it.

Art. 29-
sexies c. 6-
ter; c. 8

Regions may **coordinate inspection activities** related to the IPPC with those related to the EIA and major accidents, in compliance with the relevant regulations.

For Seveso installations, the competent authority shall transmit the most recent assessments and measures adopted to the authority responsible for issuing the IPPC permit.

The conditions of the IPPC permit are harmonized with the Seveso requirements.

Regulatory references between national laws

3/3

D.Lgs. 152/2006

Art. 29-
octies c. 4

A review of the IPPC permit could be ordered by the competent authority, including upon proposal from the authorities responsible for environmental matters, and in any case also when:
- in the opinion of an authority responsible for safety or major-accident protection, the safe operation of the process or activity requires the use of other techniques.

Art. 29-
novies c. 3

The operator shall inform the competent IPPC authority and the IPPC control authority of any new application submitted for installation pursuant to the Seveso legislation, to identify any conflict with the requirements already established in the IPPC permit.



THE CONTROL SYSTEM

IPPC (Art. 29– decies of DLgs 152/06):
Inspections are conducted (at least any 3 years) **to verify**

- a) **compliance** with the IPPC permit conditions
- b) the regularity of the operator's self-monitoring;
- c) that the operator has fulfilled its reporting obligations

(art. 29-novies of DLgs 152/06):

The permit is also periodically (at least any 16 years) re-evaluated in its entirety, requiring a new application and conducting a new assessment.

Seveso (Art. 27 of D.Lgs. 105/2015):

Inspections are conducted **to ensure a planned and systematic review** of the technical, organizational, and management systems implemented, in particular that the operator can demonstrate:

- a) that it has adopted adequate measures to prevent major accidents;
- b) that it has sufficient resources to limit the consequences of major accidents both on and off the site;
- c) that the data and information contained in the safety report or other documentation accurately describes the situation at the establishment;
- d) that the information to be provided to the public is made public.

Planning, scheduling and conducting Seveso inspections

The regular inspection plan for the next three years, based on the systematic assessment of the risk of accidents, is updated every year:

- at national level by the Ministry of the Interior, together with ISPRA, for upper-tier establishments;
- at regional level by the individual Regions, for lower-tier establishments.

These authorities coordinate and harmonize the plans and ensure that inspections are **coordinated with other control activities**, in particular those required under the IED and the REACH Regulation (Reg. n. 1907/2006).

The plans are periodically reviewed and, where necessary, updated, also through the exchange of information among the administrations involved.

For the annual regular inspection programme

- The CTR, established in each region by the Ministry of the Interior, organise and carry out inspections at upper-tier establishments and adopt the necessary measures based on the results.
- The Regions (or bodies appointed by them) organise and carry out inspections at lower-tier establishments and adopt the relevant measures.

Extraordinary inspections are ordered by the competent authorities, either on their own initiative or at the request of Ministry of environment (MASE).

Planning, Programming and Implementing IPPC Inspections

For installations under State competence: The competent inspection authority is the National Environmental Agency (ISPRA), supported by the Regional Environmental Agencies (ARPAs). Inspection activities are defined in an **annual inspection program** prepared by ISPRA, in collaboration with the ARPAs, taking into account Regional inspection plans and in consultation with the MASE.

In other cases: the Competent Authority carries out inspections with the support of ARPA. Regions may provide for coordination between IPPC (IED) inspection activities and those related to EIA and major accident hazards.

Inspection activities are defined in an environmental-risk-based **regional three-year inspection plan**, periodically updated by the Region or Autonomous Province, in consultation with MASE, also in order to ensure coordination with state-level integrated environmental permits within the territory.

In addition, the competent authority, within the limits of the financial resources available in its budget, may decide to carry out **extraordinary inspections** on the installations (Art. 29-decies, paragraph 4).

SEVESO INSPECTION TEAMS (Annex H to Legislative Decree 105/2015)

For upper-tier establishments:

3 inspectors appointed by the CTR, from the Fire Brigade (CNVVF), INAIL and ARPA (in the case of underground gas storage: CNVVF, ARPA and UNMIG). If ARPA does not have suitable personnel, ISPRA staff may be used.

For lower-tier establishments:

Composed of personnel appointed by the Region or its designated body. Members are identified based on regional legislation and any agreements with the relevant administrations (e.g. Veneto: only ARPA; Emilia-Romagna: Fire Brigade and ARPA).

IPPC INSPECTION TEAMS (Art. 29-decies, paragraph 3 of D.Lgs.152/2006)

For installations under state competence:

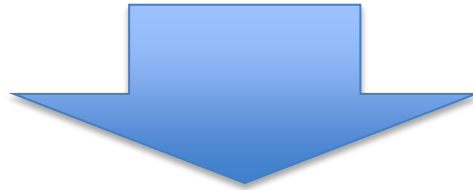
Composed of ISPRA inspectors, aided by Regional Environmental Agencies inspectors based on a periodic (five-years) agreement.

For installations under regional competence:

Composed of personnel appointed by the competent authorities (generally ARPA), also based on specific agreements.

OUTLOOK FOR HARMONISATION OF CONTROLS

- 48 establishments are subject to IPPC State permit and Seveso rules
- Some authorities could be usefully involved in both inspection activities (in particular for the 42 upper-tier establishments)
- Legislation provides for COOPERATION between inspection authorities and COORDINATION of Seveso inspections with REACH and IED inspections



Since May 2023 SNPA (ISPRA & ARPAs), according to Art. 27(3,10) of D.Lgs. 105/2015, is working on a proposal for harmonization at **national level** based on:

1. Dialogue between the competent authorities involved (MASE, Ministry of the Interior, SNPA)
2. Involve in Seveso inspection teams, for upper-tier establishments subject to IED, also “environmental inspectors” as additional members
3. Coordinate the stage of annual inspection planning, to align timing of activities

EXPECTED BENEFITS

The proposal is expected to grant technical-operational and organisational-managerial benefits to control authorities and operators, by

- Increasing effectiveness of inspections
- Reducing administrative burden
- Identifying critical issues with common aspects
- No adding financial burden





FUTURE ACTIONS

- Evaluation of the effectiveness of joint inspections at upper-tier establishments [in terms of QUALITY and NUMBER]
- Possible extension to establishments under regional competence
- Implementation of specific training activities for inspectors
- Possible future extension to other areas (REACH, EIA)

GRAZIE PER L'ATTENZIONE

THANK YOU FOR YOUR ATTENTION

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