ESIA Italy
Section 3 Legislative Framework
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3 LEGISLATIVE FRAMEWORK

3.1 Introduction

The scope of the Legislative Framework of the Environmental and Social Impact Assessment (ESIA) is to describe laws and planning instruments currently in force that are relevant to the Project, to address consistency or gaps of the proposed Project with respect to the considered planning tools and to assess consistency between the proposed Project and the current European energy situation. The Legislative Framework also analyses the regulatory constraints related to the proposed Project.

The Legislative Framework includes the following Sections:

- Section 3.1: Introduction
- Section 3.2: International Requirements
- Section 3.3: National and Regional Italian Legislation
- Section 3.4: ESIA Development and Approval Process
- Section 3.5: European Union Legislation
- Section 3.6: International Conventions

3.2 International Requirements

In its commitment to the environment and the community, TAP AG has voluntarily decided to abide by the European Bank for Reconstruction and Development (EBRD) Performance Requirements (PRs) and standards as the main international standards for compliance during the execution of the planned Project activities, in order to commit to the highest standards in terms of environmental and social protection. The EBRD PRs refer to other international best practice guidelines such as those of the International Finance Corporation (IFC) and World Bank. In summary, the Project will address, where appropriate, the following policies:

- EBRD Environmental and Social Policy 2008 (including Performance Requirements [PRs] 1-10);
- EBRD Public Information Policy 2008;
- International Finance Corporation, Performance Standard 1 Social and Environmental Assessment and Management Systems, April 2006; and
The EBRD is directed by its founding agreement to adhere to sound banking principles and “promote in the full range of its activities environmentally sound and sustainable development”. The various ways in which the EBRD promotes such development are described in the EBRD's Environmental and Social Policy (the Policy) document. One specific step taken by the EBRD to address this mandate and the General Principles and Objectives set out in the Policy is to ensure that all of its investment and technical cooperation projects undergo environmental and social appraisal along with financial, economic, legal and technical due diligence. Furthermore, the EBRD, following approval of projects by the Board of Directors, ensures appropriate monitoring is undertaken in accordance with their requirements.

Projects are classified as ‘Category A’ when the defined use of proceeds of the EBRD funding would involve green-field developments, or major expansion or transformation-conversion that could result in potentially significant adverse future environmental and social impacts which, at the time of screening, cannot readily be identified or assessed. An ESIA is therefore required to identify and assess the future environmental and social impacts associated with the TAP Project, identify potential environmental and social improvement opportunities, and recommend any measures needed to prevent, minimize and mitigate adverse impacts.

### 3.2.1 EBRD Environmental and Social Policy Review

The EBRD adopted its first Environmental Policy in 1991 and has since been updated. In May 2008, this policy was reviewed to become an Environmental and Social Policy, reaffirming EBRD’s commitment to ensure that the projects it finances are socially and environmentally sustainable.

The Policy specifies a set of 10 performance requirements (PRs) which projects are expected to meet in order to obtain financial support from the EBRD. Table 3-1 summarizes the EBRD requirements that TAP AG has committed to, and the specific measures adopted by the Project to ensure their compliance.

### Table 3-1 TAP AG Commitments against EBRD Performance Requirements

<table>
<thead>
<tr>
<th>EBRD Performance Requirement</th>
<th>Relevance to the Project and Measures adopted by TAP AG</th>
</tr>
</thead>
<tbody>
<tr>
<td>PR 1: Environmental and Social Appraisal and Management</td>
<td>TAP AG has established a robust corporate governance to guide the development of the realisation of ESIs in a consistent and transparent manner and the development and implementation of Environmental and Social Management Plans (ESMPs) in each of the three countries, in alignment with the requirements of host country legislation, EU legislation, and EBRD PRs.</td>
</tr>
<tr>
<td>PR 2: Labour and Working Conditions</td>
<td>TAP AG has established clear governance, through a series of overarching guidance documents. It is recognised that detailed plans are to emerge, some of which will be included in the ESMP, to ensure consistency with the requirements of this PR 2. These plans are important in providing the detail of delivery and ensuring adherence to the stated TAP AG guidance and EBRD requirements. Additional documentation or measures are highlighted as being advisable on the topic of worker-relationship management and wages and benefit packages, though it is again recognised that these are likely to emerge as the Project progresses.</td>
</tr>
</tbody>
</table>
Project Title: Trans Adriatic Pipeline – TAP

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**EBRD Performance Requirement**

**Relevance to the Project and Measures adopted by TAP AG**

**PR3: Pollution Prevention and Abatement**

TAP AG has made a commitment to avoiding, wherever possible, adverse impacts to human health, communities and the environment. The ESIA has been approached in accordance with this. The list of mitigation and enhancement measures (ESMP) will provide the mechanism through which such commitment can be fully realised. Measures will be recommended for consideration at the appropriate stage, to ensure there is consistency with the requirements of PR3.

**PR 4: Community Health, Safety and Security**

TAP AG has made a commitment to avoiding, where possible, or minimising and mitigating adverse impact to human health. The ESIA and ESMP outline specific mitigation and enhancement measures to ensure consistency of delivery against this commitment. Additional measures have been highlighted as providing a clear governance approach consistent with the requirements of PR 4, but it is recognised that such measures may already be forthcoming later in the development of the Project, in particular, through the ESMP.

**PR 5: Land Acquisition, Involuntary Resettlement and Economic Displacement**

TAP AG has made a commitment to ensure avoidance or minimisation and mitigation of displacement – economic and physical – arising from Project construction and operation. The route refinement process sought to avoid involuntary resettlement and has successfully managed to deliver upon this objective. Involuntary resettlement is not currently envisaged and detailed governance exists to guide land acquisition based on free and informed consent.

**PR 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources**

TAP AG has established governance to align with the requirements of PR 6. It is critical that there is a determination of the overall impact on biodiversity within the respective country and local habitats, once mitigation has been drafted, to assure ‘no net loss’ to biodiversity within each country and across the length of the pipeline, consistent with TAP AG’s commitment. This has been undertaken at the stage of ESIA ecological assessment. The Biodiversity Action Plan (BAPs) and ESMP, provide a mechanism to ensure this occurs. Procurement Guidelines clearly stipulate that all contracted parties must adhere to TAP AG’s environmental governance; therefore, it is anticipated that any measures included within the BAPs or ESMP, will be fully adhered to by any contractor, as appropriate.

**PR 7: Indigenous Peoples**

PR 10 details a robust governance approach to stakeholder engagement. Whilst there is a systematic process for engaging with stakeholders, of all derivation, no specific governance mechanisms or Project-specific measures have been identified as necessary to comply with PR 7. During an extensive stakeholder identification and mapping process at the scoping stage, it was determined that there were no indigenous peoples predicted to be impacted during the course of the construction or operation of the Project. No specific measures for addressing the needs of indigenous peoples were, therefore, necessary.

**PR 8: Cultural Heritage**

Clear and robust governance exists for managing cultural heritage assets along the duration of the pipeline, consistent with the requirements of PR 8. The approach outlined by TAP AG should ensure that foreseeable impacts are either avoided or minimised and mitigated, and provision is clearly made for chance of late finds, to ensure adequate and effective management of such asset findings. Further detail can be elaborated upon once the Cultural Heritage Management Plan (CHMP part of ESMP) is produced, but it is envisaged that this will provide a robust management system and detailed measures, to ensure compliance with the Requirements of PR 8 along the duration of the pipeline.

**PR 9: Financial Intermediaries**

PR 9 is not considered applicable in the context of TAP AG, as no Financial Intermediaries will be appointed or be operational in this Project.

**PR 10: Information Disclosure And Stakeholder Engagement**

There is a clear and strong emphasis placed by TAP AG on open and inclusive stakeholder engagement throughout the duration of the Project, its development, construction and operation. Strong governance mechanisms exist to guide such engagement, and TAP AG has made explicit commitment to free, prior and informed engagement, consistent with PR 10, and consistent with the approach to all PRs.

Compiled by ERM (2013)
3.2.2 Best Available Techniques

Within the European Union any industrial and agricultural activities having a high pollution potential must comply with Integrated Pollution Prevention and Control - IPPC - Directive, (Directive 96/61/EC replaced by the Directive 2008/1/EC, which in turn has been amended by the Directive 2010/75/CE). These activities are identified in Annex I of the Directive, which also includes the thresholds triggering the IPPC Directive. The Directive does not apply to the TAP Project in Italy, since pipelines and the foreseen associated facilities (i.e. the Pipeline Receiving Terminal - PRT) are not included in the activities listed in Annex 1 of the Directive and do not trigger any thresholds.

Nevertheless, all Project facilities will be designed following the Best Available Techniques (BAT) principles. The concept of Best Available Techniques was introduced as a key principle in the IPPC Directive 96/61/EC.

BAT is defined as “the most effective and advance stage in the development of an activity and its methods of operation, which indicate the practical suitability of particular techniques for providing, in principle, the basis for emission limit values designed to prevent or eliminate or, where that is not practicable, generally to reduce an emission and its impact on the environment as a whole”, where:

- **‘best’** in relation to techniques, means the most effective in achieving a high general level of protection of the environment as a whole
- **‘available techniques’** means those techniques developed on a scale which allows implementation in the relevant class of activity under economically the technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced within the State, as long as they are reasonably accessible to the person carrying out the activity
- **‘techniques’** includes both the technology used and the way in which the installation is designed, built, managed, maintained, operated and decommissioned.
3.3 National and Regional Legislation

The following Section provides information on the Italian environmental, social and cultural legal framework, as well as on the current ESIA Approval process.

3.3.1 Environmental and Cultural Heritage Legal Framework

3.3.1.1 Environmental Legal Framework

The basic Italian Environmental Legislation is composed of laws and legislative decrees:

- **D.lgs 152/2006 "Norme in materia ambientale" ("Environmental Regulation"), Part II, regarding Environmental Impact Assessment (EIA, “Valutazione di Impatto Ambientale - VIA” in Italian). The Decree is applicable to the Project: see Section 1.4.

- **D.lgs 155/2010 “Qualità dell'aria ambiente - Attuazione direttiva 2008/50/EC” ("Ambient air quality standards – Directive 2008/50/EC"), which establishes a common framework for air quality, defining air quality standards. The Legislative Decree is applicable to the Project for the development of the ESIA baseline: see Section 6.5.1.

- **D.lgs 152/2006 "Norme in materia ambientale" ("Environmental Regulation"), Part III, regarding ambient water quality and effluent limits. The Legislative Decree covers different objectives, such as preventing and reducing pollution, promoting sustainable water usage, environmental protection, and improving aquatic ecosystems. The Legislative Decree is applicable to the Project in relation to the water discharge authorization and for the development of the ESIA baseline: see Section 6.5.3. Moreover, the Legislative Decree is applicable to the Project in relation to the atmospheric emissions authorization. The latter, as reported in the Art. 269 of D.lgs 152/06, is required for combustion facilities fuelled with natural gas, characterised by a nominal capacity greater than 3 MW. Therefore, the Pipeline Receiving Terminal (PRT) 2 boilers characterised by a nominal capacity of 3.5 MW each, require the atmospheric emissions authorization. The latter will be requested to the Competent Authority, which is the Province of Lecce. Limits to be respected are reported in Section 4.4.6. As stated in Art. 272 comma 1 of the D.Lgs 152/06, the operation of other combustion facilities (with thermal power < 3MW) included in the PRT operation does not require an authorisation but only a formal communication to the Competent Authority (i.e. Province of Lecce).

- **Regional Law n. 26/2011 provide limits and prescriptions for the discharge of civil waters produced by facilities whose capacity is up to 2,000 equivalent inhabitants (EI), which are not directed to public sewage. As reported in Section 4 - Project Description, all waste or polluted water will be streamed to the public sewage system. As a result this regional law does not apply to the Project. In case design changes that do not entail the discharge to the local sewage system will occur, TAP AG will act in compliance with the prescriptions provided by the Regional Law n. 26/2011 and will request the relevant authorization to the competent authorities.
• The D.P.R. n.59/2013 introduces the Environmental Unique Authorization (Autorizzazione Unica Ambientale - AUA). The latter will replace the air emission and water discharge authorizations. The competent authority in charge of issuing the authorisation is the Province of Lecce. However, no information regarding application is currently available and the AUA is not yet compulsory.

• Law n. 447/1995 “Legge quadro sull'inquinamento acustico” (Law on acoustic pollution), which establishes a common framework for noise, defining acoustic limits. The Law is applicable to the Project for the development of the ESIA baseline: see Section 6.5.2.

• Regional Law n. 3/2002 “Guideline for the containment and reduction of noise emissions” aimed to protect the external environment of civil buildings and to safeguard public health from being affected by noise emissions of fixed or mobile sources.

• D.Lgs 152/2006 "Norme in materia ambientale" (“Environmental Regulation”), Part IV, which establishes a legal framework for waste management (any substance or object that the holder discards or intends or is required to discard). According to the Decree, hazardous wastes must be stored and treated in conditions that ensure the protection of health and environment. They must not, in any case, be mixed with other hazardous waste and must be packaged or labelled in line with Community and National regulations. Any waste producers must carry out treatment themselves or must have treatment carried out by a third party (waste transporter and disposal plant). Any establishment or undertaking intending to carry out waste treatment must obtain a permit from the Competent Authority who determines the amount and type of treated waste, the method used, as well as monitoring and control operations. In addition, the producer shall keep a chronological record of the amount, nature and origin of the waste and the destination, frequency of collection, mode of transport and treatment method foreseen regarding waste, and shall make that information available, on request, to the competent authorities. The Legislative Decree is applicable to the Project for waste management during the construction and operation phases.
D.Lgs 42/2004 “Codice dei beni culturali e del paesaggio” (“Law on Cultural Heritage and Landscape”), which states that “landscape protection, for the purposes of this Decree, is to recognise, protect and, where necessary, recover the cultural values that it expresses”. Therefore the Decree includes landscape in Cultural Heritage in the sense of “Cultural Landscape” pursuant to the 2006 European Landscape Convention. Articles 136 and 142 of the Decree provides a list of the landscape restrictions currently in force. The Decree gathers previous laws and decrees focused on landscape protection (Galasso Decree and Law, Galassini Decrees, D.Lgs n. 431/1985 etc.). Although the Decree replaces previous legislation, the nomenclature introduced by those laws is still commonly used to refer to landscape restrictions based on protected landscape values. The Decree sets to protect particular areas with natural landscape value (such as "coastal areas of marine and lakes, rivers and streams," "parks and nature reserves," “the territories covered by forests,” etc.) through the establishment of ope legis restrictions. Among the restrictions set by the Article 142 of the Decree, the protection of the following areas concerns the Project:

- the territories included in a coastal strip up to 300 m from the shore line, even for the high ground overlooking the sea;
- woods;
- rivers, streams (rivers included in the lists provided by the consolidated text of the legal provisions on water and electrical systems that were approved by Royal Decree 1775 dated 11 December 1933, and their banks or related walkways to a distance of 150 metres each).
- Wetlands;
- Areas of archaeological interest.

In particular, the Legislative Decree is applicable to the Project due to the following landscape constraints, crossed by the pipeline:

- Coastal and Territorial area of Melendugno and Vernole, established by DM 31/08/1970 and 01/12/1970 acknowledged by the D.Lgs 42/2004 (Art.136, paragraph 1, letter c) and Law n. 1497/39. The area is considered as high public interest area. In detail:
  - According to the DM 01/12/1970: “The municipality of Melendugno is classified as an area of high public interest because of its original beauty and natural composition; the latter is characterized by green areas with vegetation, majestic olive trees, valuable native species, karsic groundwater and water springs. The coastal area belongs to the Salento coast and extends parallel to the Adriatic Sea for about 10 km. Its landscape has an exceptional importance due to the presence of ancient archaeological sites, ruins and properties of aesthetic and traditional value.”
Coastal area of Salento under the jurisdiction of the municipalities of Lecce - Vernole - Melendugno and Otranto, constrained by D.Lgs 42/2004 (Art. 142, paragraph 1 letter c), Law n. 1497/39 and Galasso Decree. The area is considered as one of high public interest.

Coastal area within 300 m from the shoreline and within the municipality of Melendugno, constrained by the D.Lgs 42/2004 (Art. 142, paragraph 1, letter a) and Law 1497/39.

Forest area, within the municipality of Melendugno, constrained by Decree 42/2004 (Art. 142, paragraph 1 letter g) and Law 431/85.

For these areas, land modifications must be authorised in advance by the Ministry of Cultural Heritage by means of the Landscape Permit.

- **Law n. 357/1997**, modified by several Laws in particular Law n. 120 of 12 March 2003 (implementation of Habitat Directive 92/43/EEC) which defines the procedure of “Appropriate Assessment” (“Valutazione d’Incidenza”). It is one of the provisions of Article 6 of Directive 92/43/EC to ensure the conservation and proper management of Natura 2000 sites. No marine and terrestrial protected areas, such as Sites of Community Importance (SCI), Special Protection Areas (SPA) and Important Bird Areas (IBA), are present along the pipeline route and PRT (Annex 7). In fact, the route has been identified with the specific aim to avoid interference with the system of protected areas, ensuring that no protected area will be crossed.

- **D.Lgs n. 227/2001** that is applied to woodlands. It defines in art. 4 that “The transformation of woodlands must be compensated by reforestation with native species, preferably of local origin, on non-forested areas”, and in art. 6 “The regions prescribe the method and timing of implementation of compensatory reforestation and the areas where it needs to be done” (ref. Section 8.6.1.2.2). The landfall (up to approximately 600 m from the coast onshore) will be developed in microtunnel, thereby avoiding the cutting of and damage to the present woodlands.

- **Regional Law n. 12/2012**, which is applied to woodlands. Under this law, in Woodland/Mediterranean maquis any operation of vegetation cut or earth movement is authorized by the Regional Forestry Department (a specific report is requested). As reported in the Art. 2, a) of this law, the authorization might be released after the alternative assessment (“alternative zero” included) and exclusively concerning projects of public utility and/or of public interest and/or public service - “L’autorizzazione può essere concessa, dopo aver valutato le possibili alternative, inclusa l’opzione “zero”, esclusivamente per: a) opere di pubblica utilità e/o di pubblico servizio e/o di pubblico interesse. The landfall (up to approximately 600 m from the coast onshore) will be developed in microtunnel, thereby avoiding the cutting of and damage to the present woodlands.
Royal Decree n. 3267/23, defines hydrogeological constraints, aimed at preserving the physical environment and to prevent erosion, loss of stability or disturbance of the water system. Under this law, any operation of earth movement and vegetation cutting shall be authorized by the Regional Forestry Department. The hydrogeological constraints are shown in the Appendix 2 of the Annex 7 - Map 1 Environmental and Landscape Constraints.

The constrained areas, crossed by the pipeline and described above are shown in Annex 7 and summarized in the table below.

### Table 3-2 Environmental Constrained areas by National Legislation and crossed by the pipeline or PRT

<table>
<thead>
<tr>
<th>Constrained Area</th>
<th>Chainage / Kp</th>
<th>Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coastal area of Salento under the jurisdiction of the municipalities of Lecce - Vernole - Melendugno and Otranto</td>
<td>Landfall – Kp 1.5</td>
<td>D.Lgs 42/2004, Law 1497/39 and Galasso Decree</td>
</tr>
<tr>
<td>Coastal area within 300 m from the shoreline</td>
<td>Landfall</td>
<td>D.Lgs 42/2004, Law 1497/39</td>
</tr>
<tr>
<td>Forest area</td>
<td>Landfall</td>
<td>D.Lgs 42/2004 and Law 431/85</td>
</tr>
<tr>
<td>Woodland</td>
<td>Landfall</td>
<td>Law 227/2001, Regional Law 12/2012</td>
</tr>
<tr>
<td>Hydrogeological Constraint</td>
<td>Landfall</td>
<td>Royal Decree n. 3267/23</td>
</tr>
</tbody>
</table>

Collated by ERM (2013)
### 3.3.1.2 Cultural Heritage Legal Framework

The basic Italian cultural heritage legislation is composed of the following decree:

- **D.Lgs 42/2004 “Codice dei beni culturali e del paesaggio”** ("Law on the cultural heritage and landscape"), already mentioned before about Environmental Legislation, for the management of cultural resources, including unique archaeological, architectural, landscape, historical and art history resources, under the direction of the Ministry of Cultural Heritage and Activities. According to existing legislation, the State, through the Ministry, can protect architectural and archaeological heritage through land use restrictions. These constraints are implemented with a specific decree containing provisions regarding activities that may relate to the subject assets. Archaeological and architectural constraints are individual administrative acts issued by the peripheral agencies of the Ministry of Heritage and Cultural Activities that affect archaeological sites and monuments. Every act contains restrictions affecting the subject property. Limitations may include prohibition of sale, prohibition of construction, and establishment of a reserve area, prohibition of excavation or earth movement and restrictions on farming practices. These acts may apply to both public and private property. Law n. 109 of 25 June 2005 (Article 2) amends Legislative Decree n. 42/2004 and establishes Preventive Archaeology legislation. This law strengthens the practices already in use by requiring prior verification of potential archaeological significance to be paid for by the Project sponsor. This verification includes a preliminary phase in four stages:

  - **data collection (archival and bibliographical);**
  - **surface surveys over the areas affected by the works and systematic collection of artefacts unearthed during seasonal ploughing or the exposed sections of natural or artificial soil;**
  - **a geomorphological analysis of the territory; and**
  - **a study of the anomalies identified by reading available aerial photographs that may be feasible for that purpose.**

The studies must be conducted by experts from a university Archaeology Department or by persons with undergraduate specialization in archaeology or a PhD in archaeology. There is no licensing or other certification process required for archaeological investigators that conduct studies under this law, only the educational or departmental affiliation requirement. The Legislative Decree is applicable to the Project and an Archaeological Survey has been performed. Outcomes are reported in *Section 6*. 
Provided that the pipeline crosses four areas protected by the provisions of the D.Lgs 42/2004 - (the coastal and territorial area of Melendugno, the coastal area of Salento under the jurisdiction of the municipalities of Lecce - Vernole - Melendugno and Otranto, the coastal area within 300 m from the shoreline and within the municipality of Melendugno, and the forest area, within the municipality of Melendugno) - land modifications must be authorised in advance by the Ministry of Cultural Heritage by means of the Landscape Permit. Moreover, in the hydrogeological constrained area by Royal Decree n. 3267/23, any operation shall be authorized by the Regional Forestry Department.

The Project is in compliance with the Law 227/2001 and Regional Law 12/2012 as it will be developed within a microtunnel at the landfall and approximately 600m from the coast with no direct interference to the existing woodland (Mediterranean maquis) and vegetation. The Official National and Local Plans do not identify any area of interest for cultural heritage (constrained by D.Lgs 42/2004) within the working strip and the PRT areas. Therefore, according to the up to date official plans the Project will not interfere with areas of interest for the cultural heritage. However, an Archaeological Survey has been performed. Outcomes are reported in Baseline Section.

3.3.2 Olive Tree Management

Olive trees are protected by the following national and regional legislation:

- Regional Law n. 14/2007 and subsequent modifications or supplements on “Apulia landscape and monumental olive trees safeguard”. The Law protects monumental olive trees, even if isolated, due to their importance for agriculture production and their historic and cultural relevance in regional landscape characteristics. The protected monumental olive trees are identified by a Technical Commission in line with the features indicated in the Art.2. Pursuant to Art. 3, monumental olive trees are subject to landscape constraint (Art. 3.14 of PUTT/p NTA). According to Art. 10 and 11 of the Regional Law 14/2007, damage, cut and removal of monumental olive trees is prohibited, except solely for work of public utility. Derogation shall be granted by Apulia Region on the basis of binding opinion of the Technical Commission, which shall evaluate the possibility of trees removal, its purposes, the documented absence of alternative solutions, the existence of a special replanting project. The Regional List of Monumental Olive Trees is approved through DGR n. 357/2013. According to this list, no monumental olive trees are affected by the Project.

- Law n. 144/1951, applies to the olive trees, not defined as “monumental”. Cut and removal of olive trees is prohibited. Derogation shall be granted by Ufficio Provinciale Agricoltura (UPA – Agriculture Provincial Office) when it is essential for the realization of works of public interest (as defined by Law n. 239/2004).

- Through DGR n. 7310/1989 the Region has identified additional cases of derogation for cutting of trees in particular “when cutting is necessary in order to realize public work or work of public interest or building purpose”: 
A survey has been performed along the pipeline route and at the PRT site in order to identify olive trees, which have trunk diameters of up to 100 cm and between 30 and 70 cm, 70 and 100 cm, in line with the specification listed in the Art. 2 of Regional Law n. 14/2007. Survey outcomes are reported in Section 6.

No monumental olive trees included in the Regional List of Monumental Olive Trees (enacted in the Regional Law n. 12/2013 and issued on the Regional Gazette DGR 357/2013) are affected by the Project.

- According to Law n 239/2004 and Law n. 144/51, the cutting and removal of olive trees is allowed for projects of public interest. However the authorization must be requested to the Ufficio Provinciale Agricoltura (UPA – Agriculture Provincial Office).

3.3.3 Social Legal Framework

At the current stage there is no specific Italian legislation on social impact assessment.

References to social issues and to the evaluation of social impacts are contained in the main Italian legislative sources for the environmental a social impacts procedure (D.Lgs 152/2006) and methodology for the performance of the environmental assessment (DPCM 27/23/1988) as follows:

- D.lgs 152/2006, Part 2, Title I, Art. 4, point 4, states that the impact evaluation is aimed at protecting human health, and that it includes the direct and indirect effects of the project on humans, material assets and cultural heritage.

- D.lgs 152/2006, Part 2, Title I, Art. 5, point 1, in its definition of the environment states that it is the system of interrelationships between anthropic, natural, physical-chemical, climatic, architectonic, cultural, agricultural and economic factors.

- D.lgs 152/2006 – Annex VII – Environmental Assessment Contents, Art. 3 states that Environmental Assessment shall include “a description of the environmental components potentially affected by the project, with particular regard to the population, [omissis] material assets [omissis].”

- D.lgs 152/2006 – Annex VII – Environmental Assessment Contents, Art. 6 states that the Environmental Assessment shall include “the description of the cultural elements [omissis]”

- DPCM 27/12/1988, Annex 1 – Environmental Components and Factors, point 1 reports that the “environmental baseline of an environmental assessment shall take into consideration the natural and anthropic components [omissis].”
3.3.4 Urban and Regional Planning Instruments

The planning instruments reviewed in relation to the Project are:

- Apulia Region Coastal Plan (PRC);
- Apulia Region Water Protection Plan (PTA);
- Apulia Region Hydrogeological Planning (PAI);
- Landscape territorial planning instruments:
  - Thematic Territorial Urban Planning (PUTT/p);
  - Regional Landscape and Territorial Plan (PPTR);
- Waste Management Plan;
- Regional Wildlife Hunting Plan 2009 - 2014;
- Provincial Territorial Coordination Plan (PTCP) of the province of Lecce;
- Municipalities Urban Planning of Melendugno; and
- The mobility planning instrument reviewed with regard to the nature of the Project is the Regional Transport Plan (PRT).

The following Sections describe the contents of these instruments and the relevance to the Project itself.

3.3.4.1 Regional Coastal Plan (PRC)

The Regional Coastal Plan (PRC), adopted through Deliberation of the Regional Council n. 1392/2009, is the instrument that governs the use of the Maritime State Property areas, with the purpose of ensuring a correct balance between the protection of the environment and landscape of the Apulia coastline and the free use and development of tourist and recreational activities.

The purposes of the PRC are:

- Organise available information and technical-scientific knowledge concerning the physical dynamics unfolding in the coastal area, in order to develop a profile of the environmental characteristics and of the urban dynamics of the coastal area;
- Define the policies for state property area use in compliance with environmental and urban restrictions and, above all, in full consideration of citizen safety, refraining from promoting human exploitation of specific risk areas;
- Promote the economic and social development of coastal areas through eco-compatible criteria and respect for the natural processes.
The PRC defines the status of the Apulia coast, existing structures and infrastructures, level of use, level of anthropization, geological and hydrological risks, instability events and general criticalities. The purpose of the PRC is also to identify the geo-morphological and marine weathering dynamics connected to the primary issue of coastal erosion, the development of which requires careful and constant monitoring and coastal recovery and re-balancing interventions. This theme analysis concerns various aspects aimed at characterising the coastal system criticalities, among which are:

- the definition of historical urbanisation development;
- the definition of sandy coast development;
- the analysis of coastal area criticalities and sensitivities.

Figure 3-1 shows a reconstruction of the results of said theme analysis for the coastal stretch affected by the Project. The results show that in general, the coastal stretch affected by the Project is characterised by geological erosion, alternating sandy coves with small rocky points associated with average environmental sensitivity (environmental risk) and criticality (erosion risk) levels (C2.S2). The correlation between the sensitivity class (from S1 = high sensitivity to S3 = low sensitivity) and the criticality class (from C1 = high criticality to C3 = low criticality) determines a classification of the coastal area, which translates into a series of restrictions clearly expressed in the Technical Implementation Rules of the PRC. The stretch of coast affected by the Project is classified as follows:

- C2.S2: according to the Art. 6.2.5 of the NTA, there are no specific restrictions on realization of the Project. In areas classified C2.S2 new licenses are "dependent on the ascertainment that the erosion phenomena are stabilized through a continuous activity monitoring during the concession period. The possible reactivation of erosion determines the withdrawal of concessions. The erosion can be stabilized through recovery actions" ("Nelle zone classificate C2.S2 il rilascio di nuove concessioni è subordinato all'accertamento che i fenomeni erosivi siano stabilizzati attraverso una attività continua di monitoraggio, la quale deve proseguire durante il periodo concessorio. L'eventuale riattivazione del fenomeno erosivo comporta la revoca delle concessioni. Al fine di stabilizzare i fenomeni erosivi in corso possono essere messi in atto interventi di recupero e risanamento costiero").

The PRC does not list specific restrictions in the areas. Furthermore the pipeline will not affect the coast due to the adoption of the microtunnel technique avoiding possible interference with the shoreline.
The Guidelines, approved through the Regional Decision n. 410/2011, identify the interventions aimed at mitigating the most critical situations of low coasts of Apulia. The Project area is located in the Sub Area U.F. 4.3 between Torre Specchia Ruggeri (Vernole) and Fanale di Sant’Andrea (Melendugno). According to the Guidelines and PRC, as the coastline is predominantly rocky, there are no special and important erosion problems, although the presence of sandy/gravelly coves might require a management system to ensure the preservation of the existing dune systems.

As the landfall of the pipeline is planned to be executed by microtunneling, and work yards are located farther than 300 m from the shoreline interferences with the shore line and with coastal dynamics will be avoided.
3.3.4.2 Water Protection Plan (PTA)

The Water Protection Plan (PTA), approved through Deliberation of the Regional Council n. 677/2009, represents the primary instrument identified by Part Three, Section II of Legislative D.lgs 152/2006, to achieve and maintain the environmental quality objectives for significant surface and underground water bodies and the quality objectives for specific destination, as well as the qualitative and quantitative protection of the water system (surface, marine coastal and underground waters), aiming at:

- Preventing and reducing pollution and performing the decontamination of polluted water bodies;
- Improving the water quality status and implementing suitable protection measures for any waters allocated to specific uses;
- Achieving sustainable and lasting use of water resources, giving priority to drinking water;
- Maintaining natural water bodies’ self-purification ability, as well as the ability to support wide and highly diversified animal and plant communities;
- Mitigating the effects of floods and droughts;
- Preventing further deterioration, protecting and improving the status of water and land ecosystems and of wetland areas, directly dependant on water ecosystems for their water requirements.

In particular, the PTA analyses the quality levels and sets the corresponding objectives for:

- Surface water bodies;
- Significant surface water bodies;
- Transitional waters (lagoon waters, brackish lakes and coastal ponds);
- Coastal waters;
- Other specific waters (i.e. bathing waters, underground waters, etc.).

The Plan contents are as follows:

- Classification of the current environmental quality status of water bodies and of the status of specific destination water bodies of Apulia, setting in detail, for each of them, the quality objectives to be achieved by 2015;
- Interventions and measures to be implemented for water bodies, accounting for the most critical situations;
• Protective measures aimed at, on the one hand, preventing further deterioration of environmental quality status with possible irreversible prejudice of the resource and, on the other hand, guaranteeing the protection of the resource in areas where it appears to possess good characteristics, or is used for primary purposes, such as human consumption.

The PTA is the main regional planning instrument, the provisions of which are immediately binding for public administrations and bodies, as well as for private individuals.

The elements connecting the Project with the PTA consist of the classification of the water bodies affected by the Project and of the quality objectives set by the PTA for them.

In particular, in relation to the off-shore component, the homogeneous classification areas identified by the PTA and affected by the Project are ascribable to:

• M16-10 from Torrecanne to Otranto.

The PTA sets the quality objective (expressed through the application of the TRIX “TRophic IndeX”) to be achieved by 2015.

With regard to the on-shore component of the Project, the pipeline layout does not cross any surface waterway recorded in the PTA, whereas it crosses the aquifer of the central-south part of the Salento (a karst aquifer) and the aquifer of the Adriatic coast of Lecce (a porous aquifer).

Based on data collected in 2008, the environmental status of both aquifers is very bad:

• their quantity status class is 4 (relevant anthropic impact with an high effect on the use of the water resource availability);
• their quality status class is C (relevant anthropic impact with poor quality hydro-chemical characteristics).

The karst aquifer is potentially vulnerable to nitrate, while nitrite and ammonia are almost absent.

The Apulia Region assessed the vulnerability of the karst aquifers based on the COP Method (ref. Action COST 620. Vulnerability and risk mapping for the protection of carbonate (karst) aquifers” (EC, 2004) + Hydrogeological team of the University of Malaga (EC, 2002)), based on the following three factors:

1. C – Concentration of flow
2. O – Overlying layers
3. P - Precipitation

The outcomes of the assessment of intrinsic vulnerability of regional karst aquifers are reported in Figure 3-2. As shown in the below figure, the karst aquifer of the Study Area has a medium vulnerability, except for approximately 2.5 km of the Base Case route, where the vulnerability is low.
Figure 3-2  PTA - Vulnerability of Regional Karst Aquifer

Source: PTA 2009 (Edited by ERM 2013)

For further details, refers to the Section 6.4.4, where a deeper analysis of the vulnerability is presented, based on the data included in the PTCP (Provincial Coordination Territorial Plan).

3.3.4.3 Territorial Hydrogeological Planning (PAI)

The Hydrogeological Plan (approved through Deliberation of the Institutional Committee on 30 November 2005, published in Official Gazette n. 8 of 11 January 2006) represents an informational, regulatory and technical-operational document to plan and program actions and regulations for use aimed at the conservation, protection and valorisation of land and at the correct use of the waters, based on the physical and environmental characteristics of the affected territory, which must be prepared in implementation of Law 183/1989 as an instrument to regulate the hydrographical basin.

Through the Institutional Committee of the Apulia Basin Authority, the Apulia Region prepared the Hydrogeologic Planning (PAI) for the entire regional territory.
The Apulia Region PAI has the following purposes:

- the stabilization, preservation and recovery of land in hydrographical basins, with hydrogeological, hydraulic, hydraulic-forestal, hydraulic-agricultural interventions that are compatible with the nature recovery criteria;
- the protection and consolidation of slopes and unstable areas, as well as the protection of residential areas and infrastructures against landslides and other instability phenomena;
- hydrogeological boundary reorganisation;
- the protection, stabilisation and regulation of waterways; and
- the performance of the waterway policing, flood policing and hydraulic emergency services, as well as plants management.

The Plan includes:

- the definition of the hydrogeological risk with regard to flooding and slope instability; and
- the definition of interventions for the regulation, control, protection, regularisation of waterways and the stabilization of slopes and unstable areas to protect residential areas and infrastructures, through interventions that prioritise the valorisation and recovery of the natural territory characteristics.

The PAI provides for the classification of territory in geo-morphological and waterways hazard classes.

As reported in Figure 3-3 no areas constrained by PAI are crossed by the pipeline route.

According to the official communication no Port 8/10/2012 8.50 0011854 of Basin Authority, the pipeline crosses a series of not constrained elements such as stormwater runoff, endorheic basin and downstream areas of endorheic basin. Although no restrictions are foreseen by the PAI in this areas, the Basin Authority requires that pipeline-laying shall not adversely affect the hydraulic regime of the areas. Additionally any sediment build-up, resulting from exceptional weather events, shall not cause pipeline dysfunction and / or inefficiencies. This will be verified through the Hydraulic Compatibility Study.

Although not being identified as constrained zone by the PAI, dunes are classified as area of conservation by the Basin Authority (source “Studi Propedeutici per la predisposizione del Piano Stralcio della Dinamica delle Coste” 29 November 2010). The execution of the microtunnel is aimed to avoid any interference with the shore line and the dunes.
Figure 3-3  PAI Classification Near the Landfall Point

Source: PAI (2011) and AO Prot 8/10/2012 8.50 0011854

No areas constrained by PAI are crossed by the Project. Microtunneling technique is in compliance with the conservation policy related by dunes and established by the Basin Authority. A Hydraulic Compatibility Study will be performed in order to verify that the Project has no interference on the hydraulic regime.

3.3.4.4  Landscape and Territorial Planning

Landscape and territorial planning at a regional level is to date, governed by the Region Thematic Territorial Urban Planning “Landscape” (PUTT/p), that came into force in 2000 and was prepared pursuant to Law n. 431/1985 and therefore only refers to certain areas of the regional territory.

However, it should be noted that the application of this Plan will not be valid when the new Landscape and Territorial Regional Plan –PPTR (pending approval) will be published in the BURP (Official Bulletin of the Apulia Region).
The PUTT/p is set out with regard to the representative elements of the characteristics shaping the territory and its landscape, and its historical-cultural contents, for the purpose of assessing the compatibility of the proposed transformations. Its structure is aimed at:

- dividing and delimiting the regional territory in homogeneous area systems divided in accordance with the fundamental elements of the landscape structures such as geological, geo-morphological and hydrogeological layout, botanic/vegetation cover, historical stratification of settlements and identification and classification of current restrictive regulations;
- identifying and classifying the landscape components of the territorial structure with regard to the specific regional environment; and
- defining and regulating any interventions and works entailing significant transformation of the territory.

The regulations contained in the Plan determine:

- the general and specific objectives for landscape protection and valorisation;
- the Plan objective orientation and the definition of the intervention methods and procedures in broad areas;
- the regulations for intervention procedures and methods to be implemented for subordinate planning instruments of any kind, and for the performance of administrative functions concerning territory management;
- the binding and applicable basic prescriptions both for temporary and permanent protection in the context of the adjustment, review or new development of subordinate planning instruments and for the issuance of authorisations for direct interventions; and
- the criteria for the definition of technical-procedural control and specification requirements of base prescriptions.

The Plan defines Broad Areas (“Ambiti territoriali estesi”) and Specific Areas (“Ambiti territoriali distinti”). These have been analysed in relation to the Project below.

**Broad Areas (“Ambiti territoriali estesi” - ATE)**

The main objective of the Plan is to allow objective assessment of the compatibility of each landscape transformation associated with a development project. For this purpose, areas are categorised by one of 5 landscape values, each referring to specific protection levels:

- Exceptional value “A”, refers to assets of acknowledged uniqueness and/or singleness, also in the absence of existing restrictive regulations, in consideration of which the objectives will be aimed at the preservation and valorisation of the current situation and the recovery of compromised situations (NTA 2.02);
- Significant value “B”, refers to situations of co-existence of more essential assets, also in the absence of existing restrictive regulations, in consideration of which the objectives will be aimed at the preservation and valorisation of the current situation and the recovery of compromised situations through the removal of the detractors or mitigation of the negative effects (NTA 2.02);

- Noticeable value “C”, refers to situations where one essential asset exists, also in the absence of existing restrictive regulations, in consideration of which the objectives will be aimed at the preservation and valorisation of the current situation, if qualified, and transformation if compromised, compatibly with the landscape characterisation (NTA 2.02);

- Low value “D”, whereby, also in the absence of an essential asset, there are restrictions in consideration of which objectives must be set for the valorisation of the relevant aspects protecting panoramic views (NTA 2.02);

- Normal value “E”, whereby it is not possible to declare a significant landscape value, in consideration of which objectives must be set for the valorisation of the characteristics of the site (NTA 2.02).

Figure 3-4 shows the directions provided by the PUTT/p with regard to the ATE for the study area of the Project. The figure shows that the work layout involves the following broad areas:

- the pipeline landfall point is in ATE “B” (area crossed by microtunnel);
- the onshore pipeline involves ATE “C” and “D”; and
- the PRT site falls in ATE “C”.
Table 3-3 summarises the total lengths of the sections affecting the ATE.

Table 3-3 Total Lengths of Pipeline Sections Affecting the ATE

<table>
<thead>
<tr>
<th>Broad Areas</th>
<th>A (Exceptional)</th>
<th>B (Significant)</th>
<th>C (Noticeable)</th>
<th>D (Relative)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pipeline length (8.2km of Base Case Route plus 0.6km of microtunnel onshore)</td>
<td>0 m</td>
<td>249 m</td>
<td>6,705 m</td>
<td>1,871 m</td>
</tr>
</tbody>
</table>

Source: PUTT/p (2006)
In light of the type of work to be undertaken (completely buried pipeline), the landfall, including the area classified ATE “B”, will be crossed by microtunneling. The realization and the operation of the work (see Environmental Reference Framework) will have a reduced environmental impact and once the pipeline has been built, the work areas will be restored to pre-construction conditions (with the exception of the PRT site, the expected localization of which falls in any case in ATE “C”). For these reasons, it is considered that the realisation of the Pipeline is in alignment with the directions of the Apulia Region PUTT/p (refer to Annex 8).

Specific Areas (“Ambiti territoriali distinti” - ATD)

Along with Broad Areas the PUTT/p identifies Specific Areas (or ATD) characterised by three structural elements of the territory (1. geology, geomorphology and hydrogeology, 2. botany, vegetation cultivation and fauna and 3. history of urban organization). For each Specific Area the PUTT/p provides descriptions, maps and levels of protection, which vary according to the value of the area.

Figure 3-5 presents all the Specific Areas located within the study area. The pipeline and PRT potentially affect the following ATD:

- Coastal area within 300 m from the shoreline and dunes, within the municipality of Melendugno. According to the NTA 3.07 of PUTT/p, in the coastal area (defined as 100m from the shoreline, including dunes), projects and interventions are allowed that “involve only the following transformations: [omissis] 3. buried network infrastructure, when geological characteristics of the site exclude works below the profile of the coast and as the position and the pipeline route are not in conflict with the morphology of the area or the coastal profile” (“progetti e interventi che [omissis] comportino le sole seguenti trasformazioni: [omissis] 3. infrastrutture a rete completamente interrate qualora le caratteristiche geologiche del sito escludano opere al disotto del profilo del litorale e purche' la posizione, nonche' la disposizione planimetrica del tracciato, non contrastino con la morfologia dei luoghi e con l'andamento del profilo del litorale.”). In the adjacent area (defined as 200 m from the coast), projects are not allowed that involve “5. the elimination of medium and tall tree species and shrubs, with the exception of cultivation methods that ensure the preservation and integration of complex existing natural vegetation; whereas for non-native vegetation cures, required by regulations of woods cleaning, can be taken” (“5. la eliminazione delle essenze a medio ed alto fusto e di quelle arbustive, con esclusione degli interventi colturali atti ad assicurare la conservazione e integrazione dei complessi vegetazionali naturali esistenti; per i complessi vegetazionali non autoctoni possono essere attuate le cure previste dalle prescrizioni di polizia forestale”). Installation of the pipeline using a microtunnel will avoid any possible interference along this section of coast.
• **Forest area, within the municipality of Melendugno.** According to NTA 3.10, projects and interventions are allowed that “involve only the following transformations: [omissis] 3. Above ground network infrastructure and, for those below ground, if location and route layout do not affect the vegetation” (“i progetti e interventi che [omissis] comportino le sole trasformazioni [omissis] 3.infrastrutture a rete fuori terra e, per quelle interrate, se posizione e disposizione planimetrica del tracciato non compromettano la vegetazione”). In the adjacent area (100 m from the forest), projects and interventions are allowed that “involve only the following transformations: [omissis] 2. road and technological infrastructure without important changes to site topography” (“i progetti e interventi che [omissis] prevedano la formazione di: [omissis] 2. infrastruttura viaria carrabile e tecnologica senza significative modificazioni dell’assetto orografico del sito”). **Installation of the pipeline using a microtunnel will avoid any possible interference with the vegetation in this area (PUTT/p).**

• **Drystone walls within the municipality of Melendugno.** as per NTA 3.14.4, which refers to points 3.2 of Art. 3.05 and 4.2 of art. 3.10. According to NTA 3.05, in ATE “B”, the chance to realize [omissis] underground pipes [omissis], should be checked by a Landscape Assessment in order to evaluate the impact on the botanical / vegetation system with the definition of any mitigation works. Moreover, according to NTA 3.10, projects and interventions are allowed that "only involve the following transformations: [omissis] above ground network infrastructures and, below ground, if planned location and layout do not compromise the vegetation [omissis] 2. road and technological infrastructure without important changes to site topography” (“negli ambiti territoriali estesi di valore rilevante ("B" art. 2.01), la possibilita' di allocare condotte sotterranee o pensili, ecc., va verificata tramite apposito studio di impatto paesaggistico sul sistema botanico/vegetazionale con definizione delle eventuali opere di mitigazione [omissis] i progetti e interventi che [omissis] prevedano la formazione di: [omissis] infrastrutture a rete fuori terra e, per quelle interrate, se posizione e disposizione planimetrica del tracciato non compromettano la vegetazione. 2. infrastruttura viaria carrabile e tecnologica senza significative modificazioni dell’assetto orografico del sito”). Any land modifications must be authorised in advance by means of a Landscape Permit through the ESIA Procedure. However, during the pipeline construction all possible measures to minimize impact on the environment and the areas crossed by the pipeline (including drystone walls) will be adopted. Drystone walls that will be affected during the construction phase will be returned to their pre-existing condition.

• **Watershed within the municipality of Melendugno, included in the PUTT/p.** According to NTA 3.09.4 (which refers to points 4.2 of Art. 3.08) in the adjacent area to watershed (a buffer area of 25 m for each side of the watershed), projects and interventions are allowed that “protect the landscape and environment of the area, involving only the following transformations: [omissis] buried network infrastructure [omissis] (“infrastrutture a rete completamente interrate”). **Therefore it is considered that the Project is allowed.**
All constraints reported in PUTT/p (NTA 5.07) can be over-ridden in case of “regional/public works and works of public interest (as defined by the legislation in force). This applies only when the proposed works:

- “are compatible with the purposes of protection and enhancement of the landscape and environmental resources in the places provided”. Significance of the residual impacts are reported in Section 8;
- “are absolutely necessary or in the best interest of the resident population”: as per Law n. 239/2004 the transport and distribution of natural gas to the network, as well as the energy supply management connected to the energy transport and distribution to the network, are of public interest;
- “have no alternative locations”: as reported in Annex 2 - Alternative Assessment Report, the route is the result of a detailed alternatives assessment.

Figure 3-5 ATD PUTT/p Classification
Table 3-4 Constrained areas by PUTT/p and crossed by the pipeline or adjacent to PRT

<table>
<thead>
<tr>
<th>Constrained Area</th>
<th>Kp</th>
<th>Art.of NTA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coastal area within 300 m of the shoreline and dunes</td>
<td>Landfall</td>
<td>3.07</td>
</tr>
<tr>
<td>Forest area</td>
<td>Landfall</td>
<td>3.10</td>
</tr>
<tr>
<td>Drystone walls</td>
<td>-</td>
<td>3.14</td>
</tr>
<tr>
<td>Watershed</td>
<td>Kp 4.3 and Kp 6.6</td>
<td>3.09</td>
</tr>
</tbody>
</table>

Source: PUTT/p

The following conclusions can be drawn:

- The PUTT/p is the landscape planning tool currently in force in the Apulia region;
- The Project complies with the prescriptions for Broad Areas (“Ambiti territoriali estesi”) and for Specific Areas (“Ambiti territoriali distinti”) described in the PUTT/p. With reference to the constraints described above and summarized in the table, even if the detailed identification and quantification of potential impacts is provided in the Environmental Impact Assessment Section (*Section 8.5.5*), it is noted that:
  - The pipeline route has been defined to minimize affecting the constrained areas;
  - All possible measures will be adopted during pipeline construction to minimise any impact on the environment (i.e. using the microtunneling technique); and
  - Areas crossed by the pipeline, at the end of the construction phase, will be reinstated to their pre-construction condition.

### 3.3.4.5 Region Landscape and Territorial Plan (PPTR)

With resolution no. 1435/2013, the Regional Council adopted the Landscape and Territorial Plan of the Region of Puglia, currently under approval, including preservation measures (Art. 105 NTA) that must be observed pending approval of the plan.

The PPTR promotes self-sustainable, durable socioeconomic development and the conscious use of the regional territory, including by preserving and restoring the aspects and specific characteristics of the social, cultural and environmental heritage of the territory, recognising the role of biodiversity, and identifying new integrated and consistent landscape values that satisfy the criteria of quality and sustainability.

The PPTR regulates the entire territory and includes all of the landscapes of the Apulia region, not just those that might be considered outstanding, but also degraded landscapes and those with a lower value.
In particular, Title VI Regulation of Landscape Heritage and Additional Contexts of the PPTR defines and regulates three Structures, which in turn are divided into two different Components:

- **Hydro-geomorphological structure**
  - Geomorphological components
  - Hydrological components

- **Ecosystem and environmental structure**
  - Botanical and vegetation components
  - Components of protected areas and natural sites

- **Human, historical and cultural structure**
  - Cultural components and settlements
  - Components of perceptive values

With regard to public works or works of public interest, art. 95 of the PPTR states that "public works or works of public interest can be carried out in derogation from the requirements laid down in Title VI of the rules for landscape heritage and additional contexts, provided that during the landscape permit phase or the investigation of landscape compatibility it is confirmed that such works are still compatible with the quality objectives pursuant to art. 37 and that no location and/or design alternatives exist. The Region remains responsible for issuing the derogation."

In accordance with art. 95, in addition to this Landscape Impact Assessment, prepared in accordance with Italian Prime Ministerial Decree of 12/12/2005 "Identification of the documentation necessary for the verification of the environmental and landscape compatibility of the proposed intervention, pursuant to art. 146(3) of the Cultural Heritage and Landscape Code (Italian Legislative Decree no. 42/2004 of 22/01/2004)", the Analysis of Alternatives (Annex 2) is attached to the ESIA, which provides the results of a detailed assessment of alternative routes.

In addition, in order to perform a complete analysis of urban planning instruments, the following paragraph analyses the PPTR constraints applicable to the Project Route, construction sites and the Pipeline Receiving Terminal. The analysis was conducted using an official GIS database, available on the official website of the Territorial Structure Department (http://paesaggio.regione.puglia.it/). For each constraint identified, the definition and related requirements are described as outlined in the NTA (technical rules for implementation) of the Plan in question.

The Landscape and Territorial Quality Objectives of the area defined in the PPTR and the related sub-objectives defined in the Environmental Profile 10/Tavoliere Salento (Document No. 5 of the PPTR) are provided in Section 3.2.5.
3.3.4.5.1 Hydro-geomorphological structure

*Figure 3-6 shows the specific geomorphological components mapped in the study area, while the PPTR constraints applicable to the Project Route, construction sites and Pipeline Receiving Terminal are listed below:*

*Dunes (Art. 143(1)(e) of the “Cultural Heritage and Landscape Code”)*

- **DEFINITION:** areas that can be mapped in relation to the scale of representation of the PPTR, which consist of natural accumulations of material transported by wind, both in active modelling phases and in previous phases, and possibly partially occupied by man-made structures.

- **REQUIREMENTS:** in these areas, interventions are not allowed that may be in conflict with the quality objectives and standards of use of art. 37, in particular those involving the "profound transformation of the soil, tillage or movement of land, or any action that disrupts the hydrogeological balance or alters the soil profile; ... [omissis] ... the construction of gas pipelines, power lines, or secondary telephone or electrical lines, with the exception of domestic connections and all network systems if buried under the existing road network."
Figure 3-6   Geomorphological Components – PPTR

Source: ERM (August 2013)
PPTR constraints applicable to the Project Route, construction sites and Pipeline Receiving Terminal are listed below:

**Coastal territories (art. 142(1)(a) of the “Cultural Heritage and Landscape Code”)**

- **DEFINITION:** a strip of land within 300 m of the shoreline, identified on the Regional Technical Map.

- **REQUIREMENTS:** according to art. 45 and in compliance with the quality objectives and regulations of use indicated in art. 37, in these areas, “b7) the installation of buried network infrastructure and/or infrastructure in the public interest is allowed provided that it is demonstrated to be absolutely necessary and cannot be located elsewhere.” As reported in paragraph 4, a landscape permit is required for interventions “c 1) aimed at ensuring the maintenance or restoration of normal environmental conditions for the preservation or recovery of hydro-geomorphological characteristics and natural existing vegetation, reforestation carried out under conditions that meet natural forestry criteria and the landscape characteristics of the area, and forestation works according to the requirements laid down by the State Forest Police.”

**Areas subject to hydrogeological constraint (Art. 143(1)(e) of the “Cultural Heritage and Landscape Code”)**

- **DEFINITION:** areas protected under Royal Decree (RD) no. 3267/1923, “Reordering and reform of forests and mountain areas”, applying a hydrological constraint to land of any nature and destination which, due to forms of exploitation are in conflict with the regulations, may suffer deforestation, lose stability or disturb the water regime.

- **REQUIREMENTS:** these areas are regulated by RD no. 3267/1923. All soil movement and vegetation cutting must be authorised by the Regional Forestry Department.
3.3.4.5.2 Ecosystem and Environmental Structure

Figure 3-8 and Figure 3-9 show the botanical vegetation components mapped in the study area, while the PPTR constraints applicable to the Project Route, construction sites and Pipeline Receiving Terminal are listed below:

Wooded areas (Article 142(1)(g) of the “Cultural Heritage and Landscape Code”)

- DEFINITION: consists of territories covered by forests, woods and scrub, including areas affected or damaged by fire, and those subject to a reforestation constraint.

- REQUIREMENTS: according to art. 62, in such areas the “construction of gas pipelines, power lines, secondary telephone or electrical lines,” is not allowed “with the exception of domestic connections and all network systems if buried under the existing road network.”
**Pastures and natural grasslands** (Article 143(1)(e) of the “Cultural Heritage and Landscape Code”)

- **DEFINITION:** territories covered by natural and semi-natural grasslands used as low-production forage, even if subjected to change of use by tillage, crushing and grinding of bedrock. This includes all secondary grasslands consisting of hemi- and therophytes throughout the region, on limestone substrates characterized by a great variety of flora, variability of formations and high spatial fragmentation.

- **REQUIREMENTS:** according to art. 66, interventions are not allowed that involve: “a1) the removal of natural grassland, trees or shrubs... [omissis]...”. However, all interventions "carried out in compliance with the landscape heritage without compromising the existing historical, cultural and natural elements,” are allowed “guaranteeing high levels of planting and soil permeability and ensuring the preservation of the views and public access to the places from which the views can be enjoyed... [omissis]...”.

**Woodland respect zone** (Article 143(1)(e) of the “Cultural Heritage and Landscape Code”)

- **DEFINITION:** consists of a preservation strip of 100 metres from the outer perimeter of the wooded area.

- **REQUIREMENTS:** according to art. 63, in such areas the "a1) transformation and removal of trees and shrubs ... [omissis] ... a6) construction of gas pipelines, power lines, or secondary telephone or electrical lines,” is not allowed “with the exception of domestic connections and all network systems if buried under the existing road network.”
Figure 3-8  Botanical and Vegetation Components - PPTR (1 of 2)

Source: ERM (August 2013)
3.3.4.5.3 Human, Historical and Cultural Structure

Figure 3-10 shows the cultural components and settlements mapped in the study area, while the PPTR constraints applicable to the Project Route, construction sites and Pipeline Receiving Terminal are listed below:

**Buildings and areas of significant public interest** (Article 136 of the “Cultural Heritage and Landscape Code”)

- **DEFINITION:** areas declared to be of significant public interest pursuant to articles 136 and 157 of the Code.

- **REQUIREMENTS:** the NTA for projects and interventions not subject to art. 95 refer to the quality objectives in the profiles of the related areas (Document no. 5 of the PPTR), as detailed in Section 3.2.5.
Figure 3-10  Cultural Components and Settlements - PPTR

Figure 3-11 shows the perceptual components mapped in the study area, while the PPTR constraints applicable to the Project Route, construction sites and Pipeline Receiving Terminal are listed below:

Roads of landscape value (Article 143(1)(e) of the “Cultural Heritage and Landscape Code”)

- DEFINITION: vehicular, rolling stock, cycle, pedestrian and navigable routes from which it is possible to appreciate the diversity, complexity and peculiarities of the landscapes, which cross natural and man-made landscapes of high landscape significance, which skirt around or cross characteristic morphological elements (mountain ranges, ridges, lame (valleys), channels, edges of cliffs or dunes, etc.), and from which it is possible to enjoy panoramic and close-up views of high landscape value.

- REQUIREMENTS: all plans, projects and interventions are not allowed that are in conflict with the quality objectives and the standards of use of art. 37 of the NTA of the PPTR.
Figure 3-11 Perceptual Components - PPTR

Source: ERM (August 2013)

3.3.4.5.4 Other Unconstrained Areas

Figure 3-12 shows the Stratified Topographical Context CTS 002022 of Acquarica di Lecce.

CTS are groupings of cultural assets of all kinds and from every era (churches, castles, masserie, Roman villas, historic towns, cemeteries, etc.), both complex and stratified, incorporating elements from the remotest antiquity to the present day, and characterized by a strong, perceptible integration with the surrounding landscape.

The delimitation criteria of the CTS of Acquarica are the flat nature of the territory concerned. The boundaries of the CTS consist of alternating stretches of modern road, dry stone walls, edges of crop fields and stretches of unpaved local roads. The area is characterized by the widespread presence of traditional dry stone conical and square buildings, and by stone walls that adorn the village of Acquarica di Lecce up to the Abbey of San Niceta. Of note is the fortified settlement of archaeological interest, Pozzo Seccato.
The quality objective for these areas consists of enhancing the identity, cultural and settlement heritage through:

- the restoration and valorisation of cultural heritage;
- the restoration and valorisation of the landscape;
- the electronic cataloguing of the cultural heritage inventory;
- determining the limits of historic towns;
- the use of stratified topological contexts.

**Figure 3-12 Stratified Topological Context (CTS) of Acquarica - PPTR**

Source: PPTR - ERM (2013)
3.3.4.5.5 Conclusion

The analysis carried out shows – particularly for areas classified as Dunes, Wooded areas and Woodland respect zones – that according to Title VI of the rules of the PPTR for landscape heritage and additional contexts, the “construction of gas pipelines, power lines, or secondary telephone or electrical lines”, is not allowed “with the exception of domestic connections and all network systems if buried under the existing road network.”

However, pursuant to art. 95 of the NTA of the same PPTR, public works and works of public interest may be carried out in derogation from the requirements laid down in Title VI of the rules for landscape heritage and additional contexts, provided that during the process of obtaining a landscape permit or during the investigation to confirm landscape compatibility, such works are deemed to be:

- a) compatible with the quality objectives; and
- b) no location and/or design alternatives exist (art. 37).

With regard to point a), the Landscape and Territorial Quality Objectives of the area defined in the PPTR and the related sub-objectives defined in the Environmental Profile 10/Tavoliere Salentino (Document No. 5 of the PPTR) are shown in the Tables below, together with the associated verification of Project compatibility. As regards point b), however, we confirm that the Project does not have any location and/or design alternatives, as shown in Appendix 2 – Alternative Assessment.

Finally, with regard to constraints concerning coastal territories, areas with hydrogeological constraints and pastures and natural grasslands, the Project does not conflict with the NTA reported in the PPTR. In relation to constraints concerning buildings and areas of significant public interest, the landscape and territorial quality objectives of the area are set out in the table below.
### Table 3-5  Landscape and Territorial Quality Objectives of the Area - Hydro-geomorphological structure and components (Constraints: dunes, coastal territories, hydrogeological constraint)

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Project Compatibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure the geomorphological balance of drainage basins</td>
<td>Tap AG will present a study to demonstrate the hydrogeological compatibility of the Project</td>
</tr>
<tr>
<td>Design a regional strategy for intersectoral water that is integrated and of landscape value</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Ensure the hydro-geomorphological safety of the territory, protecting the specific nature of the natural features</td>
<td>Tap AG will present a study to demonstrate the hydrogeological compatibility of the Project</td>
</tr>
<tr>
<td>Promote and encourage less hydro-dependent agriculture</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Innovate the local water cycle from an ecological perspective</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Redevelop and enhance coastal landscapes</td>
<td>The construction of the microtunnel will ensure that there is no interference with the coastal landscape.</td>
</tr>
<tr>
<td>The sea as a large public park</td>
<td>As described in Section 8 of the ESIA, the public will not be prevented from enjoying the sea during the operating phase of the project</td>
</tr>
</tbody>
</table>

### Table 3-6  Landscape and Territorial Quality Objectives of the Area - Ecosystem and Environmental Structure (Constraints: wooded areas, woodland respect zone, pastures and grasslands)

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Project Compatibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improve the environmental quality of the territory</td>
<td>The construction of the microtunnel will ensure that there is no interference with the wooded areas. The woodland, pasture and grassland respect zones will be restored at the end of the construction phase.</td>
</tr>
<tr>
<td>Increase the connectivity and biodiversity of the regional environmental system</td>
<td>As described in Section 8 of the ESIA, in its early stage of operation, the project does not envisage the fragmentation of natural habitats.</td>
</tr>
<tr>
<td>Limit the consumption of agricultural and natural soil for infrastructure and building purposes</td>
<td>During normal operation, agricultural activity will be possible</td>
</tr>
<tr>
<td>Ensure the geomorphological balance of drainage basins</td>
<td>The project has been optimized so as not to interfere with the Cassano marshland (Palude di Cassano), thus ensuring its geomorphological balance.</td>
</tr>
<tr>
<td>Develop the watercourses as multifunctional ecological corridors</td>
<td>The project does not affect watercourses.</td>
</tr>
<tr>
<td>Redevelop and enhance coastal landscapes</td>
<td>The construction of the microtunnel will ensure that there is no interference with the coastal landscape. In addition, the project has been optimised so as not to interfere with the Cassano marshland (Palude di Cassano).</td>
</tr>
<tr>
<td>Raise the ecological gradient of the agro-ecosystems</td>
<td>During normal operation, agricultural activity will be possible along the gas pipeline route.</td>
</tr>
</tbody>
</table>
Table 3-7  Landscape and Territorial Quality Objectives of the Area – Anthropic, Cultural and Historical Structure and Components (Buildings and areas of significant public interest)

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Project Compatibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Redevelop and enhance historical rural landscapes</td>
<td>As detailed in Section 8 and in this Annex to the ESIA, once construction activities are complete, restoration activities will take place.</td>
</tr>
<tr>
<td>Enhance the specific characteristics of the historical rural landscapes</td>
<td>As detailed in Section 8 and in this Annex to the ESIA, once construction activities are complete restoration activities will take place.</td>
</tr>
<tr>
<td>Improve the environmental quality of the territory</td>
<td>As detailed in Section 8 and in this Annex to the ESIA, once construction activities are complete restoration activities will take place.</td>
</tr>
<tr>
<td>Enhance the identity, cultural and settlement heritage</td>
<td>As detailed in Section 8 and in this Annex to the ESIA, once construction activities are complete restoration activities will take place.</td>
</tr>
<tr>
<td>Recognize and promote cultural heritage as an integrated territorial system</td>
<td>The route has been optimised in order to avoid interference with widespread buildings and assets.</td>
</tr>
<tr>
<td>Promote the recovery of masserie, rural buildings and artefacts made of dry stone;</td>
<td>The route has been optimised in order to avoid interference with widespread buildings and assets. As detailed in Chapter 8 and in this Annex of the ESIA, once construction activities are complete the dry stone artefacts (stone walls) will be restored.</td>
</tr>
<tr>
<td>Redevelop and enhance the coastal landscapes of the Apulia region;</td>
<td>During normal operation, agricultural activity will be possible along the route of the pipeline. The BVS will not be visible from panoramic roads and roads of landscape value identified in the PPTR.</td>
</tr>
<tr>
<td>Protect the historical alternation of undeveloped and developed areas along the coast of Puglia;</td>
<td>During normal operation, agricultural activity will be possible along the route of the pipeline.</td>
</tr>
<tr>
<td>Redevelop cultural and landscape assets incorporated in recent urbanization as qualification nodes of contemporary cities;</td>
<td>The pipeline will cross an agricultural area, the function of which will not be compromised during the operating phase of the Project.</td>
</tr>
<tr>
<td>Redevelop degraded landscapes due to contemporary urbanization;</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Enhance traditional rural buildings and artefacts, including by developing traditional rural holiday accommodation;</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Plan the slow fruition of the landscape;</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Intensify coastal tourism, creating synergies with the hinterland;</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Define the urban margins and the limits of urbanization;</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Contain urban perimeters with regard to new building expansions and promote policies to combat land consumption;</td>
<td>The pipeline will cross an agricultural area, the function of which will not be compromised during the operating phase of the Project.</td>
</tr>
<tr>
<td>Promote the redevelopment, reconstruction, and renovation of existing buildings;</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Promote the redevelopment of peripheral urban areas;</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Redevelop suburban and/or landlocked open spaces;</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Enhance the multifunctionality of suburban agricultural areas;</td>
<td>The pipeline will cross an agricultural area, the function of which will not be compromised during the operating phase of the Project.</td>
</tr>
<tr>
<td>Protect rural areas and agricultural activities;</td>
<td>The pipeline will cross an agricultural area, the function of which will not be compromised during the operating phase of the Project.</td>
</tr>
<tr>
<td>Ensure the landscape and territorial quality in the redevelopment, reuse and new construction of productive activities and infrastructure;</td>
<td>The pipeline will cross an agricultural area, the function of which will not be compromised during the operating phase of the Project.</td>
</tr>
<tr>
<td>Protect and enhance landscapes and long term territorial figures;</td>
<td>The pipeline will be completely buried within the constraint area and once construction activities are complete, the areas crossed will be completely restored.</td>
</tr>
</tbody>
</table>
### Objectives

<table>
<thead>
<tr>
<th>Project Compatibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enhance the aesthetic and perceptual structure of the Apulia landscape;</td>
</tr>
<tr>
<td>Preserve the extended scenery, continuing horizons and panoramic views that characterize the image of the Apulia region.</td>
</tr>
<tr>
<td>Preserve the scenic spots and panoramic views (visual catchments, visual fulcrums);</td>
</tr>
<tr>
<td>Recognize and enhance the cultural heritage as an integrated territorial system</td>
</tr>
<tr>
<td>Redevelop and reuse historical infrastructure (roads, railways, trails, tracks, etc.);</td>
</tr>
<tr>
<td>Preserve and enhance panoramic roads, railways and paths as well as those of interest in terms of landscape and environment;</td>
</tr>
<tr>
<td>Recover the monumental perceptibility and accessibility of historic towns;</td>
</tr>
<tr>
<td>Enhance the aesthetic and perceptual structure of the Apulia landscape;</td>
</tr>
<tr>
<td>Preserve and develop the historic avenues providing access to the city;</td>
</tr>
<tr>
<td>Ensure the landscape and territorial quality in the redevelopment, reuse and new construction of productive activities and infrastructure;</td>
</tr>
</tbody>
</table>

#### 3.3.4.6 Waste Management Plan

The Special Waste Management Plan was updated through Regional Council Resolution n. 2668/2009.

The new Waste Management Plan, which serves as a reference in the implementation of the regional government policy, sets the following general objectives:

- Ensure the responsibility and cooperation of all the individuals involved in the production, use and consumption of goods from which the waste originates;
- Achieve a high-level of environmental protection and effective controls; and
- Promote citizens’ participation and cooperation.

The key objective is therefore to manage waste in an ethically correct and eco-sustainable way, developing separate waste collection and modern waste treatment systems and decreasing dumping in landfills, eliminating incineration.
To this purpose, the Plan provides, among other things, for the following:

- Update of waste production data and of plant capacity, in order to better define the requirements, also accounting for the impact of new and more organic measures to be introduced on prevention, recycling and recovery of waste products;

- Increase of separated waste collection to recover material;

- Valorisation of the recovered organic matter;

- Reduction of dumping in landfills; and

- Support to research new forms of management and technologies aimed at reducing waste production and their hazardousness, or recycling, reuse or material recovery.

Moreover the Waste Management Plan provides a list of regional waste disposal sites along with their residual soil capacity. At the regional level, the residual soil capacity for inert material is 4,419,000 m³. The Waste Management plan does not provide details on disposal areas for the province of Lecce.

The waste quantities and types produced during the construction of the Project and hydraulic testing are described and analysed in detail in Section 4 – Project Description, Annex 5 – Soil Management Plan and Section 8 – Impact Assessment. These documents also include a description of disposal / recycling procedures. It is important to note that during pipeline operation no significant waste production is expected.

The analysis of the content and purpose of the legislation and of the planning instruments with regard to waste management do not pose any particular issues to the Project. An inventory of waste generated during the Project (i.e. giving indicative types and volumes) is provided in Section 4 and Section 8.

Any waste produced will be managed and disposed of through controlled procedures, in accordance with applicable regulations. Where possible, separate waste collections will be used, recycling reusable waste products, in line with relevant planning guidelines. It is important to note that waste produced during the various phases, both with regard to amount and type, will not alter the provincial or municipal balance, nor will special waste disposal facilities be required.

As reported in Section 4, during the construction of the pipeline excavated materials will be reused on site whenever possible, or partially disposed of. In compliance with Art.186 of D.lgs152/06 and amendments, a specific report on the excavated materials production and management has been developed – refer to Annex 5 “Soil Management Plan”.
3.3.4.7 Regional Wildlife Hunting Plan 2009 - 2014

The Regional Wildlife Hunting Plan 2009 - 2014 was approved by Regional Law n. 217/2009. The Plan coordinates Provincial Wildlife Hunting Plans, by establishing:

- Criteria for supervisory activities, performed by the provinces;
- Measures for the forests protection and cleaning to prevent fires and to facilitate the wildlife stop;
- Measures for fauna protection;
- Allocation of regional contributions;
- Management policies for the reproduction of wildlife in repopulation and capture areas;
- Management criteria for the oasis protection;
- Policies, procedures and purposes for repopulation techniques.

The Project crosses the following areas located in the municipality of Melendugno and included in the plan mentioned above:

- Area for repopulating and capture of "St. Niceta": the Regional Wildlife Hunting Plan does not identify constraints in this area.;
- Area of dog training: this area is partially interfered by the PRT. The concession of the ZAC area (type “B”) called “Capitano” and situated in agricultural area in territory of Melendugno (LE) has been revoked with DGR 2232/2010 and according to R.R. n. 5/2000.

3.3.4.8 Provincial Coordination Territorial Planning (PTCP)

The general objective of the Provincial Coordination Territorial Planning of Lecce is the establishment of a boundaries framework within which the individual Administrations and Institutions may be defined, possibly also through specific agreements, their policies for the improvement of quality and of the physical, social and cultural services in the provincial territory.

The guiding principles of the PTCP are:

- Extend recognition of citizen rights, the value of participation in the determination and management of every territorial policy;
- Protection of historic heritage; and
- Protection of the natural environment.
Based on these principles, the primary objectives established in the scheme of the Territorial Coordination Plan are:

- Development of wealth and of individual and collective incomes;
- Development of production activities and of employment consistent with the promotion of natural beauty;
- Improvement of accessibility and mobility in the Salento area;
- Development of housing in concentrated and scattered contexts;
- Protection and recovery of old centres and of scattered cultural heritage elements; and
- Development of eco-friendly tourism.

These objectives are part of a specific project for spatial and settlement organisation of Salento as a park, whereby concentration and scattering are coexistent and integrated.

In particular, PTCP states that all rural buildings (stone wall, pagghiare) shall be protected. In case of damage, drystone walls are to be restored using available contributions (UE and Regional).

A Cultural Heritage Survey has been performed within the 100 m corridor of the pipeline route and PRT site. Refer to Section 6 for the results of this survey.

3.3.4.9 Municipality Urban Planning

The following Municipality Urban Plans (- PRG) are in force within the study area:

- Melendugno Piano Regolatore Generale (PRG), approved by Regional Deliberations n.1691/2001. The PRG is structured with the Carta dello Stato di Fatto (shows current status) and Tavola di Zonizzazione (indicates possible future developments).
- Vernole Piano Urbanistico Generale (PUG), aligned with the principles affixed by the Apulia Region - Department of Parks with the regional Law n. 1/2010 and updated with comments from the public.

The Project is entirely located within the municipality of Melendugno and does not cross any constraints included in the PUG of Vernole.

The Project in the municipality of Melendugno crosses the following municipality constraints reported in the Tavola della Zonizzazione (see Urban Land Planning Map, Annex 7):

- Wetland Respect Zone – the pipeline route crosses this area directly from Kp 0.3 to 0.6. According to NTA III.8.3 and 8.4 vegetation clearance and earth movements are prohibited. For this area, any operation must be authorized by the Regional Forestry Department.
• **Urban Park area** – according to the NTA III.7.6, only tree preservation and integration activities are allowed. Only storage buildings for maintenance tools and small rest-stop areas are allowed. Currently no development plans for the Urban Park are known. In any case, this area will be avoided using the microtunnel and therefore **any impacts on the existing vegetation will be avoided**;

• **Tourist or leisure facility area** – the route crosses this area directly from Kp 0 to 0.3. The area was destined for leisure purposes / camping, although at the current stage these plans are not confirmed (furthermore the Landscape Regional Plan does not allow the development of campgrounds). Similar to the area to the north, this area is likely to be reclassified to “Special Agricultural Area (Landscape of Interest)”. **No prohibitions are reported in the NTA**.

• **Sport Facility area** – the route crosses this area directly from Kp 0.6 to 1.1. According to NTA III.7.10, open-air and indoor sport facilities and any buildings for leisure activities (like gyms, cinemas, theatres etc…) are allowed. **No prohibitions are reported in the NTA**.

The pipeline crosses the following municipality constraints reported in the Tavola dello Stato di Fatto (refer to *Urban Land Planning Map in Annex 7*):

• **Maquis zone** – According to NTA III.8.4, vegetation clearance and earth movements are prohibited. For this area, any operation must be authorized by the Regional Forestry Department. Moreover, according to NTA III.6 – "*In the woodland areas (areas affected by vegetation of woody species-wild tree, gathered in spontaneous associations or artificial origin, directly or indirectly) or in the Mediterranean Maquis, building is not allowed in the clearings or in the areas with community plants which are not evolvable in high bush or forest trees, although they had great naturalistic or landscape importance*, the building can take place - in compliance with current zoning and the legislation in force, including the restrictions of the PUTT / p approved - subject to authorization by Regional Forestry Department." Each project must be approved by the Regional Forestry Service. E, new developments are prohibited in woodland and Mediterranean maquis zones. In “all the areas with vegetation, that do not develop into maquis tall trees (although with natural importance)” building new constructions is allowed, in compliance with the local urban plans ,the provincial and regional regulations. Every project must be authorized by the Forest Department. **The microtunnel will allow the avoidance of any impacts on the existing vegetation in this area;**

• **Woodland zone** – According to NTA III.8.4, vegetation clearance and earth movements are prohibited. Any operation in this area must be authorized by the Regional Forestry Department. **The microtunnel will allow the avoidance of any impacts on the existing vegetation in this area.**
With reference to the crossing areas described above and summarized in Table 3-8, even if the detailed identification and quantification of potential impacts is provided in the Environmental Impact Assessment, it is noted that:

- The definition of the route has been conducted in order to minimize the interference with constraint areas (i.e. microtunnel and re-routing);
- During pipeline construction all possible measures aimed at minimizing the impact on the environment will be adopted; and
- The areas crossed by the pipeline will be returned to their pre-construction conditions at the end of the construction phase.

Table 3-8  Constrained Areas by PRG of Melendugno and Crossed by the Pipeline or Adjacent to the PRT

<table>
<thead>
<tr>
<th>Constrained Area</th>
<th>Chainage / Kp</th>
<th>Art.of NTA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland Respect Zone</td>
<td>Kp 0.3 to 0.6</td>
<td>III.8.3 and 8.4</td>
</tr>
<tr>
<td>Urban Park</td>
<td>Landfall</td>
<td>III.7.6</td>
</tr>
<tr>
<td>Tourist or leisure facility</td>
<td>Kp 0 to 0.3</td>
<td>-</td>
</tr>
<tr>
<td>Sport Facility</td>
<td>Kp 0.6 to 1.1</td>
<td>III.7.10</td>
</tr>
<tr>
<td>Maquis</td>
<td>Landfall</td>
<td>III.8.4 and III.6 – E</td>
</tr>
<tr>
<td>Woodland</td>
<td>Landfall</td>
<td>III.8.4</td>
</tr>
</tbody>
</table>

Source: PRG of Melendugno

3.3.4.10  Regional Transport Plan (PRdT)

The Implementation Plan 2009-2013 of the Regional Transport Plan (PRdT) for road, railway, maritime and air travel defines the infrastructure to be developed over the next few years to improve internal mobility, to strengthen the connections of the regional system in the context of national and international networks, and to guarantee the competitiveness of the Apulia economic system.

The Implementation Plan of the PRdT was prepared by the Region Councillorship for Mobility in accordance with the principles set forth by Art. 7 of Regional Law 18/2002, which contains the “Consolidated Law on Local Public Transport” as amended by Regional Law 32/2007, and based on the contents approved by the Regional council with Regional Law 16 of 23 June 2008 concerning the “Principles, directions and lines of intervention in relation to the Regional Transport Plan”.
With regard to the area affected by the Project, the PRdT proposes the following transport system developments:

- Road system (see Figure 3-13): adaptation and realisation of the Lecce-Meledugno stretch Regional Road n. 8. The Region, through Council Resolution no. 2009 of 28/12/2006, already declared the intervention on Regional Road 8 of fundamental importance, requesting the start of the required works for its realisation. At present the section of road included in the municipality of Melendugno is temporarily suspended with no definition of the final route.

- Railway system: no action is planned in proximity of the Study Area;

- Harbour system: no action is planned in proximity of the Study Area; and

- Airport system: development of a “heliport system”. The existing network will be implemented with a system of other landing fields; one of them has already been built in the municipality of Melendugno near the settlement of Sant’Andrea.
At present it is considered that the Project will not impact any of the developments proposed through the PRdT.
3.3.5 Labour, Health and Safety Legislation in Italy

Relevant International Conventions related to labour are released by the International Labour Organisation that is the United Nations agency responsible for drawing up and overseeing international labour standards. Italy ratified all the above fundamental ILO Conventions.

A review of International Conventions and a description of the most relevant Italian legislation related to labour and health and safety issues related to the Project is presented in Annex 3.

3.3.6 Main Legislation on Energy and Gas Sector

The regulatory and planning instruments relevant to the Project at the national level are as follows:

- **National Energy Strategy** approved by the Council of Ministries on 10 August 1988;
- **Carbon Tax** introduced as per Art. 8 of Law n. 448 of 23 December 1998;
- **Legislative Decree 164/2000**, implementing Directive 98/30/CE on the liberalization of the internal gas market;
- **Decree of the President of the Republic n. 327/2001**, Unique Text on legislative Regulation on Expropriation for public utilities
- **Law n. 443/2001**, on the procedures for assessment and approval of infrastructure and production projects and relevant Deliberation of CIPE n. 121/2001;
- **Law n. 273/2001**, on the measures to encourage private initiative and the development of competition;
- **Law n. 239/2004**, on reorganisation of the energy sector and delegation to the government for the rehabilitation of the enforced energy regulation;
- **Law n. 62/2005**, on Italian obligation deriving from European Union membership, with particular reference to the national energy policy;
- **Law n. 125/2007**, on the measures to liberalize the gas market;
- **National Strategic Framework 2007-2013**;
- **The Economic and Financial Planning Document (DPEF) 2008-2011.**
- **The National Energy Strategy** issued by the *Ministerial Decree dated 8 March 2013.*

A detailed analysis on the energy and gas sector is presented in Annex 4. Based on this analysis, the Project is considered to be fully aligned with the applicable regulations in force as it would contribute to the diversification of natural gas supply sources, increase security and competitiveness.
3.3.7 Main Legislation on Industrial Risk

The Legislative Decree 334/1999 is relevant to the control of major-accident hazards involving dangerous substances.

The Decree shall apply to establishments where dangerous substances are present in quantities equal to or in excess of the quantities listed in Annex I.

No dangerous substances listed in the Annex I will be present in the Project’s PRT in quantities equal or in excess than the limits, reported in PART 1 and PART 2 of the Annex I, consequently the Decree is not applicable.

With reference to the pipeline, it is specified in the art. 4 of the Decree, point d), that the transport of dangerous substances in pipelines, including pumping stations, is also excluded from the Decree.

In the light of the above considerations, the Project is excluded from the application of the D.lgs 334/1999.

In any case, the Operator is obliged to take all measures necessary to prevent major accidents and to limit their consequences to human health and the environment.

3.3.8 Existing Mining and Exploration Concessions

The proposed offshore pipeline route does not cross any existing exploration concession areas (source UNMIG - Ufficio Nazionale Minerario per gli Idrocarburi e le Georisorse – Ministero dello Sviluppo Economico (National office for mining, hydrocarbons and geothermal resources – Ministry for the Economic Development)). The Marine Research License (Istanza di permesso di ricerca in mare) requested by the operator, Northern Petroleum Ltd, on the 26/10/2009, called d71F.R.NP (that interfered the Project Area) has been rejected on 23 July 2013 (BUIG Year LVII number 7 – 31 July 2013).

No interferences with existing concessions are foreseen for the offshore route.
3.3.9 Offshore Legal Framework

The main Italian offshore legislation, applicable to the Project, consists of the following laws and legislative decrees:

- Law n. 220/1992, “Interventi per la Difesa del Mare” (Projects for sea defence), requires the completion of the EIA process for the construction of submarine hydrocarbon pipelines.

- Ministerial Decree of 24/1996 (“Directives on the preliminary activities for the issuance of permits under Article 11 of Law n. 319/1976, and subsequent amendments thereto, concerning dumping in the sea or in areas contiguous to it, excavation of materials from the depths of brackish or marine or coastal emerged land, as well as from all other movement of sediment in the marine environment”), defines the investigation necessary to obtain a dredging permit.


- Law n. 41/1982 “Plan for Rationalization and Development of Marine Fishing”, which promotes the creation of zones for biological restoration and active repopulation. There is no zone for biological restoration and active repopulation affected by the Project.

- Law n. 963/1965 and Law n. 639/1968 regarding Marine Biological Protection Zones for the protection of marine areas finalized for reproduction or growth of marine species of economic importance. There is no Marine Biological Protection Zone affected by the Project.

Moreover, the following technical documents should be followed during offshore survey work and the construction phase:

- “Manuale per la movimentazione dei sedimenti marini” (“Manual of marine sediments handling”), issued by APAT-ICRAM, which proposes a more conservative investigation approach, increasing the number of sampling stations and defining physico-chemical and biological parameters for analysis.

- “Manuale di metodologie di campionamento e studio del benthos marino” (“Manual of sampling methodologies and marine benthos study”), issued by APAT-ICRAM.

- “Quaderno ICRAM”, including a Monitoring Plan proposal for marine dredging activity, issued by ICRAM.

- “Metodologie Analitiche di Riferimento” (“Reference Analytical Methods”), issued by ICRAM.

- “Metodi Analitici delle acque” (“Analytical Methods for water monitoring”), issued by ICRAM.

- “Metodi Analitici dei sedimenti” (“Analytical Methods for sediment monitoring”), issued by ICRAM.
3.4 ESIA Development and Approval Process

The currently enforced Italian environmental legislation (D.lgs 152/2006 “Norme in materia ambientale” as modified by Decree 4/2008 and Decree 128/2010) requires the developer to prepare a formal Environmental Impact Assessment Report to be submitted to the Italian Ministry of Environment (MoE) and to the competent Region/s, Province/s and Municipality/ies.

Decree 152/2006, as modified by Decrees 4/2008, 128/2010, 69/2013 lists all the activities subject to an EIA procedure, both at the National and Regional levels, and identifies those projects for which a screening procedure is required. In particular:

- **Annex II** lists all the activities for which a National EIA is always mandatory;
- **Annex III** lists the activities for which a Regional EIA is always mandatory; and
- **Annex IV** lists the activities for which a screening procedure at the Regional level is required.

The TAP Project falls under Annex II.

For Annex II projects the following phases are required (according to the regulations):

- **Scoping phase (optional):**
  - The proponent can request a consultation phase (60 days duration, as defined by Law) with the procedural competent Authority (MoE) and with the competent environmental authorities, in order to define the information to be included in the EIA Report and the relevant level of detail and methodologies to be adopted for the impact assessment. The following documentation should be submitted: Preliminary Project Design; Preliminary Impact Assessment; Scoping Report (referring to the expected environmental impacts) that shows the work plan for the preparation of the EIA Report; list of all authorizations, licences, permits, required for construction and operation. TAP AG applied for this step through the submission of the aforementioned documentation on 12th May 2011.
  - MoE comments on the preparation of the EIA Report; examines the main alternatives (including the ‘no-project’ alternative); verifies potential inconsistencies; and gives indications on how to proceed with the permitting process. MoE issued the formal Scoping Advice on 4th November 2011.
• Preparation and submission of the EIA Report:
  
  o The EIA Report is prepared by the Proponent according to Decree 152/2006, as modified by Decree 4/2008 and Decree 128/2010, taking into account the outcome of the scoping phase, if conducted.

  o The Proponent applies for the EIA decision, submitting the following documentation: EIA Report; Basic Project Design; EIA Non-Technical Summary; and copy of the notice published in newspapers. A reasonable number of copies are made available to the competent authority, the Region, the Province and the Municipalities affected by the project.

• Public participation phase:
  
  o When the Proponent applies for the EIA procedure he shall announce it in the newspapers (national and regional newspapers for projects of national competence; regional newspapers for projects of regional competence). The announcement shall include a brief description of the project and foreseen impacts, shall provide details on where a copy of the prepared documents are available for consultation, and shall provide details on the timing (60 days) foreseen for people to present comments and observations. Information about the EIA procedure is also published on the website of the competent authority.

  o The competent authority (MoE) can arrange the consultation (through a public inquiry), to review the EIA Report, the opinions received from public bodies and the opinions received from the public.

  o In case a public inquiry is not arranged, the Proponent can be called or call a meeting with the people and organisations who have made comments and observations.

  o If the Proponent, based on the outcome of the public inquiry or the above-mentioned meeting, wishes to modify the submitted documents, MoE must be informed.
• Evaluation, decision and communication of decision:
  
  o MoE evaluates the documents submitted and the comments and observations received.
  
  o MoE makes a decision within 150 days (extendable for another 60 days for particularly complex projects; exceptions indicated in Art. 24 of the Legislative Decree 152/06) from the publication of the notice.
  
  o MoE can require (once and within 90 days from publication of the notice) clarifications/integrations to the submitted documents. Changes must be submitted within 45 days (extendable for a further maximum of 45 days).
  
  o Issuance of EIA Decision (by EIA Commission) within 90 days after the submission of clarifications/integrations, followed by issuance of the EIA Decree by MoE.
  
  o The Proponent publishes an abstract of the EIA Decree on the Official Gazette of the Italian Republic for projects under state jurisdiction.

3.4.1 Italian EIA Table of Contents

The following Section describes the required content and structure of an EIA report in accordance with Italian legislation. In particular, relevant laws are: DPCM 27/12/1988; Decree. 152/2006, as modified by Decree 4/2008 and Decree 128/2010.

The EIA Report, according to Annex VII of D.lgs 152/2006, as modified by Decree 4/2008 and Decree 128/2010, should include the following:

• Project description;
• Alternatives description;
• Environmental background description;
• Relevant environmental impacts expected;
• Compensation measures planned;
• Monitoring activities planned;
• Non-technical summary of the above; and
• Summary of difficulties (if any) in data collection and impacts evaluation.
Moreover, the EIA Report (according to EIA regulation, DPCM 27/12/1988, “Atto di indirizzo e coordinamento che modifica ed integra il precedente atto di indirizzo e coordinamento per l’attuazione dell’art. 40, point 1, della Legge n. 146/1994, concernente disposizioni in materia di valutazione dell’impatto ambientale”) must be structured as follows:

- **Legislative Framework**: relevant legislation, programs and planning instruments (i.e. urban, energy etc.) that must be identified on a national, regional and local basis;

- **Project Description**: a technical description of the project; description of the technology to be used; air and water pollutant abatement systems; technical measures to reduce noise, water consumption, during construction and operation etc.;

- **Environmental Baseline and Impacts Assessment**: a description of the background environmental parameters characterizing the area surrounding the project and the potential impacts evaluation during the construction and operation phases.

- **Concerning the environmental background description**, the following matters must be considered: air, climate, water, soil, fauna and flora, public health, population, noise, radiations, landscape, architectonic and archaeological elements.

The Project ESIA also includes a specific Social Assessment and a Stakeholder Engagement report.
3.5 European Union Legislation

The EU energy and gas sector framework includes the following documentation:

- The “Intelligent Energy - Europe Program” for the period 2007-2013;
- The “Energy and Climate Change Package 20-20-20” approved on 17 December 2008;
- Directive 2003/55/EC concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC; and
- Decision n.1229/2003/EC laying down a series of guidelines for trans-European energy networks and repealing Decision n. 1254/96/EC.

It is considered that the Project is fully aligned with the objectives and instruments detailed in these policies for the development of energy supply.

The EU environmental framework incorporates the following:

- Environmental Impact Assessment (see Section 3.5.1);
- Air Emissions Quality Directive 2008/50/EC;
- Water Framework Directive 2000/60/EC;
- Noise Directive 2000/14/EC;
- Habitats Directive 92/43/EC; and
- Birds Directive 2009/147/EC.
3.5.1 EU Environmental Impact Assessment Legislation

The Environmental Impact Assessment (EIA) was introduced for the first time in Europe in 1985 by EIA Directive (85/337/EEC) and represents a key instrument for European Union environmental policy.

EIA can be required for a wide range of public and private projects as presented in Annexes I and II of the EIA Directive. While Annex I contains a list of projects for which the EIA is mandatory, Annex II defines those categories of projects whose ESIA is optional and at the discretion of the community member states.

The EIA Directive of 1985 has been amended three times:

- Directive 97/11/EC brought the EIA Directive in line with the UN ECE Espoo Convention on EIAs in a Trans-boundary Context. The 1997 Directive widened the scope of the EIA Directive by increasing the types of projects covered and the number of projects requiring mandatory environmental impact assessment (Annex I). It also provided for new screening arrangements, including new screening criteria (included in Annex III) for Annex II projects, and established minimum information requirements;

- Directive 2003/35/EC sought to align EIA Directive provisions with the Aarhus Convention on public participation in decision-making and access to justice in environmental matters;


The scope of the Directives is to ensure that plans, programmes and projects likely to have significant effects on the environment undergo an Environmental Assessment, prior to their approval or authorisation.

Although specific procedures may vary significantly among different Member States, the principal EIA process phases are common to the European community. Figure 3-8 presents a flow chart of the EIA process phases, distinguishing the compulsory phases, (highlighted in yellow), from the optional EIA procedures (not highlighted). Scoping is not mandatory under the Directive but Member States must establish a voluntary procedure by which developers can request a Scoping Opinion from the Competent Authorities if they wish.

The TAP Project falls under Annex I, Item 16 (Pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 mm and a length of more than 40 km) of the EIA Directive and is therefore subject to a mandatory EIA. Therefore, also under the EU legislation, the Project must be evaluated by an EIA study prior to authorisation.
Figure 3-14  EU Environmental Impact Assessment Process

1. **Project Preparation**
2. **Notification to Competent Authority**
3. **Screening**
4. **Scoping**
5. **Environmental Studies**
6. **Submission of Environmental Information to Competent Authority**
7. **Review of the Adequacy of the Environmental Information**
8. **Consultation with Statutory Environmental Authorities, other interested Parties and the Public**
9. **Consideration of the Environmental Information by the Competent Authority before making Development Consent Decision**
10. **Announcement of Decision**
11. **Post-Decision Monitoring if Project is Granted Consent**
3.6 International Conventions

The main conventions and agreements that Italy has signed and/or ratified, with reference to the scope of this ESIA are summarised in Table 3-9.

Table 3-9 International Conventions and Agreements Signed / Ratified by Italy

<table>
<thead>
<tr>
<th>Convention name</th>
<th>Ratified by Italy</th>
</tr>
</thead>
<tbody>
<tr>
<td>ILO Convention 29 Forced Labour Convention (1930) and ILO Convention 105</td>
<td>18/06/1934</td>
</tr>
<tr>
<td>Abolition of Forced Labour Convention (1957)</td>
<td></td>
</tr>
<tr>
<td>ILO Convention 87 Freedom of Association and Protection of the Right to Organize</td>
<td>13/05/1958</td>
</tr>
<tr>
<td>(1948)</td>
<td></td>
</tr>
<tr>
<td>ILO Convention 98 Right to Organize and Collective Bargaining (1949)</td>
<td>13/05/1958</td>
</tr>
<tr>
<td>ILO Convention 100 Equal Remuneration Convention (1951)</td>
<td>08/06/1956</td>
</tr>
<tr>
<td>ILO Convention 111 Discrimination Employment and Occupation (1958)</td>
<td>12/08/1963</td>
</tr>
<tr>
<td>ILO Convention 138 Minimum Age (1973)</td>
<td>28/07/1981</td>
</tr>
<tr>
<td>Bonn Convention or CMS (1979); Convention on the Conservation of Migratory Species of Wild Animals</td>
<td>Law 25/01/1983, n. 42</td>
</tr>
<tr>
<td>Barcelona Convention (1976); Convention for the Protection of the Mediterranean Sea against Pollution</td>
<td>Law 25/01/1979, n. 30</td>
</tr>
<tr>
<td>ILO Convention 105 Abolition of Forced Labour (1957)</td>
<td>15/03/1968</td>
</tr>
</tbody>
</table>

Source: ERM (2011)

In addition to the above, high importance is given to the trans boundary context of the Project (ESPOO Convention).
3.6.1 Trans-boundary Notification and Consultation (Espoo Convention)

The UN Convention on Environmental Impact Assessment in a Trans-boundary Context (Espoo Convention issued in 1991) stipulates the obligations of countries that have ratified the Convention to assess the trans boundary environmental impacts of a project at an early stage of planning. The ESPOO Convention was ratified by Italy with Law n. 640 on 3 November 1994.

The process of notification and consultation with the affected parties is driven by the competent authority. However, authorities can ask the project proponent to prepare notification and undertake public consultation above and beyond their normal EIA requirements. The project proponent may also be asked to undertake public consultation with affected parties.

The notification and consultation process according to the Espoo Convention comprises the following main elements:

- Screening (by the Party of Origin) to assess whether a trans boundary EIA is mandatory under the convention;
- Scoping document to provide all preliminary information of the project;
- Notification by the Party of Origin to Affected Parties of the start of the Espoo Process;
- Exchange of information between all parties;
- Preparation of EIA documentation;
- Distribution of EIA documentation; and
- Consultation among the Parties.