



Forum Nazionale
SALVIAMO IL
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Italian National Forum of Movements for Earth and Landscape
"Save the Landscape - Defend the Territories"

Law Proposal by Italian citizens' initiative*

RULES TO HALT SOIL CONSUMPTION
AND
TO REUSE URBANIZED SOILS

Multidisciplinary Technical-Scientific Working Group
Italian National Forum Save the Landscape
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Law Proposal by the Italian National Forum of Movements for Earth and Landscape "Save the Landscape - Defend the Territories"

RULES TO HALT CONSUMPTION AND TO REUSE URBANIZED SOILS

Introduction

The Italian *National Forum of Movements for Earth and Landscape* (better known as "Save the Landscape Forum") was established in Cassinetta di Lugagnano (Milan) in October 2011. The Forum is a national civic network that currently has more than 1,000 organizations and thousands of citizens as members.

Since its foundation, the Forum has had as its main objective the need to promote the passing of a national law capable of combating effectively a problem that is recognized as an emergency: soil consumption.

In order to bring about active engagement on the part of the Italian Parliament and political forces, over the past seven years Save the Landscape Forum has undertaken many initiatives and supported the proposal for a draft law focused on limiting the consumption of agricultural land, launched in 2012 by the Monti Government and promoted by its Minister for Agricultural Policies, Mario Catania.

Save the Landscape Forum considered this draft as a first step in the desired direction, while pointing out some limitations supported by its own detailed evidence-based "observations", which were communicated to the Italian Parliament.

After more than 5 years, the draft has not yet been approved. Moreover, according to the assessments of Save the Landscape Forum, the initial text has been progressively emptied of content and parameters that are needed to adequately face "*the emergency of soil consumption*".

For this reason, the Forum decided to draft a new regulatory text aimed not only at "limiting" soil consumption but at halting it. The text will be officially addressed to the Italian Parliament as a reference document for parliamentary initiatives. The final aim is to provide Italy with a clear, unequivocal, constructive piece of legislation to protect the soils that are still available, including those within urbanized areas - a law that would also be useful in solving the problems presented by the vast stock of unused and abandoned buildings.

If legislators will not pay the necessary attention to this proposal and take action as a result, this text will form the basis for a huge national campaign for a specific decree law promoted by social, civic and economic forces, possibly in the form of a draft law on Italian citizens' initiative.

To formulate this new draft regulatory text, between October 2016 and January 2018, a specific multidisciplinary technical-scientific working group was set up within the Forum, to which 75 people contributed, including architects, urban planners, university professors, researchers, soil scientists, geologists, farmers, agronomists, environmental technicians, solicitors, lawyers, journalists/popular science writers, psychoanalysts, representatives of large national associations, trade unionists, landscape architects, biologists, etc.

Alessandro Mortarino and Federico Sandrone coordinated the whole group (members list in Annex I).

The result of their invaluable work is the legal text that follows, drawn up in a collective form by all the members of the Group. The final version of the text, shared for analysis and approval by all Forum members (organizations and individual citizens), was then validated by judicial experts.

It is an important text that takes into account the different visions of all the Group members and their respective disciplinary skills.

In addition, it is a draft law that defines what must be legally understood by the terms "soil" and "soil consumption". It establishes the rules for protecting and safeguarding a fundamental common good that constitutes a non-renewable and non-replaceable resource in the production of food and ecosystem services, in the transformation of organic matter, in the water cycle and in the mitigation of climate change.

The soil is to be understood as the surface layer of the Earth, the living skin of the planet. A fragile film. Billions and billions of living creatures live in the soil, a quarter of the biodiversity of the entire planet¹. There can be over a billion microorganisms in a single gram of soil, and over 10,000 different species can be counted in that same single gram. All these living organisms are fundamental for the creation and fertility of soil and contribute to its harmonious development, a process that requires very long timescales lasting some thousands of years: we are therefore talking about a finite non-renewable resource and one that is therefore at least as precious as water, air and sun.

If you cover part of the soil with cement or asphalt, this will forever alter its nature and it will inevitably lose its characteristic functions.

The analysis of data offered by public bodies like ISPRA (Istituto Superiore per la Protezione e la Ricerca Ambientale) and ISTAT (Istituto nazionale di Statistica) confirmed that soil consumption is *an absolute emergency*.

According to ISPRA's 2017 report², although the consumption of soil in Italy has slowed significantly in recent years, it has by no means come to a halt. Between 2013 and 2015 new artificial coverings have consumed an additional 250 square km of soil,

¹ <http://www.fao.org/resources/infographics/infographics-details/en/c/285727/>

² <http://www.isprambiente.gov.it/it/pubblicazioni/rapporti/consumo-di-suolo-dinamiche-territoriali-e-servizi-ecosistemici>

or - on average - about 35 hectares per day (an area equal to about 35 football fields every day).

This translates to a transformation speed in the most recent period of about 4 square metres of soil irreversibly lost every second.

After reaching 8 square metres per second in the 2000s (between 6 and 7 square metres per second is the average of the last 50 years), the slowdown started in the period between 2008-2013 due to the economic crisis. However, in the last two years, this reduced soil consumption speed has continued systematically and uninterruptedly, covering natural and agricultural areas with asphalt and cement, housing, production centres, malls and shopping centres, infrastructure and roads.

Data from the ISPRA monitoring network show how, at the national level, the soil consumed has risen from 2.7% in the 1950s to an estimated 7.6% in 2016: an increase of 4.3 percentage points (1.2% is the increase between 2013 and 2015) and 159% growth.

In absolute terms, soil consumption is estimated to have affected over 23,000 square km of our territory. Because our country is about 35% mountainous, soil sealing has eroded the plain areas, which are the most fertile and represent about 23% of the entire surface of Italy (almost a quarter), as well as a large part of the remaining 42% which is composed of hills with a height of less than 800 metres.

Another critical factor is the chaotic occupation of soils resulting from settlement dispersion (sprawl), which causes the fragmentation and disintegration of landscapes that have been created by humanity over time. These landscapes represent a common heritage that represents historical and cultural values along with a sense of belonging, fundamental for the wellbeing of citizens and communities, as well as an important resource for social and ecological-natural tourism.

Moreover, the phenomenon of land grabbing leads to a loss of soil ownership by small and medium-sized farms, thus dispelling an important requirement for the sustainable social and ecological management of the territory. Land is increasingly seen as a financial investment opportunity and is the object of intense speculation by multinationals and large investors, both European and foreign. The concentration of agricultural land in the hands of a few actors, who care little about the soils' equilibrium within their ecosystem, has profound social, cultural, economic and political consequences and leads to the standardization and banalization of landscapes.

For Italy (see report based on EUROSTAT data)³, it is estimated that 26.2% of the useful agricultural area is already in the hands of 1% of landowners with areas exceeding 100 ha. Whereas previously in Italy US investments accounted for the lion's share, now Chinese companies are increasingly interested in land and farms. A similar level of criticality for the whole European Union has led to a European Parliament Resolution⁴ on how to facilitate farmers' access to the land.

³ Extent of Farmland Grabbing in the EU

[http://www.europarl.europa.eu/RegData/etudes/STUD/2015/540369/IPOL_STU\(2015\)540369_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/540369/IPOL_STU(2015)540369_EN.pdf)

⁴ (P8_TA (2017) 0197) of 27 April 2017 - entitled "Agricultural concentration situation in the EU:

Furthermore, the ISPRA 2017 report highlights the costs generated by soil consumption in terms of loss of ecosystem services (usually underestimated or not accounted for) such as: supply of water, food and materials; regulation of natural cycles; ability to resist extreme events and climate change; carbon sequestration - assessed not only by social costs but also by the market value of emission permits -; cultural services and recreational activities. These have to be added to the costs and additional consumption of natural resources needed for infrastructure, services and maintenance that the new building requires.

At the national level, direct costs deriving from these losses are mainly due to the lack of agricultural production (51% of the total, over 400 million euros per year between 2012 and 2015) as soil consumption increasingly invades the areas dedicated to this primary activity; these areas are also being reduced due to land abandonment - a serious loss, because it is not a simple reduction, but a definitive and irreversible cancellation.

The non-sequestration of carbon adds 18% to the costs due to soil sealing. The lack of erosion protection affects 15% (between 20 and 120 million euros annually) and the increasingly frequent damage caused by the lack of infiltration and regulation of water represents 12% (almost 100 million euros annually).

Other services provided by natural soil, especially if covered by vegetation and reduced as a result of its consumption, are the removal of particulate matter and the absorption of ozone. Healthy soil improves air quality being the physical place where the biogeochemical cycles are completed for the main components of atmospheric smog.

In Italy we have seen a record level of diseases and premature deaths due to atmospheric pollution, with over 90,000 premature deaths/year⁵, and an economic loss estimated⁶ at 360 billion dollars of economic damage to the 4 largest EU countries (including Italy), increasing to 540 billion in projections to 2030.

Specifically for Italy, the economic damage to externalities related to the health of citizens from air pollution has been calculated at over 47 billion / year in the 3rd report of the European Commission⁷. In a country that is aging at a higher rate than the rate of generational replacement, it would be irresponsible not to end the consumption of soil immediately.

The soil also plays an important role in pollination and the regulation of urban microclimates. The reduction of the latter function has serious impacts on the rise in energy costs: soil sealing causes an increase in temperatures during the day and, due to accumulation, even at night.

how to facilitate farmers' access to the land " <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2017-0197+0+DOC+XML+V0//EN>

⁵ European Environment Agency - Air quality in Europe - 2016 report, tab. 10.1 pag. 60

⁶ OECD 2016 report "The economic consequences of outdoor air pollution "

⁷ "State of the Energy Union" of 23 November 2017 (see SWD Energy Union Factsheet Italy)

In summary, Italian data show that the economic loss of ecosystem services is between € 538.3 million and € 824.5 million a year, or a loss per hectare of between € 36,000 and € 55,000.

A vicious circle that, given the high numbers, gives rise to doubts: where is the public benefit of unjustified building interventions with short term and limited economic return? What will be the cost in taxes and charges if the interventions turn out to be obviously uneconomic and destined to lose value, as well as requiring constant maintenance? Should the absence of cost-benefit compensation alone lead us to favour limiting soil sealing works of whatever kind as far as possible?

The extremely high soil consumption of the last 50 years of Italian development is not related to actual demand for production or housing, or to realistic social needs. According to ISTAT in Italy there are: more than 7 million unoccupied houses, 700,000 industrial buildings no longer in use, 500,000 shops that have closed down, 55,000 buildings confiscated from various mafias. These "non-returnable bottles" distort the landscape and its communities.

All this, in the context of a demographic trend (due essentially to the arrival of a new population from abroad) which indicates weak growth, so that in the three-year period 2012-2016 deaths exceeded births.

In 2016 the population of Italy was 60,665,552 residents, substantially stable since 2014, while ten years earlier it stood at 58,064,214.

The ISTAT picture for 2017 shows a renewed reduction, with a current population of 60,579,000, about 86,000 less than in 2016.

According to data from *Scenari Immobiliari* (Independent Institute of Studies and Research, which analyses real estate markets and, in general, the economy of territory in Italy and in Europe), today in Italy most recently constructed buildings still for sale were built several years ago. In 2015 the number of unsold properties stood at 90,500 units (excluding buildings still under construction and not yet on the market).

At the same time, there are many obsolete and almost unusable properties available, which would need to be restructured and converted to new uses. This would generate a win-win situation with obvious benefits for the economy, for the appearance of our towns and cities, and without piling new construction on soils that are still "free".

Furthermore, the recent and still ongoing economic and financial crisis resulted in the banks owning a large number of buildings. This is partly due to foreclosures on properties belonging to "impoverished" citizens and - above all - on companies engaged in failed building operations due to the excess in the amount of property on offer. The result of this is that the main credit institutions have opened up a "real estate" supply chain to dispose of assets that are progressively losing value and that weigh on their balance sheets.

The main non-performing loans derive from the construction and real estate segment, with 41.7% of impaired loans (source: Banca d'Italia, September 2016).

This is a very high proportion, which is symptomatic of an unbalanced economy, too exposed to this sector.

Another element is the huge costs associated with the abandonment of obsolete or closed down shopping centres and/or warehouses ("demalling") due to bankruptcies. This happens with increasing frequency and huge disbursements of money, often public, are necessary for their demolition or reuse to keep at least a measure of decency. The reuse of decommissioned warehouses should also be encouraged through specific tax concessions, where new productive settlements or expansions of existing production facilities are needed.

A further deleterious effect on soil consumption is the fragmentation of the agricultural network produced by road infrastructure, which often leaves areas of agricultural land that are no longer usable because they are residual or difficult to access.

Figures from the Italian *Ministry of Agriculture, Food and Forestry* show that today Italy is able to produce just 80-85% of its own primary food needs, compared with 92% in 1991. This means that if suddenly we no longer have the ability to import food from abroad, as many as 20 Italians out of 100 would remain unfed. The main conclusion is that today, due to the loss of fertile soil, Italy is not able to guarantee food sovereignty to its citizens.

In Italy the Useful Agricultural Area (UAA) has been reduced to about 12.7 million hectares with 1.7 million farms, while in 1991 it was almost 18 million hectares.

As a whole, the agri-food sector produces an annual turnover of € 26.58 billion: 14 in agriculture, 11.4 in animal husbandry and 1.18 in aquaculture, with a total of around 600,000 workers employed and 42,000 hectares of greenhouses (which are not considered agricultural land).

The only agricultural products that exceed domestic needs are wine, rice and fruits and vegetables, all of which require intensive and extensive methods. All other agri-food products must be imported, for example:

- citrus fruits (Italian production covers 98% of domestic consumption),
- durum wheat (65%)
- soft wheat (38%)
- corn (81%)
- olive and husks oil (74%)
- barley (56%)
- potatoes (80%).

Remember that these productions are made possible by a strong "injection" of fossil resources, such as agro pharmaceuticals and chemical fertilizers. They have progressively impoverished the soil used for farming and its essential capacity to regenerate itself. The use of synthetic chemicals in agriculture is directly linked to the contraction in UAA which favours the use of chemical fertilizers on ever-smaller cultivated areas in order to increase yield per hectare.

According to the *Grantham Centre for Sustainable Futures* of the University of Sheffield, in the last 40 years - due to erosion or pollution - our planet has already

lost a third of its arable land. The consequences are disastrous, especially considering the enormous rises in global demand for food: almost 33% of the world's suitable or highly suitable soil for food production has been lost at a rate that exceeds the pace of the natural processes able to replace the lost soil.

Furthermore, dry land accounts for only 30% of the earth's surface (8% of which is at altitudes above 1,000 metres, and therefore scarcely cultivable for food purposes). The areas for cultivation that are "exploitable" in a natural way (i.e. without artificial water or drainage systems) are just 11%: the question of agriculture and food is among the most important priorities of our time. In 2050, the world population will exceed 9 billion so it is necessary to increase agricultural production in Italy and in the world by at least 30%.

Additionally, the dynamics of climate change processes have to be considered, together with loss of biodiversity, desertification and a strong reduction in ecosystem services. Taken together, they will worsen the existing situation.

In "The Italian positioning compared to the 17 Sustainable Development Goals of the United Nations"⁸ report (January 2017), it is stressed that in Italy, the areas most sensitive to degradation and desertification make up about 30.8% of the national territory. The data were obtained through assessments based on the joint analysis of the state and management of soil, vegetation and climatic conditions.

Therefore, the geomorphological conformation of Italian territory - under relentless attack for decades by urbanization and infrastructural processes - imposes on our country a rigorous protection of free and not sealed soils, to safeguard the spaces that are vital for citizens' and communities' wellbeing, to guarantee the agricultural uses necessary for agro-food self-sufficiency and to avoid hydrogeological disruption.

Italy is afflicted by increasing disasters of variable intensity that raise doubts about our territory management capacity and the security of our cities and countries.

According to ISPRA 2010 data, 7,445 Italian municipalities (88.3% of the total) are affected by some element of territorial danger; among these 20.3% (1,640 municipalities) present areas with high (P3) or very high (P4) landslide risk; and 19.9% (1,607 municipalities) present areas subject to hydraulic hazard (P2); while 43.2% (3,893 municipalities) present a mix of potential risks (P2, P3, P4).

For all these reasons and thanks to the numerous social, ecological and economic benefits derived from the soil, combating soil consumption is highly worthwhile. It is, in fact, an essential measure to support our economic and social wellbeing. Accordingly, it has to be considered a priority and must become one of the most urgent items on the Italian parliamentary agenda.

⁸ Ministry of Environment and Protection of Land and Sea – published January 4, 2017 - "The Italian positioning compared to the 17 Sustainable Development Goals of the United Nations" (source: <http://www.asvis.it/home/46-1343/minambiente-la-posizione-dellitalia-rispetto-allagenda-2030#.WKU1dyhSgxl>)

The present legislative proposal therefore puts forward a series of interventions intended to act as fundamental principles of the subject, according to the provisions of the second paragraph of Article 117 of the Italian Constitution.

This is a legislative proposal capable of orientating the entire building sector in the right direction, moving it towards the only feasible development path: recovery, regeneration, energy efficiency and anti-seismic rehabilitation of the stock of old buildings. Almost 55% of Italian housing (16.5 million units) was built before 1970; a share that rises to 70% in medium-sized cities and 76% in big cities. These are therefore buildings responsible for energy waste and often at high seismic risk, on which a serious restructuring operation, rehabilitation or replacement must be carried out.

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RATIONALE

Article 1 enumerates the aims, principles and objectives of the proposed law. Primarily, aims are identified in order to combat decisively (thus, "halt" and not simply "limit" or "contain") the consumption of soil. Soil is a common good and a limited and non-renewable resource providing vital functions / services.

Accordingly, it is necessary to safeguard surfaces that are vital for the wellbeing of citizens and their communities. Due to a constant growth in world population, agriculture and food production are among the most important issues of our time. However, soil consumption limits food production, especially in flat and peri-urban areas, which are the most fertile and suitable areas for agricultural purposes and which represent a minimal part of the total area.

The Italian territory has a widespread hydrogeological instability that is exacerbated by soil consumption and consequent abandonment of activities that care for and maintain the countryside. Therefore, ending soil consumption also means counteracting land collapse, soil sealing, and all the negative effects of increasingly frequent extreme weather events. In this way, it will be possible to prevent economic damage and loss of life.

Furthermore, soil protection is an essential measure for mitigation of and adaptation to climate change, combating biodiversity loss and desertification phenomena.

Public institutions are responsible for protecting and safeguarding soils from further consumption but, at the same time, every citizen must contribute to the effective implementation of various policies addressing this problem.

In this respect - to avoid further consumption of free soil - the fundamental principles of territorial governance are: reuse and regeneration of already urbanized soils; the renewal of building stock through renovation and restoration for earthquake-resistance and energy-saving; and the reconversion of the housing sector by reconstruction and replacing old buildings.

The present law constitutes the implementation of article 42 of the Constitution. It states "*property is public and private*" and "*private property is acknowledged and guaranteed by law ... in order to ensure its social function*". Thus, the absence of the latter removes the juridical protection, with the result that soils return to the collective ownership of the population of the municipality concerned. No compensation is due to the owners who have not fulfilled the social function of their assets, or have abandoned them.

Article 2 provides definitions of "soil", "land consumption", "agricultural area, natural and semi-natural area", "artificial soil cover", "soil sealing", "urbanized area", "built-up area", "area of relevance", "infrastructure area", "urban regeneration",

"ecosystem services" and "building", which are needed in order to avoid divergent interpretations.

In particular, it is clarified that the scope of the law concerns any free, natural, semi-natural or agricultural surface, both in the urban and peri-urban area.

Article 3 provides that from the date of entry in force of the law, no new soil consumption is permitted for any purpose whatsoever. It indicates that settlement and infrastructure needs are to be satisfied exclusively through reuse, regeneration of existing settlement patrimony and existing infrastructures. ISPRA, the environmental protection agencies of the Italian Regions (ARPA) and autonomous provinces (APPA) are named as official reference subjects for monitoring soil consumption.

At the same time, on the basis of the collected data, individual or associated municipalities must approve specific variances to their town and city plans to eliminate building plans that involve soil consumption in agricultural, natural and semi-natural areas. In the absence of these modifications, the effectiveness of the abovementioned instruments with regard to the provisions for soil consumption is suspended. Finally, if it were still necessary, it is made explicit that the forecasts of municipal plans are plans and only that, and that they do not determine the acquisition of any right, as is moreover affirmed by a solid body of judgements of the *Italian Council of State*⁹.

Article 4 regulates the terms of the principle of reuse and urban regeneration. It establishes the obligation for local authorities to identify, in their municipal planning instruments: "*urban areas*"; "*identification of the boundaries of the existing urbanization*" and to carry out a "*municipal census*" aimed at identifying: any unused or abandoned buildings of any type (both public and private), with their characteristics and dimensions; quantification and qualification of existing urbanized areas and their infrastructure; and remaining areas not yet implemented but foreseen by planning instruments in force.

In case of non-compliance with the aforementioned obligations, from the date of entry into force of this law, the municipalities are prohibited from carrying out building works that involve soil consumption, as well as the adoption or approval of new planning instruments or variances that permit building in free areas.

At the same time, in order to facilitate the identification of unoccupied, unused or abandoned property units - necessary for the preparation of the "*municipal building census*" - the managing bodies of electricity and water supply networks are required to provide detailed data on each type of connection.

Article 5 sets out interventions for the regeneration of degraded urbanized areas from an urban, socio-economic, landscaping and environmental point of view.

The interventions are based on:

- the rehabilitation, reuse and regeneration of soil ecological functions;

⁹ Advisory body to the Italian government on administrative matters and their legal implications.

- the rehabilitation, demolition, reconstruction and replacement of existing buildings (excluding more invasive interventions in historic areas of cities and in areas of long-established settlement);
- the creation and maintenance in existing urbanized areas of green zones, pedestrian areas, cycle paths, nature reserves, urban agriculture;
- the integration of diversified public and private functions aimed at improving the quality of life of residents, the liveability and pleasantness of public urban spaces, with high quality standards, seismic safety, minimum environmental and landscaping impacts;
- the improvement of energy efficiency and reduction of emissions, through the indication of precise performance targets related to the architectural quality of buildings, with particular reference to bio-architecture.

The same article identifies the woods defined by Legislative Decree 227/2001, as a national strategic resource to be protected by specific arrangements because they are generators of ecosystem services of primary public and collective interest.

Article 6 defines the incentive measures applicable to the various subjects:

- to municipalities, individually or in partnership, the granting of state and regional funding for urban reuse, urban regeneration, and remediation of contaminated sites;
- to individuals, separately or in association, who intend to carry out the recovery of buildings and infrastructure in rural areas or the recovery of soil for agricultural activities, including the demolition of recently constructed warehouses and other abandoned rural buildings, that do not fit in with their surroundings and the landscape;
- to public and private subjects who, due to the need to expand their production activities, undertake the re-use of warehouses or abandoned buildings.

At the same time, it is envisaged that Regions and Autonomous Provinces can adopt incentive measures, including those of a fiscal nature, for the recovery of existing building heritage, in order to prevent hydrogeological instability and degradation of rural landscapes and favour the re-establishment of agricultural activities in areas affected by widespread abandonment.

Article 7 establishes that the income deriving from the building permit certificates and foreseen sanctions¹⁰ are destined, exclusively and without time constraints, to:

- the carrying out of primary and secondary urbanization works not involving new soil use,
- the rehabilitation of building complexes included in historic centres,
- interventions for reuse and regeneration,
- interventions for the protection and rehabilitation of the environment and the landscape, also for the purposes of prevention, mitigation and safety of areas exposed to hydrogeological and seismic risk, implemented by public entities,

¹⁰ Provided for by the consolidated text referred to in the Presidential Decree of the Republic 6 June 2001, n. 380 (the "infamous" urbanization charges).

- within the maximum limits of 30% for ordinary and extraordinary maintenance costs of the municipal heritage.
-

Article 8 defines the social function of property. Single or associated municipalities that identify assets considered to have been abandoned / unused and no longer fulfilling any social function will follow a specific procedure in order to bring them back into collective ownership in order to satisfy the general interest, in accordance with art. 42 of the Italian Constitution.

Article 9 contains the final provisions and foresees that, from the date of entry into force of the law, soil consumption is not allowed, except for:

- works included in the public planning instruments existing at the date of entry into force of this law;
- interventions envisaged by the building permits issued or formed on the date of entry into force of this law;
- interventions included in any implementation plans, approved before the entry into force of this law.

Furthermore, the Minister of the Interior will have the power to dissolve municipal councils, in cases of ascertained and persistent violations of some specific provisions (failure to suspend the implementation of the urban planning instruments and any variances in force, with regard to provisions for interventions that involve or envisage soil consumption).

Article 10 defines the deadlines for the entry into force of this law. The present law proposal does not involve any new or increased charges borne by the public finances. The administrations involved will provide human, financial and instrumental resources available in accordance with current legislation.

*Text drafted by the
Multidisciplinary Technical-Scientific Working Group
Italian National Forum Save the Landscape*

***RULES TO HALT SOIL CONSUMPTION
AND
TO REUSE URBANIZED SOILS***

**Art. 1
(Aims, principles and objectives)**

- 1) In accordance with art. 9, 41, 42, and 117 of the Italian Constitution and the European Landscape Convention (signed in Florence 20 October 2000) and ratified by Italy with Law n. 14 of 9 January 2006, the present law establishes the fundamental principles for the protection of the soil and its functions, in order to promote and protect the environment, the landscape and agricultural activity, and to prevent further soil consumption.
- 2) The soil, as a non-renewable and non-replaceable resource - as defined in paragraph 1 of the following article 2 - plays a fundamental role in the survival of living beings on the entire planet. It is able to provide a plurality of benefits that mean it is no longer possible to defer the actions aimed at fully protecting it from further possible transformations, which irreversibly compromise its ability to support food production and provide other ecosystem services.
- 3) The geomorphological conformation of the Italian territory and the soil sealing that has taken place in some areas of the country render essential a rigorous protection of uncontaminated free soils, in order to:
 - safeguard vital spaces related to the well-being of citizens and communities,
 - guarantee agricultural use, improvement of agro-food sovereignty, biodiversity conservation and soil fertility.The land suitable for agricultural purposes represents a minimal part of the total area and needs protection. Preserving its fertility is one of the most urgent tasks of our time.
- 4) Public institutions are jointly responsible, each according to their respective competences, for the preservation and protection of the soil, as specified by this law. Every citizen has the right and duty to contribute to the effective

implementation of these policies in the interests of present and future generations.

- 5) Urban re-use and regeneration avoid further soil consumption and are fundamental principles for territory governance.
 - 6) All tools for the monitoring and governing of territory, including those for spatial planning, urban planning and landscaping – at any administrative level - and the Territorial Information Systems (S.I.T.) must comply with the rules set out in this law, identifying urban reuse and regeneration as priority actions.
 - 7) This Act constitutes the implementation of Article 42 of the Italian Constitution according to which "*property is public or private*" and "*private property is acknowledged and guaranteed by the law which determines its methods of purchase, enjoyment and limits with the purpose of assuring its social function*". This enshrines the legal protection of property rights only if, and insofar as, they "*ensure*" the purpose of the "*social function*". The disappearance of the social function due to abandonment or other causes eliminates the legal protection of property. Accordingly, it prevents the establishment of any right to compensation. Thus, abandoned goods fall within the unavailable assets of the municipality and are assigned to satisfy the general interest. Single or associated municipalities, in the exercise of their functions, have the right to intervene to restore the social function and / or safeguard the protection of the general interest of the property, if necessary using their powers aimed at the allocation for public use of abandoned and / or unused assets. In addition, they have the right to carry out the subsequent acquisition of the asset to the municipal patrimony, as a "common good" in order to allocate it - according to participatory modalities - to a use that is compliant with social needs and / or the general interest in accordance with the provisions of Article 8.
 - 8) National and regional development policies and spatial and landscape planning tools facilitate:
 - agricultural use of the soil, to ensure sustainable food production systems, implement resilient agricultural practices with low environmental impact, contributing to maintaining ecosystems and improving soil and its quality;
 - protection of natural areas including in the free spaces of urban areas, without prejudice to the guarantee of compliance with the standards of the urban plans required by law;
 - protection and enhancement of agricultural activity by ending soil consumption;
 - transformation of sealed or otherwise urbanized soils into permeable free soils, while ensuring that the implementation of urban planning standards does not imply sealing of the affected soils;
 - recovery of degraded soils and land, including those affected by desertification, drought and flooding, excluding the cultivation of natural and semi-natural land or land with no agricultural capability;
 - multi-functionality and offer of services to respond to population needs, while preserving landscape quality.
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Art. 2 (Definitions)

1. For the purposes of this law, we mean:

(a) '*soil*': the non-renewable resource, an essential component of the terrestrial ecosystems which constitutes the top layer of the terrestrial crust located between the rocky substrate and the surface. The soil is made up of mineral components, organic matter, water, air and living organisms;

(b) '*soil consumption*': the modification or loss of the agricultural area - natural, semi-natural or free - as a result of actions such as: artificial soil cover; soil modifications caused by construction, infrastructure and services (above and below ground); or caused by soil removal and soil sealing;

(c) '*agricultural area, natural and semi-natural area*': non-urbanized areas used or usable for agricultural or silvopastoral activities, as well as other surfaces not sealed or not compromised by interventions or actions referred to in letter b) above; regardless of the formal classifications defined by the planning instruments, these areas can also be included in the urban fabric;

d) '*artificial covering of the soil*': the portion of land on which buildings and/or linear and precise infrastructures directly impinge; including those linked to mobility, extractive areas, landfills, construction sites, courtyards, forecourts and other paved areas, permanent greenhouses, sealed sport areas and fields, photovoltaic systems and all other sealed areas;

(e) '*soil sealing*': the change in the soil's nature by artificial coverage and by other interventions, capable of eliminating or reducing its permeability; also soil compaction due to the presence of linear infrastructure, artefacts and permanent deposits of material;

f) '*urbanized area*': the part of the territory consisting of the built-up areas of any type of use and the areas related to them, from the areas of infrastructure for mobility, as well as areas related to facilities, services, quarries, landfill, sport and technology facilities;

(g) '*built area*': the part of the territory defined by the projection on a horizontal plane of the constructed volume of the buildings above and below ground, measurable by adding together all the surfaces for any type of building;

h) '*area of pertinence*': the part of territory adjacent to a building, or lying between several buildings, including roads, sidewalks, courtyards and portions of green areas and gardens, with the exclusion of agricultural, natural and semi-natural surfaces;

i) '*infrastructure area*': the part of the territory which is the site of infrastructure, whether linear or specific, that serves mobility and related works;

l) '*urban regeneration*': a coordinated set of urban, housing, socio-economic, technological, environmental and cultural interventions that do not cause soil consumption; including interventions aimed at favouring the establishment of urban agriculture activities, orchards, urban gardens and urban woods, with educational, social and shared aims for the protection of natural and semi-natural areas still present in urban areas. This regeneration must pursue the objective of substitution, reuse and requalification of the built environment. This in accordance with criteria based on methods and techniques safeguarding:

- environmental sustainability;
- soil conservation;
- localization of new interventions for transformation in already built and degraded areas;
- raising ecological and environmental potential and urban biodiversity;
- reduction of water and energy consumption;
- revitalization of the public city through the creation of adequate primary and secondary services and improvement of the quality and beauty of living environments;

m) '*ecosystem services*': the multiple benefits provided to humankind by ecosystems, divided into four categories:

- 'provision or supply services' which deliver the actual goods, such as food, water, timber, fibres, fuel and other raw materials, but also genetic materials and ornamental species;
- 'regulatory services' which regulate climate, air quality and water, soil formation, pollination, assimilation of waste, and mitigate natural hazards such as erosion, weeds, etc.;
- 'cultural services' which include non-material benefits such as inheritance and cultural identity, spiritual and intellectual enrichment, aesthetic and recreational values;
- 'support services' which include habitat creation and the conservation of genetic biodiversity;

n) "building": the set of property units that share the same access/es.

2. Letter v-quater), paragraph 1, article 5 of the legislative decree 3 April 2006, n. 152, concerning the definition of soil is replaced by letter a) of the preceding paragraph 1.

Art. 3
(Ending soil consumption)

1. From the date of entry into force of this law and in compliance with the provisions of paragraph 1 article 9, soil consumption is not permitted for any purpose whatsoever. Settlement and infrastructure needs are met through reuse, regeneration and reorganization of existing settlements and infrastructure as indicated in article 4. Economic criteria alone, even if presented as being in the public interest, cannot be a reason to allow soil consumption.

2. On the basis of the analysis of collected data, as referred to in Article 4, each single or associated municipality will have to approve a variance of its own urban planning instrument. This is in order to eliminate construction forecasts that identify interventions for any type of construction that involves soil consumption in agricultural areas and in natural and semi-natural areas. In any case, even without the aforementioned variance, the effectiveness of the planning instruments that are in force and of any variances, regarding provisions for interventions involving land consumption in agricultural areas and in natural and semi-natural areas is suspended. The sole exception is construction works, interventions, building permit certificates, and programmes, referred to in paragraph 1 article 9. The building forecasts of the urban municipal planning instruments on free soil are merely planning indications that do not give rise to the acquisition of any rights on the part of the owners of the land. Furthermore, these owners cannot claim any indemnity or compensation with regard to the adequately motivated elimination of forecasts not yet implemented referred to in this section.

3. The Regions and the autonomous Provinces must adjust their legislative and regulatory provisions, within 180 (one hundred and eighty) days from the date of entry in force of this law. At the same time, they must identify the specific procedural provisions to be respected in urban planning of municipalities - whether singly or in association - regarding the need to reduce building areas already anticipated by the urban planning instruments in force. For these reductions, precisely because they are aimed at safeguarding soil as a good, they will have to identify simplified forms and procedures.

4. The processes of evaluation, training and adaptation of the existing municipal planning tools are public. The subject promoting them will guarantee information, knowledge of the procedures, also ensuring the tangible participation of stakeholders and citizens, single or associated, through specific and mandatory meetings.

5. The monitoring of soil consumption and the implementation of this law are entrusted to the Higher Institute for Environmental Protection and Research (ISPRA), in collaboration with the Environmental Protection Agencies of the Regions (ARPA) and the Autonomous Provinces (APPA) for the drafting of a

national map, annually updated. For the purposes of the monitoring referred to in this paragraph, ISPRA and the environmental protection agencies have access to the databases of public administrations and to any other source with relevant information managed by public entities. ISPRA defines methods and standards for the creation of databases and of data itself, which regions must adopt. ISPRA will make public and available annually cartography and soil consumption monitoring data, both nationally and by region, province and municipality. Municipalities, whether singly or in association, and regions can send to ISPRA any proposals to modify the cartography within 30 (thirty) days from publication on the ISPRA website. Within the next 30 (thirty) days ISPRA will publish the final version of the data after checking the correctness of the modification proposals together with the territorially competent environmental protection agency.

Art. 4 **(Reuse and urban regeneration as priority)**

1. In order to implement the principle of reuse and urban regeneration referred to in paragraph 5 Article 1, single or associated municipalities, within 180 (one hundred and eighty) days from the date of entry in force of this law, will provide:

a) the identification in municipal planning instruments of «urban planning areas» including blocks, areas or individual buildings that, because of their dilapidated condition must as a matter of priority be the subject of interventions of reuse and urban regeneration. This identification must be updated at least every two years and published on the institutional websites of the municipalities concerned;

b) the certified drawing up according to the law of a «perimeter-identification of the existing urbanized area», as defined in letter f) paragraph 1 article 2. This perimeter can be updated and must be published on the institutional sites of the municipalities concerned;

c) the certified drawing up according to the law of a «*municipal building census*». This census will have to identify the buildings and the real estate units - both public and private - of any type that are vacant, unused or abandoned, with their specific characteristics and dimensions. In addition, the census will have to quantify and qualify the existing urbanized infrastructure areas and the residual areas not yet implemented by the planning instruments in force. The purpose of this is to create a database of public and private unused building stock available for recovery or reuse and to keep the status of soil consumption up to date. This information is mandatorily updated at least every two years, together with the identification and perimeter delimitation referred to in the previous sections and must be published in aggregate form on the institutional websites of the municipalities concerned.

2. Pursuant to paragraph 6, article 1 and letter c) paragraph 1 of this article, the managing bodies of the electricity and water supply networks are obliged to provide the individual or associated municipalities with detailed data in database format, relating to each type of electrical and water connection. In particular, they must provide the meter number, the street code, the house number, the internal number, and the type of connection relating to the contract for the single user. The database is necessary to allow the relationship with the municipal registry office, in order to obtain real-time, on demand information on the electricity and water consumption for each real estate unit.

3. For the certified drawing up of the perimeters and the census referred to in letters b) and c) of the preceding paragraph 1, the professional external agents in charge assume the status of persons performing a service of public utility pursuant to articles 359 and 481 of the Penal Code.

4. From the date of entry into force of this law, it is forbidden to implement building interventions of any kind or type of use - even if they have already been provided for by the planning instruments in force - that involve even partial soil consumption. Also forbidden are the adoption and the approval of new urban planning instruments or their variances providing for interventions of any kind and type of use in free areas, excepting, in any case, as provided for in Article 9, paragraph 1.

5. The municipalities must report annually to the Region or Autonomous Province - which collects the reports in a special register - the real estate properties in a neglected state or liable, due to the state of dilapidation or neglect in which they are left by the owners, to cause damage to the landscape, to productive activities or to the environment.

Art. 5
(Regeneration interventions for degraded urbanized areas, protection of woods and forests)

1. The Italian Government is delegated to adopt, within 270 (two hundred and seventy) days from the date of entry into force of this Act, one or more legislative decrees. They will aim at encouraging the effective use of unused buildings and provisions for the regeneration of degraded urbanized area from an urban, socio-economic, landscape and environmental point of view.

The decrees will respect the following guiding principles and criteria:

a) to guarantee forms of intervention aimed at ensuring the regeneration of degraded urban areas. Specific projects and instruments will be used and related to buildings and public and private spaces. They will be based on soil remediation; on reuse, as well as on the regeneration of the soil's ecological

functions; on the requalification, demolition, reconstruction and replacement of existing buildings; on the creation of pedestrianized green areas, cycle paths, natural areas, surfaces for agriculture and urban forestation; and on the insertion of diversified public and private functions for improving the quality of life of residents, the liveability and healthiness of public urban spaces;

b) to provide that the projects referred to at point a) guarantee high standards of quality, seismic safety, minimum environmental and landscaping impact, in particular to guarantee the protection of existing green areas with improvements in energy and water efficiency and a reduction of emissions. In addition, there is an obligation to create filtering surfaces, by setting out precise building performance targets, and to ensure architectural quality partly through specific public announcements and competitions addressed to professionals with suitable qualifications; and finally there is an obligation to inform and encourage the participation of citizens.

2. The regulations referred to in the decrees adopted pursuant to paragraph 1, relative to demolition, reconstruction and replacement operations, are not applicable to:

- historic centres and similar areas;
- properties identified in the maps of the Urban Building Land Registry established by the law of 11 September 1939, n. 652;
- properties that have maintained a traditional architectural configuration that characterizes the historical fabric;
- areas and buildings referred to in Article 10 of Legislative Decree 22 January 2004, n. 42.

Subject to express authorization of the competent Archaeological, Fine Arts and Landscape Superintendence, the same discipline can be applied to the urbanized degraded areas that are subject to landscape protection as per articles 136, 142 and 157 of the aforementioned legislative decree 42/2004.

They are in all cases subject to the specific provisions of greater protection contained in the landscape plans and the constraints present within the municipal urban planning instruments.

3. With effect from the entry into force of the decrees adopted pursuant to paragraph 1, paragraphs 9, 10, 11, 12 and 14 of Article 5 of the law 12 July 2011, n. 106, concerning "*interventions in derogation for the incentive requalification of urban areas*" are repealed.

4. Woods and forests, as defined by the legislative decree 18 May 2001, n. 227 and subsequent amendments and additions, are considered as a strategic national resource, for the purposes of natural and landscape conservation, soil protection and hydrogeological protection.

5. The intended use of land covered by woods and forests cannot be modified. During landscaping and urban planning, it must be protected by specific

safeguards and conservation provisions, with plans for re-naturalization interventions in case of deterioration.

6. Regions and Autonomous Provinces must make their regulations regarding woods and forests compliant within the absolute time limit of 180 (one hundred and eighty) days after the entry into force of this law. If this limit is exceeded, any provision contrary to the previous paragraphs 4 and 5 of the law shall be deemed to be misapplied.

Art. 6 (Incentive measures)

1. Municipalities, whether singly or in association, have priority in obtaining state and regional funding for:

- reuse operations and urban regeneration and / or reclamation of contaminated sites, in compliance with the sector regulations and the "polluter pays" principle,
- interventions aimed at encouraging the establishment of environmentally low-impact small-scale social and farming activities, including within urbanized areas,
- restoration of crops in uncultivated agricultural lands, that have been abandoned or in any case are no longer used for agricultural purposes, excluding areas covered by woods and forests as defined by the legislative decree 16 May 2001, n. 227 and subsequent amendments and additions.

In relation to uncultivated or abandoned land, the granting of any financing must be assessed with reference to the suitability of use through a "zone agricultural plan" or a "business development plan".

2. The same priority order referred to in paragraph 1 is also assigned to private individuals, whether singly or in association, who intend to carry out the recovery of buildings and infrastructure in rural areas. It also applies to the recovery of soil for agricultural or environmental purposes, including the demolition of sheds and other recently erected rural buildings that are out of keeping with the surrounding landscape.

3. For the purposes referred to in Article 1 and within the limits of their competences, Regions and Autonomous Provinces may adopt incentive measures, including fiscal measures, for the recovery of the existing building stock.

This is in order to:

- prevent hydrogeological instability and the degradation of rural landscapes,
- encourage the revival of agricultural activities in areas affected by abandonment,
- encourage forestry activity.

4. In order to prevent hydrogeological instability and degradation of rural landscapes and encourage the revival of agricultural activities in areas affected by extensive abandonment, within 90 (ninety) days from the date of entry into force of this law, a decree of the *Ministry of Economy and Finance* in concert with the

Ministry of Agriculture Food and Forestry will identify the help to be provided in terms of training, technical and administrative support, as well as incentives, including tax incentives. This is in accordance with the European provisions on State aid and the criteria and implementation modalities in favour of agricultural entrepreneurs, including those formed into cooperatives, that start a business activity after the date of entry into force of this law, or that expand their utilized agricultural area, by recovering areas affected by environmental degradation.

5. At the same time as carrying out the census referred to in letter c) paragraph 1 of article 4, the municipalities shall identify individual buildings, complexes and other built structures, not only of ancient construction, which typify rural architecture, even if they are of no particular architectural value, but are representative of the history of the populations, identity and culture of rural communities.

The identification of these buildings must be reported in municipal urban plans. This involves an automatic prohibition on demolishing or transforming them (with building substitution interventions) and priority in granting funding for their restoration.

Art. 7

(Assignment income deriving from building permit certificates)

1. The income deriving from building permit certificates and sanctions (provided for by the consolidated text of the President of the Republic Decree of June 6 2001, n. 380) are to be assigned solely and without time limits to:

- the realization, adaptation and rationalization of primary and secondary urbanization works that do not involve soil consumption,
- the rehabilitation of building complexes located in historic centres or in any case having historical value or interest,
- building interventions aimed at reuse and regeneration,
- interventions for the protection, care and requalification of the environment and the landscape,
- the prevention, mitigation and securing of areas exposed to hydrogeological and seismic risks carried out by public entities,
- up to a maximum of 30% (thirty percent) for the ordinary and extraordinary maintenance costs of municipal property.

2. Paragraph 737 of Article 1 of the Law of 28 December 2015, n. 208; paragraph 460 of article 1 of the law of 11 December 2016, n. 232; paragraph 1-bis of the decree law 16 October 2017, n. 148, converted with amendments into law December 4, 2017, n. 172, are repealed. However, their forecast expenditures included and published in annual financial statements that have already been approved are preserved.

Art. 8
(Social function of property)

1. According to the purposes referred to in paragraph 7 of article 1, the following are considered to have been abandoned:

a) unused and/or derelict assets of public, ecclesiastical, private or other properties, being in a state of abandonment and/or degradation for at least 10 years;

b) assets that may cause damage to the environment, danger to public and private safety or security, concerns for cultural and historical heritage;

c) assets that may give opportunities for illegal activities and behaviour;

d) assets in any way abandoned and/or unused, that therefore no longer fulfil any social function and/or that may damage the general interest, as governed by Article 42 of the Italian Constitution, as well as by Article 17 of the Charter of Fundamental Rights of the European Union.

2. The term "common goods" refers to those goods functional to the exercise of fundamental rights and to the free development of the person as a human being, considered both as an individual and as a member of the community. "Common goods" are also those that - removed from their social function to satisfy the needs of the community - must be brought back into public ownership by the legal system, on the basis of principal division between goods on the market and goods that are not for sale. These latter are inalienable, and not subject either to adverse possession or to expropriation.

3. The assets that have lost their constitutional social function are referred to as abandoned assets. They become part of the public property of the municipalities where they are located and must be assigned to meet the general interest.

4. The norms of the civil code on property are subordinated to economic public order to become directly subject to articles 41, 42 and 43 of the Italian Constitution. These articles establish both the prevalence of social utility and the "*social function of property*" on private interest, as well as the protection of the general interest, as regulated by Article 17 of the Charter of Fundamental Rights of the European Union.

5. The actions taken on the basis of this article express the willingness of the single or associated municipalities to manage common assets:

a) as functional to the exercise of fundamental rights, as well as to the free development and to the promotion and realization of the person as a human being;

b) as a property of collective and social belonging according to the public/private distinction;

c) for the purpose of use and accessibility based on fairness and solidarity criteria;

d) as representatives of an artistic and cultural value to be preserved for the protection of the rights of future generations.

6. The identification of the real estate properties of public, ecclesiastical, private or other nature that are in the conditions referred to in paragraph 1, can take place both ex officio and on notification by the community concerned. The assets identified according to the methods set out in the present article will be included in a list published on a special section of the institutional website of the municipalities (single or associated).

7. Following the identification and mapping of the assets referred to in paragraph 6, the single or associated municipalities will provide for the adoption of an ordinance pursuant to articles 50 and 54 of the legislative decree 18 August 2000, n. 267. The ordinance must be notified according to legal regulations in force in case of refusal of the deed and / or unavailability, ordering its owners and / or those entitled to the assets to adopt all necessary measures to:

- a) eliminate any conditions of danger and to make the asset safe;
- b) restore conditions of hygiene;
- c) restore to a decent condition all properties in the territory that are dilapidated and in a state of abandonment and / or disuse ;
- d) pursue the "social function".

These activities must be completed within 120 (one hundred and twenty) days from the notification. The deadline of 120 (one hundred and twenty) days can be extended by a further 180 (one hundred and eighty) days, at the request of interested parties, in order to be able to restore the social function of the property.

8. If the assets referred to in paragraph 1 do not present a danger to public safety and/or prejudice to health and public hygiene, the single or associated municipality will restore the social function and/or ensure furtherance of the general interest on the part of the aforementioned assets, within the same term with the possibility of extension as identified in the previous paragraph 7.

9. If the assets referred to in paragraph 1 are burdened by real guarantee rights, such as voluntary or judicial mortgage, the measures referred to in paragraph 7 will also be notified to the holders of these rights so they can replace the defaulting owner in the duty to ensure the social function of the asset in question.

10. In order to ensure maximum dissemination, and in any case in which no owner and/or property rights are identified, the single or associated municipalities must also proceed through publication in the following media:

- Official Journal of the Italian Republic,
- Official Bulletin of the Region concerned;
- at least one newspaper with national circulation.

11. Within 120 (one hundred and twenty) days, starting from the notification of the deed referred to in paragraph 7, the owners and/or entitled persons have the right to submit their own deductions.

12. If the deadline referred in paragraph 7 except for any extension has expired without the actions requested by the administration having been fulfilled, the single or associated municipality will provide ex-officio to carry out the necessary interventions at the expense of the owners and / or entitled persons. In case of lack of financial resources necessary to cover the costs of coercive intervention, attested by the municipality's economic and financial Sector manager, the single or associated municipality will have the ability, according to the Italian Constitution, to acquire (declare the acquisition of the asset) as municipal property. The declaration of acquisition will take place by resolution of the city council, subsequently recorded in public records.

13. The single or associated municipalities may regulate the provisions relating to the management and use criteria of the aforementioned assets through a specific regulation, in compliance with the principles set forth in paragraph 7 of article 1, and of this article.

Art. 9 (Final measures)

1. From the date of entry into force of this law, soil consumption is not permitted except for works and projects included in the planning instruments of contracting authorities, valid at the date of entry into force of this law. However, this excludes any work planned to take place within an area subject to medium, high or very high hydrogeological hazards as identified by current urban plans or specific sector plans, or any planned work falling within the area - even if not mapped - that in the last ten years has been affected by hydrogeological problems documented by the persons in charge.

The following exceptions are maintained:

- building permit titles - however named - issued or formed before the date of entry into force of this law,
- interventions and transformation programmes provided for in the implementing plans - however named - approved before entry into force of the present law,
- the relative public works deriving from the urban planning obligations pursuant to article 28 of the law of 17 August 1942, n. 1150.

2. In cases of ascertained and persistent violation of

- paragraph 2 article 3, with respect to failure to suspend the effectiveness of the planning instruments in force and any variances,
- paragraph 4 article 4, with regard to the failure to ban implementation of building interventions that involve soil consumption, or the failure to ban the

adoption and approval of new urban planning instruments or their variances that provide for interventions of any kind and purpose in free areas,
- or paragraph 1 article 9,
municipal councils on the proposal of the *Minister of the Interior* are to be dissolved according to the provisions of Article 141 of the Legislative Decree of 18 August 2000, n. 267.

3. After letter a), paragraph 1, of article 39 of legislative decree 14 March 2013, n. 33, the following letter is added:

b) for each act referred to in letter a), the schedules for the adoption or approval resolutions, as well as the related technical annexes, shall be published at least ten days before they are approved.

4. In paragraph 1, article 39 of the legislative decree 14 March 2013, n. 33, after the words in 'paragraph 1, letter a) is added:

and letter b).

Art. 10
(Entry into force)

1. The provisions of this law come into force on the day following that of publication in Italian Official Gazette.