

DISASTER PREVENTION AND MANAGEMENT MECHANISMS IN ITALY

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ACRONYMS AND ABBREVIATIONS

ANAC	Anti-Corruption National Authority
ARPAE-SIMC-CF	Regional agency in charge for the preparedness, environment and energy
ARSTePC	Regional agency in charge for the preservation of the territory and civil protection
CAS	Contributo per l’Autonoma Sistemazione
C.C.S	Rescue Coordination Center
CEE	European Economic Community
CFC	Central Functional Center
C.O.C	Municipal Operational Center
COAU	Airlines operative center
COEMM	Operative center for the maritime emergencies
COM	Mixed Operating Centers
C.O.R	Regional Operational Center
CPS	National Civil Protection Service
DFC	Decentralized Functional Centers
Di.Coma.C	Department of Command and Control
D.lgs	Legislative decree
DM	Ministerial Decree
DPC	Department of Civil Protection
DPCM	President of the Council of Ministers Decree
DRM	Disaster risk management

DRR	Disaster Risk Reduction
DVI	Disaster Victim's Identification Team
EC	European Commission
ENAC	National Civil Aviation Authority
EU	European Union
FF.OO.	Public enforcement
ISPRA	National Authority for environment protection and research
ItRC	Italian Red Cross
NGO	Non-governmental organisation
OIV	Independent Evaluation Organism
PNA	National plan of action
RC	Red Cross
SAE	Housing emergency solution
SGBV	Sexual and Gender based violence
SMND	National Distributed National Meteorological Service
SNAP	National System for the Environmental Protection
SOI	Regional Integrated Operational Room
UN	United Nations

EXECUTIVE SUMMARY

INTRODUCTION AND BACKGROUND

The whole Italian national territory is exposed to different types of natural and technological disasters, such as hydrogeological events, forest fires, volcanoes eruptions and seismic tremors. All of them periodically led to huge losses of human life and damages. As a result institutional attention toward disaster management issues have been present also in the past, even if through different models.

Early forms of the Italian civil protection system emerging at the end of XIX century did not provide for any coherent structure and related activities were limited to the relief phase. In 1926 a royal decree-law provided for the the first institutional framework in this area attributing relief activities to the Ministry of Public Works. However, this organizational structure was not always followed in practice since a pivotal role was played also by the Ministry of Home Affairs.

In the '70s and '80s of last century different laws were introduced in order to improve the Civil protection system and foster a proper robust disaster management system. Such attempts led to the law 225/1992, which transformed the civil protection system into a network of organizations and into a service (so-called "Servizio della Protezione Civile"). Following the legislative decree 112/1998 and the constitutional reform of 2001 (aimed to partly devolve competences on civil protection to Regions and the autonomous provinces of Trento and Bolzano), law 100/2012 and law 119/2013 re-arranged the framework provided by law 225/1992: the system was further de-centralized with legislative power being conferred to the regions, except for the fundamental policy principles set by the law of the Italian State. Regions are now the main actors for the preparedness, rescue and recovery of the society, to be supported by national actors in case of major calamities. Listed in the law 225/1992, public operational bodies participating in the civil protection service are the National Firefighters Corps, who are the fundamental civil protection component, the armed forces, police forces, the Forest Guards, the National Health Service, science and research groups, the Alpine Search and Rescue Corps. The Italian Red Cross, regardless of its recent transformation into a private organisation, still have a specific recognition within the national system of civil protection.

Dating back to law 225/1992 an additional feature of the Italian civil protection mechanism is its openness to the contribution of private entities requested to complement the action of public authorities. In order to contribute they have to join the national or regional registers of civil protection volunteer organizations. The registration procedures are set by the Department of Civil Protection (DPC), and it is only open for organizations with expertise in specialized sectors that the DPC considers as important. Joining either a regional or a central register is a necessary condition for participating in civil protection activities in order to be mobilized by public authorities. A particular class of private organizations contributing to civil protection is that one of public utility companies, which includes companies managing highways, railways, telephone lines, television, postal service, and electric energy.

The Italian Civil protection system is currently facing a new reform. Indeed, pursuant to law 30/2017 (March 16th,2017), the Government has been entrusted by the Parliament to adopt binding legislative decrees aimed to re-organise and better frame the national service of civil protection and its legal and institutional structure. This normative activity, to be exercised in early 2018, might have a relevant impact, especially as it aims to provide a more coherent framework in comparison with the current patchwork. In its law 30/2017 the Parliament has provided some general guiding principles to be fulfilled by the Government and as a result only the proper content of future legislative decrees will permit to appreciate novelties introduced in this area.

FINDINGS AND RECOMMENDATIONS

1. State of emergency and/or state of disaster:

- a. *the law differentiates between “states of emergency” that might be applicable to situations of civil unrest and “state of disaster” for natural disasters?*
- b. *If not, must a state of emergency be declared before the government can take necessary responsive actions (e.g. enforcing mandatory evacuations, using certain extraordinary funds?)*
- c. *Are there different levels of state of emergency/disaster (national, regional, local levels)?*
- d. *What are the consequences of an emergency declaration? What are the powers triggered by the state of emergency or disaster?*
- e. *Are emergency declarations used comfortably?*

Overview of findings

Law 225/1992 provides for three categories of disasters, i.e. type A, type B and type C disasters. The principle used for categorization results from a combination of the criteria of intensity, extent of the event and reaction capacity of the public authority, as follows.

A type A disaster consists of "natural or man-made events that can be dealt with by ordinary individual entities and administrations". The entity primarily responsible for responding to these events is the municipality.

Type B disasters are those that cannot be dealt with by municipalities alone – for they require coordination between different administrations and competent entities – but can still be addressed without resorting to a “state of emergency” declaration. In case of type B disasters, hence, provinces, regions and prefects are attributed partially overlapping powers. Particularly, regions play a decisive role, managing coordination and the implementation of urgent interventions.

In the event of disasters of types A and B, in accordance with the principle of subsidiarity provided for in D.Lgs. 112/1998, municipalities are assigned the powers of Civil Protection. Therefore, when such disasters occur, the mayor takes the lead of the “ordinary management” of the given disaster, by: leading emergency activities within the territory of the given municipality; coordinating rescue efforts and assistance to the affected population; and authorizing the necessary interventions by giving immediate notice to the prefect and the President of the Regional Council, according to emergency plans (see question 5a). For example, according to art. 49 of D.P.R. 327/2001, the mayor may order the seizure of private property for urgent needs of serious public necessity.

Type C disasters are those natural or man-made calamities that, due to their intensity and extent, require extraordinary means and powers; here, emergency management is coordinated at the national level. When a type C disaster is foreseen or occurs, the Council of Ministers may, at the request of concerned regions, decide to deliberate a "state of emergency" through a resolution indicating: (a) its duration, (b) territorial extension, and (c) extent and limits of the power to issue “orders of necessity” (Ordinanze), ie. extraordinary measures as subsequently explored. A state of emergency may be extended or renewed for maximum 180 days by a further deliberation of the Council of Ministers.

As to its substantial content, the resolution deliberating a state of emergency typically has a twofold aim.

Firstly, it identifies financial resources and authorizes public spending under the specific funding of the "National Emergency Fund". In particular, it specifies the share of resources allocated to rescue and assistance to the affected population. If the Chief of Civil Protection (hereinafter DPC) verifies that the allocated financial resources are or will be insufficient vis-à-vis interventions to be carried out, he/she shall promptly submit a reasoned report to the Council of Ministers in order to take measures to integrate the Resources.

Secondly, ex art. 5 of Law 225/1992 as amended by Law 100/2012, the emergency resolution allows the DPC Chief – unless another authority is appointed as an extraordinary Commissioner – to exercise extraordinary powers and, where appropriate, determine limits and conditions of intervention. The main tools at the disposal of the DPC Chief – or of an extraordinary commissioner if appointed – are the so-called “orders of necessity” (Ordinanze), provided by the same art. 5 of Law 225/1992. Orders are issued directly by the DPC Chief, or by the extraordinary commissioner, if appointed. These orders might derogate to the law, although within the limits and criteria established by the abovementioned “emergency resolution” adopted by the Council of Ministers pursuant to art. 5(2) of Law 225/1992 (as amended by Law 100/2012) as well as those established by the general principles of Italian legal system. Art. 5 of

Law 225/1992 also specifies that “orders of necessity” must always explicitly indicate derogated provisions and state reasons for derogation. Generally speaking, orders’ scope is very wide, as they are meant to provide for measures aimed at “favoring and regulating the substitution of ordinary public administration”. Usually orders include measures related to: a) the organization and provision of relief and assistance; b) restoration of public services and infrastructures; c) interventions to reduce residual risk and identify needs for the restoration of economic and production activities.

When a type C disaster strikes, but before the Council of Ministers has adopted a resolution deliberating the state of emergency, emergency decisions can be taken both at the national and local levels. At the national level, the President of the Council of Minister may order by decree the activation of the national structures of the DPC to cope with the emergency, by consideration of imminent dangers to life. At the local level, the mayor may adopt special derogating measures, but only for the protection of the security of persons. Furthermore, regions are requested to support DPC’s activities, by guaranteeing a minimum standard of emergency assistance; for example, regions must ensure the immediate activation and deployment of regional emergency columns and volunteer organizations. Regions carry out their tasks through a special Regional Protection Committee.

Conclusively, it shall be noted that on 16 March 2017 the Parliament approved a so-called “delegation law” (i.e. Law 30/2017), calling on the Government to restate, reorder, coordinate, modify or integrate existing legislative provisions related to disasters. Article 1(g) of the said Law 30/2017, notably, calls on the Government to amend the rules regarding state of emergency with a twofold aim: to adopt criteria to ensure the timely and homogeneous assessment of conditions for declaring a state of emergency; to clarify the extent of extraordinary powers that can be exercised in derogation to laws in force, in a manner that respects general principles of Italian law and European Union (hereinafter EU) law. Thus, the current system may change in due course.

Good practices/models

“Orders of necessity” (Ordinanza) n. 388 of August 26, 2016¹ on the first urgent civil protection interventions following the earthquake in Lazio, Marche, Umbria and Abruzzi regions in summer 2016 represents a typical example of instruments adopted by the DPC on the basis of abovementioned extraordinary powers. This document defines: the coordination between the various actors involved; allocation of immediate resources and suspension of payment for bank loans; measures aimed to facilitate mayors in providing shelters also through occupation of private areas; derogations from specific legal provisions, including a general clause derogating from all national laws and regional provisions related to the activities envisaged by this Ordinance.

Gaps and Challenges

The Italian legal order does not differentiate between “state of emergency” and “state of disaster”; states of emergency declarations might equally cover situations of civil unrest and disastrous events. The law, however, creates confusion when, through Law 185/1992 on the “New discipline of the Solidarity Fund”, provides for the regulation of so-called “states of calamity”. A state of calamity is defined as an event damaging the agricultural sector, such as anomalous seasonal precipitation patterns; the power of initiative is thereby reserved to the Minister of Agricultural and Forestry. In practice however, a declaration of a state of emergency and a declaration of a state of calamity have never been issued at the same time.

In the past, Italy made quite a flexible recourse to state of emergency declarations, thereby attributing extraordinary powers to the DPC also in areas outside disasters. Art. 5bis(5) of Law 401/2001, by limiting the President of the Council of Minister's powers to situations of “natural disasters, catastrophes and major events that cause serious risks”, *de facto* equalized type C disasters and “major events”, namely extraordinary situations creating derangements to society which may increase risks to life, property, housing and the environment. This wide definition allowed to declare a state of emergency, for example, in relation to the Milan EXPO of 2016. Law 27/2017 abrogated art. 5bis(5) of Law 401/2001 and since then the management of “major events” no longer falls within DPC’s competences as to provide a more coherent framework and avoid past challenges.

Recommendation

The envisaged reform of the system, as provided by Law 30/2007, should better identify criteria for different types of emergencies and attribute proper competences in this area among involved actors. Similarly standard and pre-defined ‘orders of necessity’ could be arranged in light of major and recurrent typologies of disasters.

¹ http://www.protezionecivile.gov.it/resources/cms/documents/Ord._n._388_sisma_centro_Italia_2016.pdf

2. Institutional arrangements

- a. *Are the roles and responsibilities of preparedness and response institutions set out in the law? Does it clearly apportion roles and responsibilities in the decision-making chain?*
- b. *Does the law establish coordination mechanism across national ministries/departments and institutions, and other relevant levels of government (including local and national)?*

Overview of findings

Art. 3 of Law 225/ 1992 establishes that Civil Protection activities are those related to risk preparedness and prevention, rescue of affected populations and all other activities necessary to counter and overcome emergencies and mitigate risks.

The law defines Civil Protection as a "service" consisting of a network of national and local, public and private organizations and institutions for the coordinated use of all available resources. Hence, the members of the so-called "National Service of Civil Protection" are, pursuant to art. 6 of Law 225/ 1992: ministries, regions, provinces, municipalities and mountain communities, but also other public bodies, institutes and scientific research groups, private institutions and organizations, citizens associated with civilian volunteering groups, and professional orders working within the scope of Civil Protection's competences. Law n. 225/1992 establishes the competences of the public entities members of the National Service of Civil Protection. Notably, regions participate in the organization and implementation of Civil Protection activities and ensure the elaboration and implementation of regional preparedness and prevention programs; provinces elaborate provincial prevention programs and cope with emergencies through the prefect, who takes all necessary measures to secure first aid in coordination with the President of the Regional Council; at the municipal level, mayors lead emergency activities by coordinating with the prefect and the President of the Regional Council.

Moreover, art. 9 of Law n. 225/1992 created the National Commission for the preparedness and prevention of major risks, i.e. an advisory body of the National Service of Civil Protection which: examines data provided by the network; evaluates potential risks; and identifies areas of study and research. The Commission is composed of the DPC Chief and three experts appointed by a joint body of national and regional authorities (Conferenza Stato-Regioni).²

Over the years, Civil Protection competences progressively shifted from the State, to regions and local entities. This process was implemented by the adoption of, mainly: the Legislative Decree 112/1998; and the modification of Title V of the Constitution through Constitutional Law 3/2001 which, *inter alia*, amended art. 117 of the Constitution. Today, Civil Protection has become a matter of concurrent competence; hence, the Parliament only determines fundamental principles, whereas the legislative competence belongs to regions. Although competences are well-defined, roles and responsibilities in the decision-making chain are not clearly established by law. Moreover, there is no distinction between the roles and responsibilities of the various institutions involved in prevention and response activities. As abovementioned, this state of affairs moved the Parliament to adopt Law 30/ 2017, delegating the Government to reorganize the legislative provisions regulating Civil Protection: the Government is currently tasked to reorganize the discipline within December 2017.³

The coordination of the network is guaranteed by the DPC. The DPC is incorporated within the Presidency of the Council of Ministers; this fosters coordination between operational and political levels. Notably, the DPC incorporates three bodies relevant to the coordination of disaster preparedness and response.

First, the Civil Protection Operational Committee, established by art. 10 of Law 225/1992. This body is mainly tasked with evaluating information, data and assistance requests, defining intervention strategies and coordinating in a single framework necessary operational activities.⁴ The Decree of the President of the Council of Ministers of 10 February 2017, which regulates its components, establishes that the Operational Committee is chaired by the DPC Chief – thereby ensuring centralized management and coordination of emergency activities – and includes: three representatives of the Civil Protection Department; the Head of the Fire Department; one Representative for, respectively, the Armed Forces, the Police Forces, the Red Cross, the Ministry of Health, the National Volunteering Organizations, the Civil Protection Services of the autonomous regions and provinces, the National Alpine and Speleological Rescue Corps, the Harbor Masterpieces, the Higher Protection and Environmental Research Institute, the National Institute of Geophysics and Volcanology, the National Research Council and the Body for New

² http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG1602

³ <http://www.gazzettaufficiale.it/eli/id/2017/03/20/17G00043/sg>

⁴ http://www.protezionecivile.gov.it/jcms/it/comitato_operativo.wp

Technologies, Energy and the Environment; representatives of companies managing public goods, e.g. highways, railways, and energy.⁵ According to the Decree of the President of the Council of Ministers of 9 August 2016, the Operational Committee is in office for three years and is convened by the DPC Chief.

Second, the so-called "Sala Situazione Italia", i.e. the central national co-ordination system which collects, verifies and disseminates information, keeps in constant contact with local authorities and identifies emergency situations.⁶ Its organization and operation are governed by the Decree of the President of the Council of Ministers of 3 December 2008: in ordinary times, it operates 24/7, keeping the necessary link with the various situation rooms located throughout the State territory; in time of emergency, "Sala Situazione Italia" sets up in crisis units, organized for "support functions" according to different areas of emergency activity.⁷

Third, the so-called "Department of Command and Control" (Di.Coma.C), i.e. a national coordination center for Civil Protection components and operational structures. This body activation is triggered by DPC in order to provide coordination support directly in the area concerned by a disaster.⁸ Di.Coma.C ensures the optimization of the use of national resources in the concerned territory and is composed by different "support functions", which represent the different fields of activity involved in the disaster scenario. The activation and objectives of these functions are determined by acts of the head of the Civil Protection Department which identify the coordinator.⁹

The law also regulates emergency organization at the various territorial levels. The Decree of the Council of Ministers of 3 December 2008 establishes that, in case of disasters:

- The "Regional Operational Center" (C.O.R) is activated at regional level and chaired by the President of the relevant region. Operational coordination is ensured by the Regional Operational Room, which coordinates local operational centers with national ones.¹⁰
- At the provincial level, the prefect ensures that emergency assistance starts quickly by taking urgent actions and directing operational forces. He/she: directs the provision of emergency services in types B and C disaster situations, in coordination with the President of the concerned regions and mayors of affected municipalities; activates a "Rescue Coordination Center" (C.C.S); activates one or more inter-municipal "Mixed Operating Centers" (COM), which are as near as possible to the territory where the disaster stroke.¹¹
- At the municipal level, a "Municipal Operational Center" (C.O.C) is activated, chaired by the mayor. This entity is responsible for the first emergency response, whatever the nature of the event and the extent of its effects. It constantly monitors the evolution of events, thereby guaranteeing an appropriate distribution of human resources, facilities and means available.

As to prevention specifically, the President of the Council of Ministers Decree of 18 February 2008 created the "National Platform for Disaster Risk Reduction", in accordance with what was originally proposed by the Hyogo Framework for Action (2005-2015) and subsequently by the Declaration of Sendai. The Platform facilitates coordination of risk reduction activities through an advisory and participatory process among relevant stakeholders of issues relevant for DRR and global agendas, promotes the strengthening and diffusion of a culture of prevention and risk awareness, and facilitates the integration of risk mitigation activities within national development policies.¹² The Platform is composed of representatives of relevant Ministries, one representative elected by the State-Regions Conference and one nominated by the Italian National Association of Municipalities.

Good practices/models

1. Liguria Regional Law 9/2000 is a good example with regard to emergency coordination. It establishes standards aimed at identifying the organizational and operational responsibilities of relevant actors in the region and ensuring a high standard of operation of the volunteer organizations and of municipal teams. The mentioned law focuses on areas of risk inherent to the region, i.e. hydrogeological, seismic, industrial risks and forest fires. The law establishes

⁵ http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG63205

⁶ http://www.protezionecivile.gov.it/jcms/it/che_cose.wp;jsessionid=F790D85724015FEB010A93856AA2135F?contentId=APP101

⁷ <http://www.protezionecivile.gov.it/jcms/it/glossario.wp?contentId=GLO13479#GLO13479>

⁸ <http://www.vigilfuoco.it/asp/notizia.aspx?codnews=8013>

⁹ http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG52105

¹⁰ <http://www.prefettura.it/FILES/AllegatiPag/1199/Gabriella%20Casertano-%20la%20Sala%20operativa%20regionale.pdf> , pag. 8

¹¹ <http://www.prefettura.it/teramo/contenuti/8391.htm>

¹² http://www.protezionecivile.gov.it/resources/cms/documents/DPCM_18_FEBBRAIO_2008.pdf

competences for provinces, municipalities and mountain communities and allocates specific responsibilities relevant to prevention, emergency management and restoration of normality.¹³

2. Apart from the activities of the National Platform, in compliance with the requirements set out in the documents developed by the United Nations Conference on the Disaster Risk Reduction (Hyogo, Sendai), a National Focal Point has been appointed in Italy. He operates within the Civil Protection Department, supported by the National Platform, acting as the manager in implementing the disaster risk reduction strategy. Currently the Focal Point is the Head of the International Relations Office of the DPC. The Focal Point is connected to the Platform and other local actors regarding the coordination of prevention activities. He also participates in regional and international cooperation activities.¹⁴

c. *Which agency would be responsible for managing assistance in case of technological incident as opposed to a natural disaster? What connections, if any, are there between general civil protection or disaster management procedures/plans and technological incident procedures/plans with regard to assistance?*

Overview of findings

Legislative Decree 334/1999 stipulates that emergency plans shall be developed covering both (i) territories potentially affected by technological disasters (hereinafter external emergency plans) and (ii) industrial plants (hereinafter internal emergency plans), with the aim of ensuring timely and effective response and safeguarding public health and the environment.

Internal emergency plans shall be established by managers of industrial plants and shall include activities necessary to prevent accidents. External emergency plans shall be established by competent public authorities. They shall identify risk areas, early warning systems, and behaviors to be adopted by the population in the event of an accident.¹⁵

The law also regulates specific technological disasters. As to chemical accidents, the Decree of the President of the Council of Ministers of 25 February 2005 identifies three risk areas: the "impact area", the "damage zone" and the "attention zone".¹⁶ Furthermore, The Decree of the President of the Council of Ministers of 19 March 2010 adopted the National Plan for the Protection against Radiological Emergencies. This act identifies and regulates the measures necessary to deal with accidents occurring in nuclear installations outside the national territory, which require coordinated action in Italy. This document reaffirms the general principles and rules governing operational coordination in disaster scenarios.

Good practices/models

1. The "Technological Risk Service", which is part of the DPC "Hydrogeological and Anthropological Risk Office", is the entity specifically responsible for technological risks.¹⁷ It promotes the establishment of networks and systems for identifying, monitoring and supervising technological risks; plans preparedness activities and exercises;¹⁸ promotes methods, tools and procedures relating to: major fire hazards associated with hazardous substances and ionizing radiation; risks associated with the carriage of dangerous goods, including radioactive and nuclear materials; risks associated with the interruption of logistic networks and strategic infrastructures, with particular reference to the energy production sector. As to industrial risk prevention activities, the National Civil Protection System ties with relevant public bodies, as research and scientific institutions, to develop research projects and implement emergency management tools. Main relevant public bodies involved in such activities are: the Higher Institute for Environmental Protection and Research, the Higher Institute for Occupational Prevention and Safety, the Regional Environment Protection Agencies, the National Research Council and the Superior Institute of Health Care.

2. The National Fire Brigade exercises control over plants considered at risk of major accident and participates in emergency management activities.¹⁹

¹³ <http://images.comune.savona.it/IT/f/Ambiente/LR/LR-n.9-del-2000.pdf>

¹⁴ http://www.preventionweb.net/files/43291_sendaimrameworkfordrren.pdf, art. 27 (g)

¹⁵ http://www.protezionecivile.gov.it/jcms/it/attivita_industriale.wp?pagtab=2#pag-content

¹⁶ http://www.protezionecivile.gov.it/resources/cms/documents/D.p.c.m._25_02_2005.pdf

¹⁷ http://www.protezionecivile.gov.it/jcms/it/rischio_industriale.wp

¹⁸ http://www.protezionecivile.gov.it/jcms/it/serv_rischio_tecn.wp

¹⁹ http://www.protezionecivile.gov.it/jcms/it/attivita_industriale.wp

- d. *Are the roles and responsibilities of non-governmental entities (i. Private sector, ii. Volunteers, iii. Community groups) reflected in disaster management legislation? Are they included in multi-sectorial committees?*
- e. *Does the country's law or policy seek to prefer civilian methods of delivering humanitarian relief in disaster settings when possible?*

Overview of findings

The role of non-governmental entities is provided for at the various levels of legislation.

Firstly, art. 118 of the Italian Constitution establishes that the State, regions, metropolitan cities, provinces and municipalities favor the autonomous initiative of citizens, both individually and grouped in associations, for the pursuit of activities of general interest, on the basis of the subsidiarity principle. The action of private subjects must be complementary to that of public authorities.

Secondly, Law 225/1992 states that "every institution and organization also private" is called upon to implement the activities of Civil Protection. These entities may enter into agreements with national and local Civil Protection authorities in order to regulate their participation to its activities. Law 225/1992 specifies that citizens and civil volunteering groups can contribute to Civil Protection activities. Notably, the Decree of the President of the Republic 194/2001, states that any volunteer organization may participate in civil protection activities, provided that it is: a) freely constituted, b) for non-profit purposes; c) mainly uses the personal, voluntary and gratuitous services of its members, d) and performs or promotes prediction, prevention and rescue activities with respect to natural or man-made disasters²⁰.

As to volunteering organizations specifically, they are considered as members of the National Service of Civil Protection by art. 6 of Law 225/1992, and as a national operating structure by art. 11 of the same law. The "volunteering" support function, is among the first to be activated within the "Sala Situazione Italia". It is composed of: an "Administrative Secretariat" managing volunteers in operating areas, recording assistance material, and providing organizational and administrative support; and a "Volunteering Coordination", which implements emergency assistance, identifies the resources to be deployed and carries out logistics supervision. In order to participate in the activities of the Civil Protection Service, volunteer organizations must subscribe to a national list of Civil Protection volunteers. The latter is made up of territorial lists managed by regions and a central list managed by the DPC. All organizations listed therein can be called to intervene in the event of major national events.²¹

There is not a national policy to prefer civilian methods of delivering humanitarian relief in case of disasters, when possible. According to Law 225/1992, also the Armed Forces are designated as an operational arm of the National Civil Protection Service.²² They might contribute to the protection of the affected population in the event of damage or danger of serious harm to the safety of persons and property. The Armed Forces' contribution is ensured through the operational units located throughout the national territory, which is divided into areas of responsibility (the military regions) and intervention areas (the military commands of the area).²³ The link between the Armed Forces and the National Civil Protection Service is ensured by the State Defense Force at the national level and the Regional Military Command at the regional level. In case of disasters, Italian Armed Forces can be called upon to immediately activate personnel and means for search and rescue activities, removal of debris and setting up of emergency camps,²⁴ and re-establish private telecommunications networks.²⁵

Good practices/models

1. Within the National Operational Committee there is a representative of the "National Volunteering Organizations", in addition to a separate representative of the Italian Red Cross. In particular from January 2011 in the "Sala Situazione Italia" there is a permanent representative of the Italian Red Cross, in order to improve its capacity to assist and support rapid response through assets, staff and volunteers of this National Society.²⁶
2. It is common practice for the military staff to provide temporary support to civil actors involved in disaster settings and they are fully integrated into the national civil protection mechanism.

²⁰ http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG20554

²¹ http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG37466

²² http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG1602 , art. 11

²³ <http://www.protezionecivile.gov.it/jcms/it/fa.wp>

²⁴ <http://www.protezionecivile.gov.it/jcms/it/fa.wp>

²⁵ <http://www.protezionecivile.gov.it/jcms/it/fa.wp>

²⁶ <https://www.cri.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/5897>

Gaps and Challenges

There are no rules and/or criteria defining a national policy on the use of/preference for military and/or civilian resources in delivering disaster assistance.

- f. *Does the law set clear standards and responsibilities for prior training for disaster rescue and relief personnel (including volunteers)?*

Overview of findings

The Civil Protection Training Service, in synergy with the General Secretariat of the Presidency of the Council of Ministers, is responsible for the definition and implementation of the annual DPC Civil Protection Training Plan. The plan identifies, designs, implements and monitors training activities for the staff.²⁷ Furthermore, the Training Service: promotes training activities of the various National Service Members and Operating Structures, with the aim of spreading a single language of Civil Protection through shared procedures; establishes and updates responsibilities and tasks of staff working in emergency contexts (see e.g. the "Standard Training Model for Civil Protection Capability"). The main recipients of the Department's training activities are: staff of regions, provinces, mountain communities and municipalities; volunteers' organizations; and the youth.

As to volunteers' organizations, their members must attend a mandatory preliminary training course. The Decree of the President of the Republic 194/2001 provides that volunteers' organizations included in the national list may be granted financial contributions aimed, *inter alia*, at improving technical training and at organizing training activities for individual citizens. In this regard, the DPC: defines the general criteria for the allocation of such contributions – usually assessing the risks inherent to the territory where the given volunteers' organization operates or the proclamation of a state of emergency; monitors the quality and effectiveness of equipment, facilities and technical training activities. The results of monitoring activities can lead to a revocation of financial contribution and even recovery of sums already allocated.²⁸

Good practices/models

1. The DPC, in cooperation with regions and autonomous provinces, volunteers' organizations, the Italian Red Cross and the National Corps of Alpine and Speleological Rescue, drafted a document outlining the "Criteria for the definition of minimum standards for carrying out security training activities". This document identifies the frequency of training activities (semi-annual, annual, multi-annual), their subject-matter (theoretical/practical – classroom lessons – and technical/operative – e.g. exercises or rescue tests), and states that training activities should be aimed at ensuring, over time, the necessary continuing training of all volunteers.²⁹

2. Emilia Romagna region drawn up an "Operational Manual for the Training of Civil Protection Volunteers", aimed at improving the capacities of volunteers and ensuring a more effective quality of their service in emergencies. In particular, the Manual states that adequate training activities for volunteers should be guaranteed, and provides for the establishment of a "permanent table" devoted to develop common languages and shared practices.³⁰

2.g. Role of RC National Society in disaster preparedness and response:

- i. *Is the special role of RC as auxiliary to its authorities in the humanitarian field formally acknowledge in disaster preparedness and response legislation? Does it set out expectations about NS's activities?*
- ii. *Is the RC guaranteed participation in key decision-making bodies relevant to disaster management?*
- iii. *Does it provide for financial support and/or tax exemptions for RC National Society when acting in its auxiliary role to assist persons affected by disaster?*

²⁷ Decreto del Segretario della Presidenza del Consiglio dei Ministri del 18 gennaio 2011, art. 7

²⁸ http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG20554

²⁹ http://www.protezionecivile.gov.it/resources/cms/documents/Criteri_formazione_volontariato.pdf

³⁰ <https://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiUi97Vkd7WAhUEOhoKHeqMC5sQFggoMAA&url=http%3A%2F%2Fprotezionecivile.regione.emilia-romagna.it%2Fargomenti%2Fformazione%2520%2Fgli-strumenti-della-formazione%2Fmanuale-operativo-per-la-formazione-allegato-a-alla-d-g-r-ndeg136&usq=AOvVaw292xaeqwcQT1bMwqHz7GCV>

- iv. Does the law guarantee the RC National Society the ability to act independently of the government and to take any distance necessary from it to guarantee its independence and neutrality?
- v. Is the role of RC National Society in restoring family links set out in national law, policies and/or plans?

Overview of findings

The special role of the Italian Red Cross (ItRC) as auxiliary to its authorities in the humanitarian field is formally acknowledged in the law establishing the National Civil Protection Service (CPS) (see question n.2). The said law defines ItRC as part of the operative National structure of the CPS.³¹

Furthermore, the participation of the ItRC in key decision-making bodies relevant to disaster management is provided by art. 8(3)(d) Law 225/1992, which establishes that the ItRC participates in the National Council of Civil Protection Service. Moreover, art. 2(1)(g) of the DPCM 8 August 2013 establishes the ItRC as part of the Operational Committee of Civil Protection, which coordinates disaster response.

The tasks of the ItRC concern both preparedness and response activities, as generally provided in Legislative Decree 178/2012 on the reorganization of the Association of ItRC.³²

Regarding preparedness, ItRC's activities are generally listed in this decree, and more specifically in Commission Order 387/2010³³, which contains the Regulations for the Organization of ItRC Emergency Sector Activities.³⁴

Concerning response, according to the Memorandum of understanding between the ItRC and the CPS of 29 August 2003, the ItRC is expected to put all its components at the disposal of the Civil Protection. ItRC is expected to perform, according to art. 3.3 of the *Direttiva del Presidente del Consiglio dei ministri* of 3 December 2008, the following response activities;³⁵ so-called immediate actions/12 hours-actions (i.e. within 12 hours from the calamity) and 24 hours-actions (i.e. within 24 hours from the calamitous event). In particular, ItRC is responsible for: participating with personnel and equipment to the evacuation and search and rescue activities; providing medical assistance to affected populations; setting up field hospitals, first-aid places, and field kitchen; providing ambulances, water and psychological support; distributing meals for both affected populations and rescuers; organizing the sanitary defense; reuniting those missing.³⁶

The law provides for financial support of volunteer associations at art. 2 of D.P.R. 194/2001 (see above, 2f). *Inter alia*, financial support may cover: provision of equipment; technical preparation and training; reimbursement³⁷ of expenses incurred in rescue, simulation, emergency and theoretical/practical training. Moreover, according to art. 1(6) of Legislative Decree 178/2012, the ItRC may contribute to the provision of funds for voluntary activities, in addition to those resulting from the donation of 5 *per mille* provided for by l. 190/2014³⁸.

The Italian legal system guarantees the ItRC the ability to act independently and in accordance with the principle of neutrality. In addition, it establishes, at the art. 1(3) of d.lgs. 178/2012, that the Italian Republic respects, at all times, the observance of the ItRC of the Geneva Conventions of 1949, its Additional Protocols, the Agreements with the Fundamental Principles of the International Movement of Red Cross and Red Crescent, as well as the resolutions and decisions of its organs.

³¹ Pursuant to art. 11, l. 225/1992, available at: www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1992-02-24;225!vig=

³² art. 1.4 (a),(d),(i),(l), (t).

³³ The Commission Order is an ItRC document enacted by the Extraordinary Commissioner for the Italian Red Cross, Francesco Rocca. In 2010 Rocca was appointed by the Government as Extraordinary Commissioner and subsequently elected President of the ItRC.

³⁴ Regolamento di Organizzazione delle Attività del Settore Emergenza (Emergency Sector Activities Regulation) <https://www.cri.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/3994>

³⁵ http://www.protezionecivile.gov.it/resources/cms/documents/indirizzi_operativi_emergenze.pdf

³⁶ For further details see p. 128 OECD, Reviews of Risk Management Policies: Italy 2010, review of the Italian national civil protection system.

³⁷ About the refund see art. 10, D.P.R. 194/2001

³⁸ 5 per mille is a percentage of taxes provided to the Government in relation to the income of individuals which might be provided by tax payers to NGOs and other similar organisations, including the ItRC.

The role of ItRC in restoring family links is set out in art. 1(4)(f) of d.lgs. 178/2012 entitled “Riorganizzazione dell’Associazione italiana della Croce Rossa”, as auxiliary to the police.³⁹ Its activity into disaster settings has also been tested in recent events, as detailed below.

Good practices/models

1. Apart from the abovementioned extensive role played by the ItRC in domestic disaster settings, multi-year agreements and partnerships between the ItRC and the National Civil Protection Service can also be established, with the aim of providing the necessary support to the activities of the National Civil Protection Service. Such partnerships can concern, in particular, the development of tools, models and projects for the prevention of risks, the dissemination of civil protection knowledge, training and communication,⁴⁰ as well as for other voluntary associations (see answer n. 4). A multi-year agreement was established in 2011 to assure the ready availability of the National mobile column of the ItRC in case of emergencies.⁴¹

2. Pursuant to art. 1(4)(f) of d.lgs. 178/2012, ItRC participated in restoring family links for the first time - in disaster settings - after the Central Italy earthquake of 2016.⁴² The ItRC key role in managing this activity among all the humanitarian actors involved enabled not only to reunite family members with those missing during the earthquake, but also to conduct a census of those affected by the disaster.

Gaps and Challenges

Although at the national level the role of the ItRC is duly established, at the regional level similar regulations are often lacking. Indeed, only six regions⁴³ out of twenty include the ItRC among members of the bodies represented within the Regional Civil Protection Committee. In some instances, regional laws addressing civil protection and regional bodies have included one representative of the volunteering associations present in the regional territory as part of the Regional Civil Protection Committee, providing for an eventual but not formally expressed participation of the ItRC, as it would be desirable.

Recommendations

The formal involvement of representatives of the ItRC in Regional Civil Protection Committees should be arranged in relevant regional laws.

3. Information systems

- a. *Are the procedures in place to facilitate the expeditious sharing of information about disasters, including emerging hazards that are likely to cause disasters, with communities, relief actors and assisting humanitarian organizations as appropriate?*
- b. *Are the procedures in place to facilitate the expeditious sharing of information about the response?*

Overview of findings

Italy knows a three-layered system concerning the sharing of information about disasters, i.e. at the national, regional and municipal levels.

At the national level, the Civil Protection directs and manages a number of information networks for risk prevention. Foremost, “Sala Situazione Italia (Sistema)” has the task of monitoring the Country and alerting the bodies of the Civil Protection Service in case of emergency. “Sistema” is equipped, besides the ordinary ICTs, with a “com center” system set up for an integrated co-ordination of radio and phone communications including those operating on different

³⁹ DECRETO LEGISLATIVO 28 settembre 2012, n. 178 Art. 1, c.4, lett. f) To conduct, in times of armed conflict, the search and assistance service of prisoners of war, interned, dispersed, refugees, deportees and refugees and, in peacetime, the search service for missing persons as auxiliary to the police;

⁴⁰ http://www.protezionecivile.gov.it/jcms/it/accordi_convenzioni_onerose.wp

⁴¹ http://www.protezionecivile.gov.it/jcms/it/accordi_convenzioni_onerose.wp

⁴² <https://www.cri.it/terremoto-centro.italia-restoring-family-links> <https://www.cri.it/restoringfamilylinks>

⁴³ Abruzzo LR 72/1993 http://www2.consiglio.regione.abruzzo.it/leggi_tv/abruzzo_lr/1993/lr93072.htm

Basilicata LR 25/1998 http://www.old.consiglio.basilicata.it/Lavori/leggi_promulgate/leggi1998/L1998-025.asp

Liguria LR 9/2000 http://lr.regione.liguria.it/liguriass_prod/articolo?urndoc=urn:regione.liguria:legge:2000-02-17:9

Marche LR 32/2001 http://www.norme.marche.it/Delibere/2013/DGR0131_13.pdf

Molise LR 10/2000 <http://www.regione.molise.it/web/crm/lr.nsf/0/AE09EC0984276442C12569260061DE6D?OpenDocument>

Puglia LR 7/2014 http://old.regione.puglia.it/web/files/protezione_civile/legge_protezione_civile.pdf

frequencies⁴⁴. “Sistema” is also equipped with local inter-com phone lines and with the most updated technology for video conferences, including satellite technology, for communication with the operational centers of the main national Civil Protection Service components and structures⁴⁵. During ordinary circumstances Sistema gathers, verifies and disseminates information pertaining to disasters or hazards, and it guarantees the dissemination of the information to the operative rooms (nationals, regionals, locals), to the Central Functional Center (CFC), to the operative center for the maritime emergencies (COEMM) and to the airlines operative center (COAU)⁴⁶. Moreover, Sistema produces a daily news on his private website, thanks to which the Civil Protection Service becomes aware of the most significant information. In case of emergency, Sistema has the duty to spread information with the aim of alerting immediately and activating the different components and structures of the Civil Protection Service set up for emergency management, contributing in this way to a prompt activation of the potential needed measures to face the emergency⁴⁷.

Furthermore, within the Civil Protection, the “Emergency Management Office”⁴⁸ is the reference structure for defining, activating and coordinating the operational response in emergency situations under way or planned in Italy and abroad. In particular, these operations are carried out by two of its sections. First, the so-called “Mobility and Essential Services”⁴⁹ defines the operating procedures to improve the exchange of information between operators of fixed and mobile telephony. Second, the “Emergency Telecommunication Service”⁵⁰ provides the technical, operational and functional tools for the development and management of the telecommunications system in times of emergency both expected or ongoing.

For what concerns the transmission of information from the periphery to the center, it is regulated directly by art. 6 Law 225/1992, according to which any administration, entity, institution, organization (including private ones) that is part of, or contributes to, the Civil Protection Service, must provide information to the Civil Protection.

At the regional level, according to the Directive of 8 December 2008⁵¹, each region affected by a calamitous event should guarantee the management of radio networks for the emergency communication and the activation and coordination of the volunteer organizations of radio amateurs. Moreover, in compliance with the Directive, each region’s organizational model should include a Regional Integrated Operational Room (SOI), namely a center which gathers, verifies and spreads information in coordination with Sistema and the Regional Operational Rooms.

At the municipal level, according to art. 15 of law 225/1992, modified by law 100/2012, each city mayor is a key figure. He/she has the duty to provide updated information to the population and the involved actors in case of natural disasters⁵² and emergency.

Good practices/models

1.As for national practice examples, the Civil Protection shares information on disasters and hazards through different methods.

⁴⁴ Article 2, para 4. DPCM 3 December 2008. Available at:

http://www.protezionecivile.gov.it/resources/cms/documents/dpcm_3_dic_2008_sala.pdf

⁴⁵ Article 2, para 5. DPCM 3 December 2008. Available at:

http://www.protezionecivile.gov.it/resources/cms/documents/dpcm_3_dic_2008_sala.pdf

⁴⁶ Article 3, DPCM 3 December 2008. Available at:

http://www.protezionecivile.gov.it/resources/cms/documents/dpcm_3_dic_2008_sala.pdf

⁴⁷ Article 4, DPCM 3 December 2008. Available at:

http://www.protezionecivile.gov.it/resources/cms/documents/dpcm_3_dic_2008_sala.pdf

P.117 OECD. Reviews of Risk Management Policies (2010). Review of the Italian national civil protection system. Italy.

⁴⁸ Ufficio IV- gestione delle emergenze. Available at:

http://www.protezionecivile.gov.it/jcms/it/ufficio_4.wp

⁴⁹ Servizi mobilità e servizi essenziali. Available at:

http://www.protezionecivile.gov.it/jcms/it/serv_mobil_serv_essenz.wp

⁵⁰ Servizio telecomunicazioni in emergenza. Available at:

http://www.protezionecivile.gov.it/jcms/it/serv_telec_eme.wp

⁵¹ Direttiva 3 December 2008 del Presidente del consiglio dei ministri, concernente “indirizzi operativi per la gestione delle emergenze”. Available at:

http://www.protezionecivile.gov.it/resources/cms/documents/indirizzi_operativi_emergenze.pdf

⁵² According to article 12 law 265/1999 the competence to inform the public on natural emergencies, set in article 36 DPR 66/1981, was transferred to the mayors. Available at: www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1999-08-03;265:1vig=

First it manages dissemination campaigns, exhibitions and publications⁵³, e.g. through distribution of its pamphlet entitled “Civil Protection in the family”, which describes various types of natural hazards, how to prepare for them, specific actions to take in the course of an actual event, and what authority to call for help.

Second the Civil Protection also establishes a contact center⁵⁴, namely a civil protection’s communication channel, which receives and provides information to the population during ordinary or emergency circumstances. The citizens can get in contact with this center through the free tool service (800840840), or the online form or fax. The Civil Protection Service developed for some of the Regions an App⁵⁵, aimed at informing the citizens in real time when a disaster occurs.

Third, during emergencies, the public utility radio channel, the so-called “Isoradio”, provides listeners with updated information⁵⁶ and during major emergencies, the Telecom Italia Group is activated to provide in fixed-line and mobile telecommunications. The telecommunication operators have supplied secure communications for all components of the Civil Protection Service and connected actors taking part in rescue operations, it also guarantees a related information framework regarding the phone’s services situation in the disaster-stricken areas⁵⁷. In light of the gravity of the emergency, the Telecom Italia Group⁵⁸ can be organized in a Crisis Management Board or an Operational Crisis team. The Operational Crisis Team is set in the Sale Polifunzionali (8 in the entire Country and activated only in case of emergency). These are equipped with video conference system and an informative system called CI.PRO (Civil Protection).

2. As for regional practice examples, according to Article 13 DGR 1348/2006⁵⁹ of the Region Friuli-Venezia Giulia, the Regional Civil Protection Service manages the technological and informative systems aimed at the preparedness and the alert of the population in case of emergency. Further, it manages a Regional Operational Room which provides Sistema with constant updates related to the activities in progress and maintains the contacts between the operational centers at the local levels. Furthermost, it coordinates the technological services between the prefectures and the Regional Operational Room⁶⁰, a center of control, coordination and communication which operates 24/7, and where a telecommunication room is provided with an integrated system of radio communication that alert the volunteers and the technicians of the Civil Protection Service and the regional forest department in case of emergency⁶¹.

3. At the local level, the mayor shares through the Municipal Operative Center (COC)⁶² information to the population and to the Centro Coordinamento Soccorsi (CCS), and to the Centro Operativo Misto (COM) when activated. In particular, in the municipality of Rome the information given by the mayor, is divided into three layers⁶³. First, preparedness information, regarding: the nature of the risk and its possible consequences, how to behave in case of emergency and how the population concerned is to be warned and kept informed. Mostly, preparedness information is spread through pamphlets given in public places, i.e., schools, offices, hospitals or through “televideo Rai” channel 618, web site or the hotline (800854854). Second, emergency information, concerning: the characteristic of the disaster, the first aid procedures and the indication of the services responsible for the information, protection and

⁵³ P.85 OECD, Reviews of Risk Management Policies: Italy 2010, review of the Italian national civil protection system.

⁵⁴ Contact center, available at: http://www.protezionecivile.gov.it/jcms/it/contact_center.wp

⁵⁵ Regione Lombardia: disponibile l’app “Protezione Civile”. Available at:

http://www.protezionecivile.gov.it/jcms/it/view_mag.wp?contentId=MAG51370

⁵⁶ P.85 OECD, Reviews of Risk Management Policies: Italy 2010, review of the Italian national civil protection system.

⁵⁷ Direttiva 3/12/ 2008 del Presidente del consiglio dei ministri, concernente “indirizzi operativi per la gestione delle emergenze”.

Available at:

http://www.protezionecivile.gov.it/resources/cms/documents/indirizzi_operativi_emergenze.pdf

⁵⁸ La gestione delle emergenze: l’organizzazione Telecom Italia, p.35-36. Available at:

<http://www.laprotezionecivile.com/Archivio/201305141030160.8%20Telecom.pdf?p=17&idrivista=136>

⁵⁹ Delibera della giunta regionale 15 giugno 2006, n.1348. Available at:

http://lexview-int.regione.fvg.it/FontiNormative/Regolamenti/DGR_1348-2006.pdf

Quadro normative regione Friuli Venezia Giulia. Available at:

http://wwwcloud.protezionecivile.fvg.it/ProtCiv/default.aspx/525-quadro_normativo.htm

⁶⁰ Sala operativa regionale di Palmanova. Available at:

http://wwwcloud.protezionecivile.fvg.it/ProtCiv/default.aspx/143-sala_operativa.htm

⁶¹ sala telecomunicazione. Available at:

http://wwwcloud.protezionecivile.fvg.it/ProtCiv/default.aspx/665-sala_telecomunicazioni.htm

⁶² Funzioni e compiti del centro operativo comunale (C.O.C). Available at:

<http://www.antoniocafaro.it/portale/2016-02-19-11-17-13/funzioni-e-compiti-del-centro-operativo-comunale-c-o-c.html>

⁶³ Il Sistema di informazione alla popolazione, p. 481. Available at:

https://www.comune.roma.it/resources/cms/documents/PIANO_GENERALE_Parte_terza.pdf

collaboration. Last, post-emergency information regarding the guidelines for the restoration of the normal conditions. Emergency and post emergency information are given through alarm devices (i.e. loudspeakers), or through volunteers or police officers, through the phone system (hotline), television (news, televideo), press, or municipal websites⁶⁴.

Gaps and Challenges

Unfortunately, most of the population is not constantly informed and does not know how to behave in case of disaster.

Recommendations

The information should be systematically spread also through social channels (twitter, Facebook etc.) and the App of the Civil Protection Service should be developed and properly disseminated for each of the 20 Regions, in order to keep the citizens constantly informed.

4. Funding sources

a. Does the legislation establish mechanisms to ensure that dedicated funding would be available in the event of a disaster? Are financial reserves and/or insurance coverage in place?

b. How does the law allocate funding distribution between risk reduction, preparedness and response?

c. Does the law provide financial support, as appropriate, to communities and civil society for preparedness actions, and relief providers?

Overview of findings

The budget of the Department of Civil Protection is included in the budget of the Presidency of the Council of Ministers. The functioning of the funding mechanism provides for a pre-commitment to the DPC who has the task, through the publication of calls or direct payments, to allocate funds.

With regard to budgetary expenditure, we can make a distinction in three types of disbursements:

1. General Funds established in advance to deal with disaster, which follow the usual pre-custody and management rules that we will develop below in questions 4B and 4C;
2. Ad hoc funds disbursed immediately in post-disaster scenarios;
3. Special funds entered in tax-year following the date on which the disaster has been registered for the first time.

It must be taken into account that this distinction is mainly for descriptive purposes as the same fund may be used for different purposes, not only with regard to the different phases of the disaster cycle.

Into the first category we can mention the National Emergency Fund provided for in art. 5, paragraph 5-quinquies of Law 225/1992 as amended by Law 93/2013, the allocation of which is determined annually by Parliament. The Parliament will also receive periodic reports on its use and on the means employed to ensure its operation, as well as on any revocation in the event of non-activation or redeployment in favor of interventions for which the state of emergency has been declared. The second category consists of immediate financial support to a specific disaster not previously envisaged in any legislative provision. Finally, the third category is made up of funding which, as in the second instance, are targeted at specific disaster events but are included in the budget and therefore fall into a multiannual disaster response plan.

Regional funding, on the other hand, is modeled into two categories: restricted funds and unrestricted funds. The first are funds whose management is entrusted by the State to the region, but on which the State puts an earmarking. For example, in the 2017 budgetary forecasts of the Veneto region, there are transfers to public administrations for rehabilitation interventions following natural disasters recognized by civil protection ordinances. On the contrary, unrestricted funds allows regions discretion as to how, what and how much to fund. Again the budget of the Veneto Region establishes a rotation fund for emergency civil protection interventions. Almost all regions provide for similar solutions for urgent and unpredictable interventions, but they have a budget capacity limited to face smallest disasters.

The budget of the DPC is included in the Presidency Budget of the Council of Ministers, approved by decree of the President of the Council of Ministers and published in the Official Gazette. The legislator does not make a clear distinction between resources allocated to risk reduction, preparation and response, and it is therefore necessary to classify each single item in one of the three phases – considering also that during the year the Government may approve one or more notes to change the budget. Usually, however, the changes made to the budget are positive in order to increase funds allocated to disaster issues.

As for activities involving civil society the annual funding of the grant provided by the DPC, determined also on the basis of requests made by voluntary organizations, is divided as follows:

- 50% is the national quota reserved for the organizations registered in the Central List.
- 35% is the regional quota reserved for organizations registered in the Territorial Lists.
- 15% is the local quota reserved for Local Groups and local associations.

The funding is aimed at covering 75% of the total projects amount submitted by voluntary organizations. Projects must be submitted by March 31 and the DPC will decide by 31 December.

Since the budget of the DPC is limited, not all projects receive funding even though they may be entitled to. The criterion employed for selection is that of "priority addresses". They may be of a technical nature (type of risk, type of intervention, etc.), strategic (geographical, targeted reinforcement, etc.) and organizational order (co-ordination, community union, etc.).

Regions also play a role in disaster preparedness and prevention and in its funding. The regional funding mechanism is very similar to the central one. However, individual regions have different procedures for allocating funds according to different categories (emergency, mobile columns, training, preparation, etc.)

The State also provides for funds specifically dedicated to communities affected by the disaster. In this case, however, the mechanism is the granting of tax deductions that the taxpayer may oppose in compensation. Budget Law 2017 for example, deals with the current rules on deductions for expenditure on building recovery and anti-seismic measures.

With regard to financial support to rescue workers, Italy recognizes particular benefits not only for civil protection personnel in the strict sense, but also for staff and volunteers of all voluntary organizations registered in the central or territorial lists, which allows them to be available to the public authority in case of a disaster. For volunteers, these benefits consist mainly of maintaining the public or private employment, maintaining the employer's economic and social benefits - at the expense of the DPC - and in benefitting of an insurance cover in the event of an accident. For organizations, the benefits mainly consist of reimbursement of expenses incurred during civil protection activities and funding - by DPC - of training activities (within the limits of available resources). These benefits are also guaranteed to organizations and volunteers at local or regional level.

Good practices/models

1. In Italy, following the earthquake in Abruzzi of April 6, 2009, a new measure has been issued to support economically seismic prevention activities. In particular, art. 11 of Law 77/2009 provided for funding for seismic risk prevention measures in all the country through funds provided by the Ministry of the Economy and Finance. The implementation of art. 11 is entrusted to the Department of Civil Protection and regulated by ordinances of the Prime Minister. Authorized expenditure was € 44 million for 2010, € 145.1 million for 2011, € 195.6 million for each of 2012, 2013 and 2014, of € 145.1 million Euro for 2015 and 44 million for 2016.

2. At regional level, the Campania Region has announced in Official Bulletin No. 71 of 31 October 2016 a total of € 25 million and € 600,000 for seismic prevention and land security. These are three types of interventions: "microzonazione sismica"(seismic analysis technique), seismic improvement / adaptation or demolition and reconstruction of buildings and infrastructures of strategic interest; local strengthening, seismic improvement, demolition and reconstruction of private buildings. Similarly, Friuli Venezia Giulia encourages the development and enhancement of the integrated civil protection system with Regional Law no. 64 of 31 December 1986 provided for the granting of funding to local and associated local and voluntary associations. In particular, the types of funding envisaged are two: 1. Through the annual technical plan for the enhancement of civil protection volunteering . Funds to cover the running costs of Firefighting Teams.

3. Measures are also taken to meet the needs of public and private reconstruction related to a state of emergency. In particular, paragraphs 422 to 428 of the Stability Law 2016 provide for provisions aimed at regulating the granting of

contributions with the modalities of soft loan - up to a maximum of 1,500 million euros granted by banks to the plafond made available by *Cassa Depositi e Prestiti* (ie. a public company managed by the Ministry of Finance and banks)- to privates and to economic and manufacturing activities damaged by disastrous events for which the Council of Ministers has declared a state of emergency.

5. As regards the provision of ad hoc funds, the "Ordinanza" (Order of necessity) n. 388⁶⁵ adopted in the aftermath of the earthquake of August 24, 2016 in Amatrice and other municipalities by the Chief of the DPC, created two levels of available funding: those in favor of the affected communities, to whom 50mln euros were allocated for the early recover; those directly in favor of victims of the disaster, in particular individuals whose accommodations were affected by the earthquake. In this latter case affected individuals were entitled to a monthly contribution of up to € 200 per family member (maximum 600 Euros per family), while in case the family also included disabled persons or elderly (more than 65 years) an additional budget of Euro 200 was allocated to involved families.

6. As to "special funds", the 2017 budget law provided for resources for repair, reconstruction and assistance to the populations affected by the earthquake of 24 August 2016 and for economic recovery in the territories concerned. To this end, the following expenditure was authorized: EUR 100 million for the year 2017 and EUR 200 million annually from 2018 to 2047, which will also cover and provided for private reconstruction (Article 1, paragraph 362 (a)); € 200 million for the year 2017, € 300 million for the year 2018, € 350 million for 2019 and € 150 million for the year 2020 for the granting of public reconstruction contributions (letter b).

7. Regarding funds allocated to local communities, often regions set up projects involving the direct management of funding by local authorities. For example, the decree n ° 15/2012 published in the Official Bulletin of the Campania Region contains the public notice for the granting of extraordinary contributions to the Municipalities for the safety of school buildings, also used in kindergartens and kindergartens, in light of possible earthquake.

Gaps and Challenges

1. There is no state-funded insurance coverage addressing the damage suffered by the victims of disasters. The Parliament has discussed and rejected several times proposals for the adoption of a mixed, partly public and partly private insurance mechanism. At present, the only solution available for insurance coverage is the private offer with significant costs.

2. In recent years, Italy has progressively put more emphasis on the pre-hazards phases. For instance, a fund has been established for the financing of, *inter alia*, soil protection and hydrogeological disruption. The Fund has 1,900 million Euros for 2017, 3,150 million for 2018, 3,500 million for 2019 and 3,000 million for each of the years 2020 to 2032. However, most of the funding is still destined to disaster response and recovery phases. It is enough to think that the aforementioned fund for national emergencies represents half of the entire amount provided for in the 2017 budget for the DPC. Furthermore such amounts are far from representing a sufficient contribution to address mitigation activities.

Recommendations

1. Elaborate an appropriate state-supported insurance coverage for disaster scenarios.

2. Devote additional funds to the mitigation/prevention and preparedness phases in order to reduce the impact of expected disasters.

4.1 Forecast based financing for preparedness and response

d. *Does the law establish linkages between scientific, meteorological and hydrological institutions and disaster management agencies?*

e. *Does the law establish linkages between national hydro/metrological offices and local community early warning systems?*

f. *Does the law set mechanisms for funding for early action based on forecast (not impact)?*

Overview of findings

Pursuant to art. 17, l. 225/1992 the CPS establishes linkages between scientific, meteorological and hydrological institutions and disaster management agencies on the forecast prevision.

⁶⁵http://www.protezionecivile.gov.it/jcms/it/view_prov.wp.jsessionid=95BA3EC0C6D6CBCB3338374EE5E49ED3.worker2?toptab=2&contentId=LEG58737#top-content

With DPCM of September 14, 2012⁶⁶ national scientific research groups are identified and requested to cooperate with the CPS. These groups, defined as Competence Centers (Centri di Competenza), provide services, information, data and technical-scientific support to the CPS. *Inter alia*, Competence Centers are: public administrations and agencies, public research institutes and universities.⁶⁷ The most recent list of Competence Centers is included within the Decree of the Head of the Civil Protection Department n. 3152 of 24th July 2013.⁶⁸

The Direttiva del Presidente del Consiglio dei Ministri of 27 febbraio 2004 entitled *Operational guidelines for the management of the national warning system for hydrogeological and hydraulic risk* establishes linkages between national hydro/metrological services and local community early warning systems.⁶⁹ This Directive establishes a network of Functional Centers (Centri Funzionali), including a Central Functional Center (CFC) at the DPC, and Decentralized Functional Centers (DFC) at the regional level. The CFC, operating 24/7, elaborates weather forecasts for civil protection purposes. Art. 3bis Law 100/2012 establishes that each DFC performs real-time forecasting, monitoring and surveillance of meteorological phenomena by issuing bulletins; they assess expected effects on life, property, plants and the environment in a given territory by issuing alerts showing both the evolution of the phenomena and the expected criticality levels in the territory;⁷⁰ and manage the National Alert System together with the DPC and the Regions.

When a given event exceeds the "alert threshold", the CFC issues a "Critical Notice", activating an "state of alert". The Critical Notice is distributed to all those concerned, in particular mayors of concerned municipalities. The alert mode for the local population is detailed, from an operational point of view, in the local emergency plans (see above 3, Information systems).

Regarding the mechanisms for funding for early action based on forecast to reduce hydrogeological soil vulnerabilities, the law sets several mechanisms:

- art. 55 Law 221/2015 establishes a "Fund for the design of interventions against hydrogeological disruption" and the DPCM 14/7/ 2016 implements the "Fund for the design of interventions against hydrogeological disruption" (€ 100 million allocated for the drafting of executive projects);
- DPCM 28/5/2015 on hydrogeological risk, identifies criteria and modalities for allocating resources to hydrogeological risk mitigation interventions;
- Art. 10 decree 91/2014 (converted by Law 116/2014) deals with extraordinary measures to accelerate the use of resources and the implementation of urgent and priority interventions for the mitigation of hydrogeological risk in the national territory.⁷¹

Good practices/models

1. Art. 3-bis(4) Law 100/2012 creates the National Distributed National Meteorological Service (SMND), aimed at the realization of a single national meteorological service linked to the DPC alert system.⁷²
2. Art. 1(2)(h) Law 30/2017 provides exemption from licensing for the installation of monitoring stations or hydro-meteorological stations for civil protection purposes.
3. As a result of recent hydrogeological disasters, the DPCM of 27 May 2014 created, under the chairmanship of the Council of Ministers, the Mission Structure against Hydrogeological Disaster and the Development of Water Infrastructures.⁷³ This body monitors, supervises and adopts actions to effectively and efficiently utilize the resources

⁶⁶ Dpcm 14/9/ 2012: Definition of principles for the identification and operation of Competence Centers available at: http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?facetNode_1=f4_4_3&prevPage=provvedimenti&facetNode_2=f4_4_3_2&catcode=f4_4_3&contentId=LEG37700

⁶⁷ http://www.protezionecivile.gov.it/jcms/it/centri_competenza.wp

⁶⁸ Competence Centers list available at: http://www.protezionecivile.gov.it/resources/cms/documents/allegato_centrocompetenza.pdf
http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG41193

⁶⁹ Direttiva del Presidente del Consiglio dei Ministri, 27/2/2004 *Indirizzi operativi per la gestione del sistema di allertamento nazionale per il rischio idrogeologico e idraulico*, available at:

http://www.protezionecivile.gov.it/resources/cms/documents/direttiva_pcm_27_02_2004.pdf

⁷⁰ CFC more info available at: <http://www.protezionecivile.gov.it/jcms/it/cfc/ri.wp>

⁷¹ Available at <http://www.gazzettaufficiale.it/eli/id/2016/09/14/16A06697/sg>

⁷² Draft Proposal available at http://www.altostratus.it/previsorideltempo/20130913_DPR_Proposta_SMND.pdf

⁷³ DPCM 27 maggio 2014 - DPCM 20 dicembre 2016 di conferma della Struttura <http://italiasicura.governo.it/site/home/italiasicura/normativa.html>

currently available for programming, designing and implementing interventions, both preventative and related to post-event safety.⁷⁴

Gaps and challenges

The National Distributed National Meteorological Service (SMND) would permit to establish a central meteorological control but it has not yet been fully implemented.

Recommendations

In case the mayor underestimates the alarm in a given municipality, the CPS should be assigned the capacity to autonomously intervene to deal with the risk.

5. Contingency planning

- a. *Does the country's legislation set out a process and framework for contingency planning?*
 - i. *Does it require planning that addresses multiple hazards?*
 - ii. *Does it require periodic updates?*
 - iii. *Does it also call for inclusiveness of public authorities and other civil society actors in contingency planning?*
 - iv. *Does it establish linkages between forecast information and climate services in contingency planning?*

Overview of findings

According to Law 100/2012⁷⁵, the DPC service carries out activities related to the drafting of contingency plans - defined as all the operational procedures of intervention to face a calamity in a specified territory⁷⁶.

The structure of all contingency plans is threefold⁷⁷: (i) a general part, which gathers all the information pertaining to the characteristics of the given territory; (ii) planning's guidelines, setting out how to manage a disaster; (iii) an intervention model, assigning specific responsibilities to the operators, defining resource management, modalities of spread of information and measures to protect people and private properties in case of disaster. A plan is supposed to be flexible in order to be effectively used in any kind of emergencies, even in case of unexpected events, and to become operational in a timely manner.

Contingency planning is undertaken at all State levels. First, the DPC sets out plans for "type C" events, requiring the interventions of the State's central organs.⁷⁸ Second, the regions set out guidelines for "type B" events. According to Law 100/2012⁷⁹, regions shall approve regional plans within six month from the date of the entry in force of the aforementioned law (14 July 2012), following the guidelines set by the Civil Protection Service. Third, municipalities set out contingency plans for events classified as "type A".⁸⁰ According to art. 15 Law 100/2012, each municipality shall approve its plan in compliance with the guidelines set by the Civil Protection Service and the regions.

As to procedure specifically, contingency plans are divided by type of risk. The major risks in Italy⁸¹ are: seismic, volcanic, hydrogeological, forest fire and industrial risk. Foremost, every contingency plan needs to be updated constantly due to the evolution of the territory's asset and the variation of expected scenarios.⁸²

⁷⁴ Mission structure against hydrogeological disruption and the development of water infrastructures, available at http://presidenza.governo.it/AmministrazioneTrasparente/Organizzazione/ArticolazioneUffici/StruttureMissioni/SM_Dissestoldrogeologico.html

⁷⁵ Article 3, law 100/2012. Available at:

http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG34388#10

⁷⁶ Piano di emergenza. Available at:

http://www.protezionecivile.gov.it/jcms/it/piano_emergenza.wp?request_locale=it

⁷⁷ piano di emergenza, obiettivi del piano. Available at:

http://www.protezionecivile.gov.it/jcms/it/piano_emergenza.wp

⁷⁸ Piano nazionale di emergenza. Available at:

http://www.protezionecivile.gov.it/jcms/it/che_cose.wp?contentId=APP19969

⁷⁹ Ulteriori disposizioni per il generale riordino della protezione civile (Art. 1-bis e art. 3 del dl n. 59/2012 convertito nella legge n. 100/2012). Available at:

http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG34388#10

⁸⁰ Attività di prevenzione, piani di emergenza. Available at:

http://www.protezionecivile.gov.it/jcms/it/prevenzione_servizio.wp?request_locale=it

⁸¹ Conoscere il territorio: i rischi naturali. Available at:

http://www.protezionecivile.gov.it/jcms/it/view_dossier.wp?sessionId=4642FCA88C31EDBBE0926CA1D55E2377?contentId=DOS132200

As to the actors involved in contingency planning, the law on contingency planning promotes inclusiveness, by establishing that the authorities responsible for the planning⁸³ are the following: The Civil Protection Service for the national planning, the Provincial Administration for the provincial planning, the Municipal Administration for the municipal planning, the Mountain Districts for the inter-municipal planning of the mountains areas. Furthermore, according to art. 5 Decree 343/2001,⁸⁴ the President of the Council of Ministers sets the guidelines for the contingency and preparedness planning in agreement with the regions and other local authorities. As to civil society, according to art. 11 Law 225/1992, the national operating structures of the Civil Protection Service (police, groups of researchers etc.) provide support and consultation upon request.

Finally, the law establishes linkages between forecast information and climate services in contingency planning. Indeed, in order to reinforce the “rete meteo-idropluviometrica” (ie. monitoring of weather events), the DPCM 15/12/1998⁸⁵ enhanced the monitoring network and the distribution of disaster information, by establishing the Functional Centres above mentioned.⁸⁶ Each center foresees and monitors weather conditions to alert the population and provide information on hydrological, geological and landslide events.⁸⁷ At present, a legislative proposal⁸⁸ was tabled for the creation of the National Distributed Meteorological Service (SMND) above mentioned. In the meantime,⁸⁹ the National System for the Environmental Protection (SNAP) was created, aimed at monitoring the environment, gathering scientific data and spread them to the competent institutions.

Good practices/models

1. At present, 86%⁹⁰ of the Italian’s municipalities have adopted a contingency plan; notably, 100% of the municipalities of the following regions have adopted a specific plan: Friuli Venezia Giulia, Marche, Molise, Autonomous Province of Trento and Valle D’ Aosta. These plans are drafted taking into consideration the type of risks that may occur in the Regions’ territories.

2. Contingency plans for industrial risks are drafted taking into consideration the European directive “Seveso” 82/501/CEE modified by Seveso II 96/82/CEE and Seveso III 2012/18/UE⁹¹. Italy transposed the directive into its national law through D.Lgs. 334/1999 and D.Lgs. 238/2005.⁹² Accordingly, potential hazardous factories, listed by the Ministry for the Environment, Land and Sea and ISPRA, shall have a contingency plan both internal and external.⁹³ Internal contingency plans are aimed at alerting the workers and tackling the disaster. External plans set by the prefectures, are aimed at setting the guidelines to be adopted by municipality in case of industrial disaster, in order to keep the population nearby the factories, safe. Thus, the municipality⁹⁴ should identify in its territory the potential

⁸² Piano di emergenza, obiettivi del piano. Available at:

http://www.protezionecivile.gov.it/jcms/it/piano_emergenza.wp

⁸³ Protezione civile e pianificazione di emergenza, p. 9. Available at:

<http://www.impegnocivile.it/progetti/aucis/documenti/corso%20lamberto/Pianificazione%20delle%20emergenze.pdf>

⁸⁴ Decreto legge 7 settembre 2001 n. 343 coordinato con la legge di conversione 9 novembre 2001 n. 401. Available at:

<http://www.cloud.protezionecivile.fvg.it/ProtCiv/GetDoc.aspx/9.pdf?firstlanding=true>

⁸⁵ Modified by DPCM 27/02/2004 (functions of the centers)

⁸⁶ Rete dei centri funzionali. Available at:

http://www.protezionecivile.gov.it/jcms/it/centri_funzionali.wp?request_locale=it

⁸⁷ Meteo-hydro alert. Available at: http://www.protezionecivile.gov.it/jcms/en/allertamento_meteo_idro.wp?request_locale=en

⁸⁸ Proposta di bozza di Decreto del Presidente della Repubblica (DPR) per l’istituzione del Servizio Meteorologico Nazionale Distribuito (SMND) predisposto dal Gruppo tecnico di Lavoro di cui al Decreto del Capo del Dipartimento della Protezione Civile del 27/02/2013. Data: 13 settembre 2013. Available at:

<http://www.altostratus.it/previsorideltempo/20130913 DPR Proposta SMND.pdf>

⁸⁹ Law 26 June 2016, number 132: “ Istituzione del Sistema nazionale a rete per la protezione dell’ambiente e disciplina dell’Istituto superiore per la protezione e la ricerca ambientale”. Available at:

http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2016-07-18&atto.codiceRedazionale=16G00144&elenco30giorni=true

⁹⁰ I dati di dettaglio. Available at: http://www.protezionecivile.gov.it/jcms/it/dati_di_dettaglio.wp

⁹¹ DIRETTIVA 2012/18/UE del Parlamento Europeo e del Consiglio del 4 luglio 2012 sul controllo del pericolo di incidenti rilevanti connessi con sostanze pericolose, recante modifica e successiva abrogazione della direttiva 96/82/CE del Consiglio.

⁹² Decreto Legislativo 21/9/2005, n. 238: “Attuazione della direttiva 2003/105/CE, che modifica la direttiva 96/82/CE, sul controllo dei pericoli di incidenti rilevanti connessi con determinate sostanze pericolose”. Available at:

<http://www.camera.it/parlam/leggi/deleghe/05238dl.htm>

⁹³ Article 11, 20 D.Lgs 238/2005

⁹⁴ Regione Lazio. Linee Guida per la pianificazione comunale o intercomunale di emergenza di Protezione Civile (2014), pp. 58-59. Available at:

http://www.scamilloforlanini.rm.it/html/file_allegati/emergenze/linee_guida_protez_civile_014.pdf

hazardous factories, set the procedures to be taken in case of emergency and inform the population on the safety measures to adopt.

3. Contingency plans are requested to be periodically updated. In this regard, the Lazio Region set guidelines⁹⁵ for its municipalities establishing a timeline for updates. Accordingly, municipalities should update their plans at least one time every year if there has been a modification of the territory or a variation of the functional responsibility. In any event, each municipality should update the contingency plan every 5 years. Further, According to Article 4 law 225/1992⁹⁶, a plan will be kept efficient and updated through the execution of periodical training exercises⁹⁷ of the involved actors and the promotion of scientific and technological research on the preparedness of disasters.

4. Regarding the linkages between forecast information and climate services in contingency planning, Emilia- Romagna region⁹⁸ developed a web site aimed at improving: the operational management of the regional's alert system; the participation of the civil protection regional's agency for the review of the regional's alert procedures; and the spread of information to the institutions and the citizens. At present, the forecast of the phenomena and the evaluation of their level of criticality is done on a daily basis, by the regional agency in charge for the preparedness, environment and energy (ARPAE-SIMC-CF) and the regional agency in charge for the preservation of the territory and civil protection (ARSTePC). The results of the forecast and their evaluations are reported on the website <https://allertameteo.regione.emilia-romagna.it> and in case of meteorological and hydrogeological alert these are notified also the prefectures, provinces, municipalities and the others operational structures of the regional civil protection service.

Gaps and Challenges

Not every municipality is provided with a contingency plan and some of these plans are not specifically set taking into consideration the type of risks that may occur in the specific territory. Furthermore, their efficiency has been jeopardized by their inconsistent update; in this respect, art. 15 Law 100/2012 only states that municipal contingency plans shall be "periodically" updated, but the law does not specify the meaning of "periodically". As to the actors responsible for the drafting of contingency plans, the law does not provide for clear indications of who is in charge. Lastly, there is no unified forecast service aimed at coordinating all the others forecast structures spread in the Italian territory.

Recommendations

National and regional laws should: guarantee and monitor the adoption of a contingency plan by every municipalities; require plans to include specific features taking into consideration the different type of risks that every municipalities could face; set standard timing for updates and provide financial penalties to municipalities lacking a proper plan or unwillingness to update it; provide clear indications as to which actors shall be involved at the national, regional and municipal level in the drafting of plans and encourage their coordination; create a central national meteorological service.

5b) Does the country's legislation set out procedures and framework for evacuation?

Overview of findings

The "Operational Guidelines for the Identification of Operational Coordination Centers and Emergency Areas", as adopted by the Civil Protection Department, generally identifies emergency areas for evacuation, establishing a three-layered system, as follows: waiting areas, i.e. areas where the affected population is hosted before the event or in its immediate aftermath and where first information and comfort is provided; reception areas, i.e. areas meant to provisionally house the population; and areas for rescuers and resources, where rescuers, resources and the means necessary for the population rescue are hosted. Contingency plans include a section devoted to evacuation, which notably: assigns decision-making responsibilities, defines communication system that allows a constant exchange of

⁹⁵ DGR LAZIO 415/2015, Allegato A- aggiornamento delle linee guida per la pianificazione comunale o intercomunale di emergenza di protezione civile ai sensi della DGR LAZIO 363/2014. Available at:

http://www.regione.lazio.it/binary/rl_main/tbl_documenti/PRC_DGR_415_04_08_2015_Allegato_A.pdf

⁹⁶ Article 4, para 3 Law 225/1992. Available at:

http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG1602

⁹⁷ Piano intercomunale di protezione civile unione dei comuni- Bastida de' Dossi - Casei Gerola – Cornale. Verifica ed aggiornamento del piano di emergenza (2009). Available at:

<http://www.comune.caseigerola.pv.it/attachments/article/147/parte-8.pdf>

⁹⁸ Regione Emilia-Romagna. Atti amministrativi, Giunta Regionale. Delibera Num. 556 del 28/04/2017. Seduta numero 16.

information, describing coordination, how to protect people and property and identify staff, equipment, funds, and other resources to use during response operations.⁹⁹

At the municipal level, the Municipal Operating Centres are the municipal operating structure assisting mayors in the preventive, organizational and operational of disasters. They operate from the "Operative Room" where all information converges and decisions are made.¹⁰⁰

The law also regulates evacuation in specific sectors. Notably, art. 15 Legislative Decree 81 of 9 April 2008 (Code on Health and Safety at Work) binds all work places to have evacuation procedures in place. Furthermore, the Ministerial Decree of 26 August 1992 (Fire Prevention Standards for School Building), binds all School Managers to establish specific contingency plans. In addition, evacuation tests must be carried out at least twice during the school year.

Regarding the respect for human rights, human dignity and the prohibition of discrimination in evacuations, art. 3 of the Italian Constitution provides that "all citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinions, of personal and social conditions". This provision is an umbrella clause for all public and private activities.

Good practices/models

1. Some regional Guidelines (eg. Sardinia Region, Lazio Region, Lombardy Region and Liguria Region) outline the obligation to elaborate a municipal evacuation plan.¹⁰¹ The evacuation of the population must take place under the control of the Public Authorities and is issued by a special order of the Mayor or the Prefect¹⁰². In case of evacuation, Regional Guidelines establish that the Mayor must provide adequate information to the affected population through alarm messages. Messages must include a description of the measures of evacuation established and information on evacuation/emergency areas.¹⁰³ The Guidelines add that the population must be informed preventively on evacuation areas' exact location through maps also indicating safe routes.¹⁰⁴ An example of a regional evacuation plan adopted within the framework established by the Guidelines is the Vesuvius Emergency Plan prepared by the Campania Region. The plan provides for four levels of alert: base, attention, pre-alarm, alarm. In the pre-alarm phase, patients in hospitals and nursing homes are evacuated, prisoners transferred from detention facilities and cultural property secured. When the alert is given, the population shall leave the area within 72 hours, with the help of 500 buses and 220 trains.¹⁰⁵

2. A differentiation of municipal evacuation plans is established depending on the risks and characteristics of a given territory. The Guidelines of the Abruzzi Region accordingly defines different evacuating procedures envisaged vis-à-vis different risks associated. For predictable types of risk, phasing-in procedures are identified in relation to the alert level reached (in the case of unforeseeable events only the emergency phase will occur).¹⁰⁶ In other cases, there are distinctions according to the size of evacuation: the municipality of Bologna distinguishes for instance between small evacuations and evacuations of remarkable size.¹⁰⁷

3 In the municipal evacuation phase, the Municipal Operations Center (COC) is set up to optimize the transportation of vulnerable individuals, to provide information to evacuated persons, to ensure the flow of materials and check that emergency areas are accessible from the means of transport.¹⁰⁸

An analysis of the content of a number of Guidelines for the Emergency Plan (i.e. those of Liguria, Evacuation Plan of the Municipalities of Turin,¹⁰⁹ Maierato and Portogruaro¹¹⁰) discloses some common and recurring elements regarding evacuation. In this respect, the Municipal Operations Center is usually composed of:

⁹⁹ http://www.protezionecivile.gov.it/jcms/it/piano_emergenza.wp

¹⁰⁰ http://www.protezionecivile.gov.it/resources/cms/documents/liguria_linee_guida.pdf , p. 4 e 7

¹⁰¹ http://www.protezionecivile.gov.it/resources/cms/documents/liguria_linee_guida.pdf , p. 13

¹⁰² http://www.regione.lazio.it/binary/rl_main/tbl_documenti/PRC_DGR_363_17_06_2014_AllegatoA.pdf , p. 29 e 174

¹⁰³ http://www.lavoripubblici.regione.campania.it/joomla/index.php?option=com_content&view=article&id=486&Itemid=137 , p. 38

¹⁰⁴ https://www.regione.sardegna.it/documenti/1_274_20160413174516.pdf , p. 57

¹⁰⁵ <http://www.regione.campania.it/assets/documents/presentazione-piano-emergenza-vesuvio.pdf>

¹⁰⁶ http://bura.regione.abruzzo.it/2015/Allegati/SPE_15_2%20-%20allegato%20delib.%20n.%2019.pdf , pag. 22

¹⁰⁷ http://www.comune.bologna.it/media/files/20160415_piano_comunale_protciv.pdf

¹⁰⁸ Piano di emergenza comunale dell'Aquila, pag. 252. Available at:

http://www.comune.laquila.gov.it/moduli/output_immagine.php?id=7508

¹⁰⁹ <http://www.comune.torino.it/protezionecivile/piano/pianodiemergenzacomunale.pdf>

1. The head of the "Technical-scientific and planning" support function: must coordinate all the activities necessary for the execution of the Mayor's order.
2. The head of the "Essential Services and School Activities" support function: must alert the gas, electricity and water distribution company and monitor the absence of children on the roads.
3. The Head of "Censing damage to people and things" support function.
4. The "Support to the population" support function: must check the availability of means of transport and organize the census and search of people using the information collected by the demographic survey questionnaire.
5. The Public Works and Maintenance Department: must alert the road haulage company, with which a special convention will be set up so that it can intervene to evacuate the displaced.
6. The Local Police will have the task of managing the country's road traffic, facilitating the rapid outflow of vehicles, and will have to report the return of the alarm phases.
7. Volunteering: support for activities carried out.
8. Municipal employees: will be required to become available for work activities deemed necessary to deal with the emergency.
9. Firefighters: they will be responsible for carrying out technical assistance.
10. FF.OO: they will have the task of managing traffic and oversee abandoned homes to avoid phenomena of looting.

In the regional evacuation plans analyzed so far, particular attention is paid to persons with reduced autonomy (elderly, disabled and children), to those in health care facilities and to the school population. In many cases, a shuttle service would be provided to relieve people with motor difficulties at home, ambulance transport for the sick, collection of names and addresses of all residents of the risk areas with more of 70 years of age and the generality of people who are not self-sufficient.¹¹¹

4. Regarding to the evacuation of livestock or domestic animals the Guidelines for the Contingency Plan of the Lazio, Campania and Lombardy Region identify special areas equipped for the hospitality of livestock possibly evacuated.¹¹² The Municipality of Maierato provides for stall animals the evacuation from vulnerable areas and accommodation in livestock areas to be identified by a special convention; the Municipality of Portogruaro foresees the evacuation from the areas subject to flooding and accommodation in the collection areas identified by the Civil Protection Municipal Plan; the Municipality of Bergamo provides continuous assistance to people during the emergency phase, to whom must be guaranteed the safeguarding of the goods with them evacuated, including animals.¹¹³

There have been cases in which specific livestock evacuation plans have been implemented: the most recent occurred on 20 January 2017 in the earthquake areas of the Center-Italy, where operations were carried out in areas where stables were collapsed or damaged through the transfer of animals to safer structures. At Castelluccio di Norcia livestock of local breeders were evacuated thanks to the State Forestry Corps.¹¹⁴

Gaps and Challenges

There is no legislation that establishes clear rules on the evacuation of livestock or domestic animals in emergency plans even if some regional and communal plans provide for some clarification in this regard.

Specific lawmaking attention toward exigencies of vulnerable groups in case of evacuation should be provided.

5. Contingency planning

c) Does the country's legislation establish requirements for trainings, drills and simulations for people likely to be involved in responding to disasters (e.g. frequency, scope, testing means)?

¹¹⁰https://www.google.it/search?q=piano+evacuazione+portogruaro&rlz=1C1SVEE_enIT474&oq=piano+evacuazione+portogruaro&aqs=chrome..69i57j69i60.10460j0j4&sourceid=chrome&ie=UTF-8

¹¹¹ Piano di emergenza del Comune di Acquaro, del Comune di Maierato, il Manuale operativo per la predisposizione di un piano comunale o intercomunale di Protezione Civile.

¹¹² http://www.regione.lazio.it/binary/rl_main/tbl_documenti/PRC_DGR_363_17_06_2014_AllegatoA.pdf

¹¹³ <http://www.provincia.bergamo.it/provpordocs/PEP-LOG.pdf>, pag. 110

¹¹⁴ http://www.ansa.it/umbria/notizie/2016/11/10/castelluccio-evacuata-restato-i-cavalli_2c1c04a2-5671-447c-9585-88b2d119a58c.html

Overview of findings

The Department of Civil Protection "Circular concerning the planning and organization of civil protection training activities" of 28 May 2010 n. DPC/ EME/41948 establishes that rescue personnel involved in the response phase of disasters shall participate in training activities. These training activities can either be so-called "Civil Protection Exercises" or "Rescue Rehearsals".

"Civil Protection Exercises" are complex activities involving the various components and operating structures of the National Civil Protection Service. They aim at designing and testing the validity of organizational and intervention models. These exercises are organized both at the national (planned and organized by the Civil Protection Department in agreement with the Regions or Autonomous Provinces) and regional levels (promoted by Autonomous Regions or Autonomous Provinces, Prefectures or any other administration, provided that this falls within their competence).

"Rescue Rehearsals" are operational exercises aimed at verifying the operational ability to respond to disasters. Such exercises are organized by Civil Protection Operational Structures. Proposals for training activities must be communicated to the DPC at least six months before the date of the training itself.¹¹⁵

Regarding volunteers, art. 2(4) of the Decree of the President of the Republic of 8 February 2001 n. 194 stipulates that the DPC may grant contributions to volunteers' organizations to be used for training.¹¹⁶

Good practices

1. To test the response efficiency of the National Civil Protection Service, both at local and national level, on 19 April 2005 the DPC organized an exercise on the island of Stromboli (Sicily). The exercise allowed to check the efficiency of the operational strategy and the related intervention model. The exercise contemplated the simulation of three different scenarios, including a tsunami. In particular, the removal of the coastal population to waiting areas was tested.¹¹⁷ Several drills and simulations are organised on a regular basis.

d) *Does the law set out clear standards for public education and awareness on emergency preparedness (e.g. formal school curriculum)?*

Gaps and Challenges

No, Italian legislation does not establish standards for public dissemination of the culture of disaster prevention and emergency preparedness.

Good practices

Despite the said regulatory gap, some initiatives have been taken to inform and train individuals under Italian jurisdiction. One of them is the national information campaign on natural and man-made hazards "Io non rischio" (I do not risk). In cooperation with the DPC and the NGO *Cittadinanzattiva*, information brochures on seismic events were provided, describing, *inter alia*: behavioral norms; a glossary to gain confidence in technical terminology; a questionnaire addressed to students and their families to raise awareness of the risks associated with earthquakes.¹¹⁸

Cittadinanzattiva also launched the project "Emergency Exercise at School for Flood and Earthquake", aimed at providing students both practical tools to increase knowledge about natural disasters and useful tips to tackle them. Notably, students are involved in emergency and evacuation exercises in order to acquaint with evacuation plans, alarm signals and emergency exits.¹¹⁹

e) *Does the law in country ensure that family links issues are included in national disaster-preparedness and response plans?*

Overview of findings

The Directive of the President of the Council of Ministers of 13 June 2006 establish "General criteria on psychosocial actions to be taken in case of disasters", including the protection of family links. Accordingly, professionals working in

¹¹⁵ <http://www.prefettura.it/FILES/AllegatiPag/1222/Circolare%20DPC-EME-0041948%20-%20Programmazione%20e%20organizzazione%20delle%20attivit%20addestrative%20di%20Protezione%20Civile.pdf>

¹¹⁶ http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG20554

¹¹⁷ http://www.protezionecivile.gov.it/jcms/it/view_dossier.wp?sessionId=914CFD0C95A7C3EA0AC18B58B33042FA?contentId=DO522498

¹¹⁸ http://www.protezionecivile.gov.it/resources/cms/documents/TerraTrema_vademecum09.pdf

¹¹⁹ http://www.cittadinanzattiva.it/files/progetti/scuola/imparare_sicuri/materiali/2015-opuscolo-rischio-sismico-e-alluvione.pdf

the psychosocial field must be adequately trained, with a particular focus on reunification with family members (art. 4) and family psycho-social activities (Annex regarding training of specialists).¹²⁰ As mentioned above the ItRC has also been entrusted to take part in restoring family links activities.

Good practices

The DPC has arranged the "Civil Protection in Family" *vademecum*, plainly describing behaviors to be adopted in response to emergencies, also in relation to the issue of family reunification. Specifically, this includes: preparing a list of information about family members (registry data, telephone number, health data); establishing a Family Emergency Contact Point, i.e. a person living outside the concerned territory that each family member can contact to get news; choosing a safe meeting place to use in case of separation.¹²¹

Gaps and Challenges

Italian legislation does not provide for a specific rule protecting family relationships in emergency prevention plans.

Recommendation

The law should provide clear criteria in this area.

6. Legal facilities

a) Treatment and care of the victims (including the dead):

I. Does the law give special attention to procedures for handling large numbers of casualties after a disaster? Does the law forbid or at least discourage mass burials in such circumstances?

No, there are no specific provisions dealing with such circumstances, also in light of the absence of concrete practice required to deal with such issue. As explored this issue is arranged according to common procedures.

II. Does the law require authorities to make best efforts to identify the remains and notify next of kin?

Overview of findings

The identification of the victims of a disaster is an activity carried out by police forces on a professional manner in accordance with international guidelines: *inter alia*, the "Guide to the Identification of Disaster Victims" drafted by Interpol.

Good practices

1. Since 2003 the Carabinieri Unit for Identification of Disaster Victims has been operating in Italy. It includes specialists in biology and technical surveys, as well as forensic pathologists of the Department of Health. It is divided into two sections:

- the so-called "ante-mortem" section, with the task of collecting information, photos, biological traces, health data and, if necessary, biological samples of relatives of missing persons. Furthermore, it provides psychological support to the family.
- The so-called "post-mortem" section, responsible for autopsy inspections of unidentified corpses to acquire biological samples, fingerprints, distinctive signs to be compared with similar data acquired by the ante-mortem section.

The comparison of the data of the two sections is analyzed by a Commission of experts for corpse identification.

In a similar vein, the civilian police set up in 2005 a Disaster Victim's Identification Team (DVI). With a Decree of 19 March 2007 the Ministry of the Interior specified that DVI shall include: specialists in the field of forensic medicine, police, telecommunication and healthcare experts and experts in foreign languages.

III. Does the law require authorities to take into account cultural and religious rights with respect to the disposal of human remains?

The law does not explicitly require authorities to take into account the religious and cultural rights of disaster victims with regard to the disposal of human remains. Despite this regulatory gap, however, reference may be made to art. 19 of the Italian Constitution, according to which "Everyone has the right to freely profess his religious faith".

¹²⁰http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?facetNode_1=f4_4_2&prevPage=legislazioni&catcode=f4_4_2&contentId=LEG13069

¹²¹ http://www.protezionecivile.gov.it/resources/cms/documents/vademecum_pc_ita.pdf

Accordingly, family members of the deceased person have the right to dispose of human remains according to the victim religious and cultural beliefs.

b) Volunteering

i. Does the law provide for a clear definition of the term “volunteer”, including the scope of volunteering activities, restrictions in regard to volunteering and a clear distinction from the status of employees?

Civil Protection Volunteering is identified as a component of the Civil Protection National Service by art. 6 of Law 225/1992, and as a National Operating Structure under art. 11 of the same law. Pursuant to art. 1 of the Decree of the President of the Republic 194/ 2001, a volunteers’ organization participating in civil protection activities is a non-profit organization freely constituted, performing prevention and relief disaster activities, mainly with voluntary service of its members. Accordingly, volunteers’ organizations broadly support civil protection activities.

As to the status of individual volunteers, they are not public officials, but "civil servants" according to the definition provided in art. 358 of the Italian Criminal Code. Hence, volunteers cannot perform typical public official functions such as asking for official documents and/or conducting searches, stopping people, managing traffic, deciding to activate without authorization acoustic and visual signaling devices.¹²² Based on the Inter-ministerial Decree of 13 April 2011 and the Operational Guidelines established by the DPC (Office I - Volunteering, Training and Communication) No. 32320 of 24 June 2016, volunteers can be involved in: psychosocial and social-welfare activities; assistance to the most vulnerable; information to the population; logistics; rescue and health care; use of equipment and special means; food predisposition and administration; prevention and fight against fire; organizational support, also in the field of operating rooms; radio and telecommunications activities; underwater activity; activities using rescue dogs.¹²³

As far as the distinction between volunteers and employees is concerned, the latter carry out a professional activity for remuneration while the volunteer lends his work free of charge, personally and spontaneously.¹²⁴

ii. Is there specific DM legislation that applies to volunteers and voluntary organizations?

DPR 194/2001 regulates the participation of volunteers’ organizations in civil protection activities. Notably, volunteering organizations must enroll in the National List of civil protection,¹²⁵ namely in the central or territorial list.

Art. 9 of the Republic President Decree 194/2001 sets a series of guarantees for volunteers, notably concerning job security and economic and pension treatment (see above: questions 2 and 5).

c) Cash programming

i. Are there legal facilities in place to facilitate cash programming in disaster preparedness and response operations, including the opening of bank accounts, monetary transfers, identify verification “know your customer” and other exigencies of financial service providers?

In the event of disasters for which a state of emergency declaration is adopted, the DPC activates a telephone number for SMS donations. The “Protocollo d’Intesa” signed between DPC and most of telephone companies also governs the phase immediately following the fundraising, that is to say, the management of the funds.

Once the fundraising campaign is terminated, a Guarantor Committee is established by a decree of the DPC Chief in agreement with the Presidents of concerned regions. The Committee evaluates proposals from regions for the use of funds, and ensures transparency in the management of collected resources.¹²⁶

¹²² Decree of Ministro delle Infrastrutture e dei Trasporti of 5 October 2009, published on 23.10.2009

¹²³ http://www.protezionecivile.gov.it/resources/cms/documents/allegato_indicazioni_viabilita_vol.pdf Annex 2

¹²⁴ Art. 2 of L. no. 266 of 1991

¹²⁵ The new directive shares the National list in territorial list and central list:

http://www.protezionecivile.gov.it/jcms/it/elenco_nazionale_delle_or.wp

http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG37466

¹²⁶ http://www.protezionecivile.gov.it/resources/cms/documents/Protocollo_Intesa_raccolta_fondi.pdf e http://www.protezionecivile.gov.it/resources/cms/documents/decreto_REP_3903_2014.pdf

In addition to SMS, several institutions usually open bank accounts for fundraising. The Italian Red Cross, in cooperation with the Italian Mail Service, has a bank account exclusively devoted to emergency fundraising. Notably, the DPC publishes on its website, in the 'news' section, a public notice for the opening of a bank or post office for donations, including via electronic payment platforms.¹²⁷

Good practices

Following the earthquake that struck central Italy on 24 August 2016, the Lazio Region opened two bank accounts for donations. Similarly, the Marche Region launched the online platform "pagoumbria", which allowed fundraising for the earthquake.

ii. Is there a legally defined procedure in case for loss of records or documentation?

There are no specific legal procedures applicable to loss of records or documentation in case of disasters. Conversely for some fiscal documents some exceptions and facilitations are provided in case disasters have caused their destruction with regard to the 'normal time' obligation to detain such documents for a certain period¹²⁸.

d) Drones in disasters response operations:

i. Is there legislation in place regarding the use of drones in disaster response operations, including registration, flight operations certificates, use of airspace, and insurance?

There are no specific regulations regarding the use of drones in disaster response operations. Generally speaking, the use of drones is regulated by the National Civil Aviation Authority (ENAC) Regulations, on "remote pilot aircraft".¹²⁹ This Regulations have three objectives: defining the security levels associated with the use of drones; establish the rules for circulation in national airspace; clarify limitations to the use of drones. According to its art. 32, drone operations must be covered with third parties insurances; furthermore, drones cannot fly under the minimum ceilings established in art. 7 of Regulation (EC) 785/2004.

Concerning drones, the Italian Red Cross adopted its own "Driving Guidelines" through Order 223-15 of 16 September 2015.¹³⁰ These Guidelines stipulate that drones' pilots acting for the benefit of the ItRC must possess a civil flying license or a sport flight certificate as provided in DPR 133/2010.

Good practices

The use of drones in disaster settings is currently a common practice by involved authorities. For instance on 21 February 2017, firefighters who participated in assistance operations following the earthquake which hit Central Italy and the avalanche that struck Rigopiano through the use of drones, were awarded the so-called "Rome Drone Award 2017 during the 'Roma Drone Campus 2017' – namely an event for companies and professionals in the drone industry, held in Rome at the Department of Engineering of the Roma Tre University.¹³¹

6. Legal facilities

[...]

e) Licensing:

- i. Do the laws at the national and/or regional level in the country allow for relief personnel (such as medical professionals) to assist across provincial or district lines in case of emergency?*
- ii. If so, do they support a system by which credentials can be speedily verified?*

¹²⁷ http://www.protezionecivile.gov.it/jcms/it/view_new.wp?contentId=NEW58989

¹²⁸ https://www.odcec.torino.it/public/moduli/nota_eventi_alluvionali.pdf

¹²⁹ Last amendment on 24 March 2017

https://www.enac.gov.it/repository/ContentManagement/information/N122671512/Regolamento_APR_Ed_2_Emend_3.pdf

¹³⁰ http://ww2.gazzettaamministrativa.it/opencms/export/sites/default/gazzetta_amministrativa/amministrazione_trasparente/agenzie_enti_stato/croce_rossa_italiana/010_dis_gen/020_att_gen/2013/Documenti_1383671892342/1442408243730_linee_guida_per_la_gestione_sistemi_a_pilotaggio_remoto_cri_sapr.pdf

¹³¹ Si veda il sito <http://www.romadrone.it/campus/>, nello specifico <http://www.romadrone.it/campus/news/30-ecco-i-roma-drone-award-2017.html> e http://www.ansa.it/sito/notizie/politica/2017/02/17/terremoto-a-vigili-fuoco-drone-award-per-voli-zone-sisma_ac35a89b-02dc-4140-a797-910e27f4ea8f.html

Art. 3 DPR 137/2012 generally regulates the medical profession in Italy, providing that qualified medical professionals can exercise their profession throughout the entire territory of the Republic. Furthermore, DLCPS 233/46,¹³² DPR 221/50¹³³ and DPR 137/2012¹³⁴ establish a peer-to-peer system of verification of certifications and credentials.¹³⁵

- f) *Are appropriate tax exemptions provided to relief providers (government and civil society)?
Are tax exemptions available for preparedness actions (e.g. prepositioning of stock)?*

In accordance with art. 8 of law 266/1991, volunteering organizations benefit from tax exemptions in relation to their constitutive acts, property and cash donations and are also recognized some accounting simplifications. Further tax and service exemptions are provided in relation to: highway tolls for vehicles used in connection with an emergency (DM Trasporti of 15 April 1994), radio licenses (art. 72 n.448/1998) income taxes¹³⁶ (art. 12 law 460/1997) and VAT (art. 14 law 460/1997).

- g) *Are there laws on data privacy that would apply to the gathering, storing and sharing of information (in relief distribution, restoring family links or cash programmes as examples)? If so, are exceptions provided, as appropriate, for tracing activities by RC National Societies in disaster settings?*

The Italian law on data privacy is regulated by d.lgs. 196/2003. Art. 53 establishes specific derogations to the general discipline, concerning the processing of data when such activity is conducted by the police in the exercise of its functions.

- h) *Are there legal barriers in particular sectoral laws that may inhibit disaster rescue and relief personnel (including volunteers) in emergencies?*

There are no legal barriers in particular sectoral laws that may inhibit disaster rescue and relief personnel (including volunteers) in emergencies.

- i) *Are there provisions in the law to ensure that State-operated offices and services essential to the relief be provided outside of normal business hours?*

There are no provisions in the law to ensure that State-operated offices and services essential to the relief be provided outside of normal business hours.

Good practices/ models

Some of State-operated activities meant to ensure the maintenance of essential relief services are guaranteed 24/7, such as the emergency number 112, or the opening of Assisting Coordination Centers (COC, COM, CCS, etc.).

Gaps and challenges

Emergency planning should encompass the provision of services essential to relief outside business hours to protect persons and their property, health, livelihoods and productive assets, as well as cultural and environmental assets. For instance, in some disaster settings staff of the Superintendence belonging to the Ministry of Cultural heritage were available only during normal business hours, according to personal interviews.

Recommendation

The emergency planning should set clear standards to manage essential services to relief activities outside business hours.

¹³² DLCPS 233/46 [Ricostituzione degli Ordini delle professioni sanitarie e per la disciplina dell'esercizio delle professioni stesse.](#) (GU n.241, 23/10/1946)

¹³³DPR 221/50 Approvazione del regolamento per la esecuzione del decreto legislativo 13 settembre 1946, n. 233, sulla ricostituzione degli Ordini delle professioni sanitarie e per la disciplina dell'esercizio delle professioni stesse.

¹³⁴ Regolamento recante riforma degli ordinamenti professionali, a norma dell'articolo 3, comma 5, del decreto-legge 13 agosto 2011, n. 138, convertito, con modificazioni, dalla legge 14 settembre 2011, n. 148.

¹³⁵ Credentials can be verified following:

<http://application.fnomceo.it/Fnomceo/public/ricercaProfessionisti.public?vmToForward=128> (accessed April 29th, 2017)

¹³⁶ IRPEF stands for "Imposta sui Redditi delle Persone Fisiche" and it is an income Tax

7. Rights to assistance, security and protection of vulnerable groups:

- a) *Does the law clearly provide a right to humanitarian assistance and access to essential food and non-food relief supplies to all persons in need due to a disaster or health emergency?*

Overview of findings

According to art. 3 Law 225/1992, modified by Law 100/2012,¹³⁷ the Civil Protection Service shall assist the population with integrated and coordinated actions in the event of disasters.

Furthermore, pursuant to DPCM 3 December 2008,¹³⁸ in case of necessity all regions facing with a disaster can activate the “Colonna Mobile Regionale”,¹³⁹ which is aimed at assisting the population, providing food, shelter and sanitary assistance. Moreover, at the municipal level the mayor through the support function called “*assistenza alla popolazione*”¹⁴⁰ (‘assistance to the population’) of the Operative Municipal Centre (COC) gives assistance to the population, providing also food and shelter.

Good practices/models

The Ministerial Decree of 13 February 2001¹⁴¹ sets guidelines for sanitary assistance to the population affected by a disaster. According to this piece of legislation, in the event of a disaster first aid and sanitary assistance shall be provided to the injured people, including medicines and specialised health assistance. Also, psychological assistance and public health interventions are set in place.

Gaps and Challenges

No legislation expressly refers to a *right* to humanitarian assistance, nor to a right to access to food and non-food supplies in time of disasters.

- b) *Does the disaster management law explicitly forbid discrimination in preparation and relief efforts, both by government and other actors?*

Overview of findings

The principle of non-discrimination is provided directly by art. 3 of the Constitution which forbids discrimination on any ground.¹⁴² Italy also ratified international instruments prohibiting discrimination, such as the European Convention on Human Rights,¹⁴³ the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against All Forms of Racial Discrimination, and the Convention against all Forms of Discrimination Against Women.

Gaps and Challenges

Generally speaking, Italian secondary legislations usually do not spell out the principle of non-discrimination. This applies also to laws on disaster management where no express references to this principle are included.

- c) *Does the disaster management law ensure that needs assessments and relief operations to look for and address the potential for specific needs by vulnerable groups (e.g. women-headed households, children, the elderly, persons with debilitating diseases, the disabled, indigenous groups and migrants?)*

Overview of findings

¹³⁷ Article 3, Law 100/2012. Available at:

http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG34388#10

¹³⁸ Direttiva della presidenza del consiglio dei ministri 3 December 2008: 2. Il modello organizzativo per la gestione dell'emergenza. Available at:

http://www.protezionecivile.gov.it/resources/cms/documents/indirizzi_operativi_emergenze.pdf

¹³⁹ P. 54-56 Modello di protezione civile della regione Lazio. Available at:

<http://www.ordingrieti.it/images/Materiale%20Corsi/Corso%20IPE/21%2001%202016%20Colombo.pdf>

¹⁴⁰ Direttiva della presidenza del consiglio dei ministri 3 December 2008. Available at:

http://www.protezionecivile.gov.it/resources/cms/documents/indirizzi_operativi_emergenze.pdf

¹⁴¹ Decreto ministeriale 13 febbraio 2001: criteri di massima per i soccorsi sanitari nelle catastrofi. Available at:

http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG13412

¹⁴² Italian Constitution. Available at: <http://www.governo.it/costituzione-italiana/principi-fondamentali/2839>

¹⁴³ Maria Giulia Putaturo Donati Il principio di non discriminazione ai sensi dell'art. 14 CEDU: risvolti sul piano del diritto internazionale e del diritto interno, p. 9. Available at:

http://www.europeanrights.eu/public/comments/Putaturo_-_Il_principio_di_non_discriminazione.pdf

There are no specific reference to this issue in disaster management legislation. However, according to art. 11 Law 18/2009,¹⁴⁴ which implements the 2006 UN Convention on Persons with Disabilities, Italy adopts all necessary measures to guarantee the protection and the security of persons with disability in case of natural disasters; *inter alia*, art. 1-ter para. 1(a) Law 102/2009¹⁴⁵ provides that assistance to persons with disabilities or to members of their family in all the cases when they are not self-efficient shall be provided.

Good examples

1. Several regional documents take into account specific needs of vulnerable groups such as persons with disabilities. At the local level, according to the Campania's contingency planning guidelines, assistance to children, families, elderly and disabled people is guaranteed through a specific support function called "*assistenza alla popolazione*" activated in the Operative municipal centre (COC).¹⁴⁶ According to the Sardinia's contingency planning guidelines,¹⁴⁷ the population with reduced autonomy, i.e. disabled, children, elderly and all people who are not self-sufficient or require particular assistance in case of evacuation should be identified in advance to better permit their assistance in case of disaster.

2. Furthermore, DPCM 13 June 2006¹⁴⁸ guarantees psychological assistance to those who witnessed tragic events linked to the occurrence of the disaster. Specifically, to: rescue teams, victims' families and vulnerable groups, i.e. children, elderly, disabled and people with mental illness. Specialised psychological teams routinely operate in case of disasters.

Gaps and Challenge

The Italian legislation, at the national level, does not expressly pinpoint to the assistance of vulnerable people in disaster settings.

d) Unaccompanied children:

i. Does the law clearly assign the authority responsible for ensuring the placement, the shelter and aftercare of unaccompanied children in disaster settings?

Overview of findings

There are no specific provisions ensuring the placement, shelter and aftercare of unaccompanied children in disaster settings; consequently, general rules on the protection of unaccompanied children apply.

ii. Does DM law, policy or planning set out specific measures to combat heightened risks of trafficking and child exploitation in post-disaster settings?

Overview of findings

Italy is party to the 1989 Convention on the rights of the child,¹⁴⁹ implemented in the Italian legal order pursuant to Law 176/1991. Hence, according to art. 36 of the aforementioned Law, children are protected against any form of exploitation prejudicial to any aspects of the children's welfare.

In general, trafficking and exploitation of humans is forbidden according to d.lgs. 24/2014.¹⁵⁰ Pursuant to the aforementioned law, a national plan of action (PNA)¹⁵¹ aimed at defining intervention strategies in order to prevent

¹⁴⁴ Law 3 March 2009, number 18: "Ratifica ed esecuzione della Convenzione delle Nazioni Unite sui diritti delle persone con disabilità, con protocollo opzionale, fatta a New York il 13 Dicembre 2006 e istituzione dell'Osservatorio nazionale sulla condizione delle persone con disabilità". Available at: <http://www.handylex.org/stato/I030309.shtml>

¹⁴⁵ Law 3 August 2009, number 102: "Conversione in legge, con modificazioni, del decreto-legge 1º luglio 2009, n. 78, recante provvedimenti anticrisi, nonché proroga di termini e della partecipazione italiana a missioni internazionali". Available at: <http://www.parlamento.it/parlam/leggi/09102l.htm>

¹⁴⁶ Giunta Regionale della Campania Assessorato alla Protezione Civile, linee guida per la redazione dei Piani di Emergenza Comunale (February 2013), p. 21.

¹⁴⁷ Regione autonoma della Sardegna, direzione generale della protezione civile, Linee guida per la pianificazione comunale e intercomunale di protezione civile, 2016, p. 52

¹⁴⁸ direttiva del consiglio del presidente dei ministri 13 June 2006, G.U. 29 August 2006: criteri di massima sugli interventi psicosociali da attuare nelle catastrofi. Available at:

http://www.protezionecivile.gov.it/resources/cms/documents/decreto_13giugno2006_criterimassima.pdf

¹⁴⁹ Law 27 May 1991, number 176: Ratifica ed esecuzione della convenzione sui diritti del fanciullo, New York 20 novembre 1989. Available at:

http://www.camera.it/_bicamerali/leg14/infanzia/leggi/Legge%20176%20del%201991.htm

and impede the trafficking and exploitation of people is regularly adopted. Further, the mentioned d.gls. also modified arts. 600 and 601 of the Italian Criminal Code¹⁵² which together with art. 602 forbid humans' trafficking and exploitation.

Gaps and Challenges

The Italian DM legislation does not set specific measures to combat trafficking and child exploitation in post-disaster settings.

iii. *Are special protections included in laws with regard to adoptions (particularly international adoptions) in the aftermath of major disasters?*

Overview of findings

Adoptions in Italy are regulated by Law 184/1983, modified by Law 149/2001.¹⁵³ In accordance with the procedure prescribed by the law, a child can be adopted when a family cannot guarantee his/her growth and education. Furthermore, Italy ratified the 1989 Convention on the rights of child with Law 176/1991.¹⁵⁴ According to art. 20 of the aforementioned Law, a child temporarily or permanently deprived of his or her family environment or cannot be allowed to remain in that environment in his/her best interest, shall be entitled to special protection and assistance provided by the State. A series of complementary laws have been adopted to fully implement the 1989 Convention – i.e. the establishment of a childhood and adolescence national fund; and other measures meant to realize national, regional and municipals interventions aimed at promoting the rights, quality of life, growth, individual self-fulfillment and socialization of children and teenagers in their natural or adoptive family.

Gaps and Challenges

The Italian legislation does not regulate specifically the case of adoptions in the aftermath of major disasters.

e) *Gender:*

i. *Are there laws or policies that confer ministerial or other institutional mandates to carry out education, awareness-raising, advocacy, and prevention of gender discrimination and/or SGBV?*

Overview of findings

According to art. 5 Decree 93/2013,¹⁵⁵ converted into Law 119/2013,¹⁵⁶ the Minister for Equal Opportunities, together with administrative bodies, elaborated an "action plan to prevent gender-based and sexual violence" ("Piano d'azione straordinario contro la violenza sessuale e di genere"), hereinafter referred to as the Plan, for the years 2014-2020. The plan is aimed at:

- Preventing violence against women through the dissemination of information;

¹⁵⁰ Decreto Legislativo 4 marzo 2014, n. 24. Attuazione della direttiva 2011/36/UE, relativa alla prevenzione e alla repressione della tratta di esseri umani e alla protezione delle vittime, che sostituisce la decisione quadro 2002/629/GAI. Available at: <http://www.gazzettaufficiale.it/eli/id/2014/03/13/14G00035/sg>

¹⁵¹ Piano nazionale d'azione contro la tratta e il grave sfruttamento 2016-2018. Adottato dal Consiglio dei Ministri nella riunione del 26 febbraio 2016. Available at: <http://www.pariopportunita.gov.it/media/2687/piano-nazionale-di-azione-contro-la-tratta-e-il-grave-sfruttamento-2016-2018.pdf>

¹⁵² Articles: 600, 601, 602. Italian criminal code. Available at: <http://www.brocardi.it/codice-penale/>

¹⁵³ Law 28 March 2001, number 149: "Modifiche alla legge 4 maggio 1983, n. 184, recante «Disciplina dell'adozione e dell'affidamento dei minori», nonché al titolo VIII del libro primo del codice civile". Available at: <http://www.camera.it/parlam/leggi/01149l.htm>

¹⁵⁴ Law 27 May 1991, number 176: Ratifica ed esecuzione della convenzione sui diritti del fanciullo, New York 20 novembre 1989. Available at:

<http://www.camera.it/bicamerale/leg14/infanzia/leggi/Legge%20176%20del%201991.htm>

¹⁵⁵ Decreto Legge 14 August 2013, number 93: "Disposizioni urgenti in materia di sicurezza e per il contrasto della violenza di genere, nonché in tema di protezione civile e di commissariamento delle province". Available at: <http://www.gazzettaufficiale.it/eli/id/2013/08/16/13G00141/sg>

¹⁵⁶ Law 15 October 2013, number 119: "Conversione in legge, con modificazioni, del decreto-legge 14 agosto 2013, n. 93, recante disposizioni urgenti in materia di sicurezza e per il contrasto della violenza di genere, nonché in tema di protezione civile e di commissariamento delle province". Available at: <http://www.gazzettaufficiale.it/eli/id/2013/10/15/13G00163/sg>

- Promoting educational programs on violence against women and discrimination based on gender at school, in order to raise awareness, inform and train students to prevent SGBV;
- Predicting specific actions to prevent and support the victims of SGBV and stalking;
- Defining a system between all levels of governance, elaborating on good practices already carried out at the local level;

The Plan is coupled by further activities provided in art. 1(16) of Law 107/2015,¹⁵⁷ aimed at the promotion gender equality and SGBV prevention in schools, at informing and increasing awareness of students, teachers and families.

ii. *Do gender-specific needs or considerations exist in DRM law, including gender-sensitive needs assessments, standards for planning and construction of post-disaster accommodation and other arrangements for displaced communities?*

Overview of findings

No specific information are available.

iii. *Does the legal framework (disaster risk management framework and laws applicable “in normal time”) provide special measures to guard against and/or sanction sexual and gender violence and how does it apply in disaster circumstances? How effective are the normal systems for SGBV protection in preventing, identifying and responding to SGBV in disasters?*

No specific information are available. On a general level, the arts. 609bis to 609 octies of the Italian Criminal Code¹⁵⁸ prohibit and sanction all sort of sexual violence. There are no specific provisions against SGBV in case of disasters.

f) *Does the legal framework provide special measures to guard against looting? Are mechanisms in place to assure the safety and security of relief personnel?*

Overview of findings

Looting is a criminal offense, sanctioned by art. 624-bis¹⁵⁹ on burglary (Furto in abitazione e furto con strappo) of the Criminal Code. According to para. 5 of art. 61 on aggravating circumstances, looting is aggravated when the perpetrator/s take advantage of the conditions of time and location of the criminal conduct or of the victims.

Good practices/models

Patrol activities are routinely arranged by police forces in the aftermath of a disaster to avoid looting in areas where the access by tenants/owners is prohibited due to security concerns. In order to introduce an ad hoc measure against looting in the aftermath of disasters, a draft law was tabled on 25 January 2017 at the Senate. This bill¹⁶⁰ proposes to introduce a new article in the criminal code, art. 624-ter, entitled “looting”, punishing whomever commits theft during the occurrence of natural disasters, taking advantage of that precarious situation, within a sanction from 4 to 10 years of imprisonment and a fine from 4.000 to 8.000 euros.

Recommendations

Disaster management regulations should set clear standards and specifically regulate the right to humanitarian assistance, the protection of vulnerable groups (persons with disabilities, unaccompanied children, women) and the prevention of SGBV in the aftermath of major disasters. The inclusion of a specific provision on looting in the aftermath of disasters should be pursued by the Parliament.

¹⁵⁷ Law 13 July 2015, number 107: “Riforma del sistema nazionale di istruzione e formazione e delega per il riordino delle disposizioni legislative vigenti”. Available at:

<http://www.gazzettaufficiale.it/eli/id/2015/07/15/15G00122/sg>

¹⁵⁸ Criminal Code. Available at:

<http://www.brocardi.it/codice-penale/libro-secondo/titolo-xii/capo-iii/sezione-ii/art609bis.html>

¹⁵⁹ Criminal Code. Available at:

http://www.brocardi.it/codice-penale/libro-secondo/titolo-xiii/capo-ii/art624bis.html?utm_source=internal&utm_medium=link&utm_campaign=articolo&utm_content=nav_art_succ_top

¹⁶⁰ Draft Law, Disegno Di Legge number 2665, XVII legislatura. Available at:

<http://www.senato.it/service/PDF/PDFServer/BGT/01006547.pdf>

8. Shelter

a) *Are there legal guarantees for the provision of shelter in case of displacement due to disasters?*

Overview and findings

The provision of shelter due to disasters in Italy is twofold: so-called shelter areas (*Aree di accoglienza o ricovero della popolazione*), arranged through tentstem, and SAEs (*Soluzioni abitative in emergenza*), a sort of medium/long-term provisional accommodation for population.

As to shelter areas, they are provided for in the “Operational Guidelines for the Identification of Operational Coordination Centers and Emergency Areas” adopted by the Civil Protection Department,¹⁶¹ and are defined as areas meant to provisionally house the affected population. Shelter areas, usually arranged through tents, are located in areas deemed safe, easily accessible to large vehicles, and placed in proximity of water, electricity and sewerage. The affected population can be housed in shelter areas for maximum three months, or in any case for the time strictly necessary for the realization of SAEs.

SAEs, which are governed by the framework agreement signed on May 25, 2016 of the Presidency of the Council of Ministers, are provisional accommodations built to house the affected population on a mostly permanent basis. SAEs are such when they meet high living standards and must be built with innovative and eco-sustainable technologies

Good practice/models

1. Following the earthquake of 24 August 2016, the DPC activated a framework agreement for the provision of SAEs. The implementing actors for the construction of SAEs were the Regions of Abruzzo, Lazio, Marche and Umbria, as provided in the Order 394 of 19 September 2016.¹⁶² The Regions also provide for the implementation of the preliminary activities of the SAEs Settlement¹⁶³ and urbanization works, while the Municipalities were required to assess the needs of their own territory. The identification of areas for the accommodation of SAEs are defined by the Regions in cooperation with relevant municipalities. Public areas are preferred to private ones. Municipalities identify areas that can be used to temporarily house community buildings such as schools, law enforcement agencies, health facilities and places of worship. The DPC website provides an interactive map of the state of progress of the works in areas where the SAEs have been built.¹⁶⁴ For the distribution of SAEs, the most commonly used criterion for assigning a home is the draw. The Municipality of Norcia, on the other hand, while still drawing and complying with the two requirements laid down by the Order 394, considered appropriate to give priority to families with senior citizens or disabled with 100% disability¹⁶⁵. Still, the concrete construction of such SAEs has faced with some lengths in past months.

2. The Lazio region Guidelines for municipal and inter-municipal contingency planning establish rules for the identification of shelter areas. They provide that shelters must be located in areas that are not subject to any kind of hazard and that can be easily accessed by large vehicles. Usually municipalities identify sports fields as temporary shelter areas because of their size and the installation of drainage, water, electricity, convenient access routes and adjacent parking areas

Gap and challenges

Although there are several very detailed manuals or guidelines prepared by the Department of Civil Protection or Regions, there is no a harmonic approach in this area.

Recommendation

Objective criteria of SAEs distribution should be provided.

¹⁶¹ See question 5b above.

¹⁶² http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?toptab=2&contentId=LEG59658#top-content

¹⁶³ http://www.regione.lazio.it/binary/rl_main/tbl_documenti/PRC_SISMA_DD_S00075_01_02_2017.pdf

¹⁶⁴ http://www.protezionecivile.gov.it/jcms/it/view_dossier.wp?contentId=DOS63607

¹⁶⁵ http://www.regione.lazio.it/binary/rl_main/tbl_documenti/PRC_SISMA_DD_S00075_01_02_2017.pdf

b) *Does the law provide for mechanisms for undertaking necessary relocations?*

Overview and findings

The management of the relocation of displaced persons involves coordination between different actors, notably mayors, Regions and the DPC.

Displaced persons are, depending on the circumstances of the given disasters, offered at least three alternatives, namely to be housed in temporary shelter areas, SAEs and alternative solutions such as accommodation in hotels. Furthermore, displaced persons may request the provision of the so-called CAS (Contributo per l'autonoma Sistemazione), i.e. a subsidy for autonomous accommodation established by Orders 388/2016 and 408/2016, and by memo of DPC Head of 9 September 2016. The CAS is a measure intended for families and single citizens whose home is in a restricted area (red zone), or has been destroyed in whole or in part. Generally, in order to obtain the CAS, entitled individuals must fill in a request form mentioning relevant evacuation order. If granted, a CAS amounts to 400 euro for family units consisting of only one person, 500 euros for those consisting of two persons, 700 euros for those consisting of three persons, 800 euros for those consisting of four persons and 900 for those consisting of five or more units.

Good practices/models

Following the earthquake that struck central Italy in 2016, after having been housed in temporary shelter areas, about 5,000 displaced individuals were transferred to hotels along the Adriatic coast. Relocation was provided by the DPC, which collected the data necessary for the provision of appropriate means of transportation (trains and coaches) and transferred the affected individuals.

c) *Is there a legally defined procedure in case of loss of records or documentation?*

Overview and findings

Art. 2724(3) of the Italian Civil Code generally provides that, when a legal or physical person cannot avail him/her/itself of legal documentation or records to claim a right or certify a circumstance, for the given document was lost or destroyed due to a cause extraneous to the claimant, that person is admitted to use witnesses to demonstrate the existence of the given right or circumstance. This entails that the claimant is not exempted from the burden of proof, nor the burden is transferred to the public administration.

d) *Is there equity in the assistance provided to persons with and without land title?*

e) *Are there preparedness arrangements to reduce legal issues with regard to housing, land and property irregularities and disputes?*

f) *Are there procedures in place to take into account legal disputes with regard to land titles and property?*

No examples in the Italian legal order could be recorded in this regard.

9. Liability

a) *Does the law provide liability protections to disaster rescue and relief personnel (including volunteers)?*

b) *Does the law provide liability protections to governments, National Societies and civil society organizations?*

Overview of findings

Rescue and relief personnel

Art. 51 of the Italian Criminal Code provides that the exercise of a right or the fulfillment of a duty imposed by a legal rule or by a legitimate order of the public authority excludes the punishment of the involved person. As to civil liability, art. 2050 of the Italian Civil Code provides that "anyone who causes harm to others in the conduct of a dangerous activity, by its nature or by the nature of the means used, shall be liable to compensation if he/she does not demonstrate to have adopted all the appropriate measures to avoid the damage". Therefore, rescue and relief personnel will be free from liability if they demonstrate to have taken precautions imposed by laws, orders, and regulations as well as the normal rules of prudence and diligence.

Volunteers

For the purpose of criminal responsibility, volunteers are equated to public servants. Although the law does not provide for specific exemptions from criminal responsibility when involved in rescue operations, their liability can be excluded pursuant to general circumstances excluding wrongfulness, such as state of necessity, fulfillment of a duty or the performance of obligatory sanitary treatment.¹⁶⁶

As public servants, volunteers enjoy special protection by criminal law in two sets of situations : (i) if anyone threatens or uses violence against them to commit acts contrary to their service, that person is liable to punishment with imprisonment for up to 5 years; (ii) if anyone threatens or uses violence to force the public servant to perform his or her function or to influence it, that person is liable to punishment with imprisonment for up to 3 years.¹⁶⁷

As to civil liability, volunteers' organizations must provide insurance to their members against incidents and illness arising out from their activity, and against third parties liability (art. 4 of the framework law on voluntary service 266/1991).¹⁶⁸ Pursuant to this rule, Red Cross volunteers have the right to an insurance covering third party liability and illnesses and injuries contracted during their service, as well as - upon Red Cross discretion - to an insurance covering civil liability, property damage and legal protection in respect of the activities carried out as member of some boards of this organization¹⁶⁹.

Good practices/models

1. The Civil Protection of Friuli Venezia Giulia Region agreed upon the provision of an insurance for regional civil protection workers and volunteers, covering accidents and third party liability. Insured persons are:

- the employees of the regional administration;
- the employees of local authorities employed in civil protection activities;
- volunteers, belonging to Municipal Groups or Civil Protection Voluntary Associations;

Insurances cover the entire disaster cycle, i.e. including prevention, training, exercise, emergency and support.¹⁷⁰

Recommendation

The law should provide a more coherent liability protection framework to governmental, National Societies and civil society organizations.

10. Accountability

a) *Are mechanisms in place to prevent unlawful diversion, misappropriation, or fraud concerning disaster relief operations?*

Pursuant to law 114/2014, the Autorità Nazionale Anticorruzione (Anti-Corruption National Authority, or ANAC)¹⁷¹ is the administrative authority generally responsible to prevent unlawful diversion, misappropriation or fraud in public affairs. ANAC controls all aspects of public procurement as well as audits of companies and professionals, including hence those operating in areas affected by disasters or in connection with disasters (e.g. contracts dealing with the setting up of SAEs).¹⁷² Currently, as suggested by the Head of the Civil Protection Department, there is the will to elaborate a specific instrument dedicated to the Management of public works, services and supplies during emergencies¹⁷³ in accordance with the ANAC.

¹⁶⁶ http://www.pubblica-assistenza.it/pdf/La_responsabilita_civile_e_penale_del_soccorritore.pdf

¹⁶⁷ pag. 62, IDRL, il quadro giuridico per la risposta internazionale ai disastri in Italia.

¹⁶⁸ http://www.lavoro.gov.it/archivio-doc-pregressi/AreaSociale_AgenziaTerzoSettore/Leqge_266_91.pdf

¹⁶⁹ Regolamento sull'organizzazione, le attività, la formazione e l'ordinamento dei volontari (5.2, e)

¹⁷⁰ <http://vol.protezionecivile.fvg.it/ProtCiv/default.aspx/93-assicurazioni.htm?firstlanding=true>

¹⁷¹ <http://www.anticorruzione.it/portal/public/classic/>

¹⁷² visit: <https://sisma2016.gov.it/>

¹⁷³ Elementi per l'audizione del Capo del Dipartimento della protezione civile [...] sullo stato degli interventi di protezione civile nelle zone colpite dagli eventi sismici del 24 agosto scorso 8 settembre 2016 , p. 3 (<http://www.camera.it/temiap/allegati/2016/09/08/OCD177-2330.pdf>)

Gaps

Lacking specific instruments dedicated to the Management of public works, services and supplies during emergencies in order to prevent unlawful diversion, misappropriation, or fraud, the adoption of an ad hoc document should be pursued by involved authorities.

b) Are there accountability mechanisms in place, acknowledging for ultimate responsibility and accountability in preparation and response to disasters?

The accountability mechanisms in place for ultimate responsibility and accountability in preparation and response to disasters refer to the Italian civil and criminal law.

Gap and challenges

Specific accountability mechanisms should be in place to clarify accountability and responsibility in this area.

c) Are there mechanisms in place for internal (State actors) and independent (non-State actors) monitoring and evaluation of activities, its outcomes, and impacts?

As to State actors, the Organismo indipendente di valutazione della performance (Independent Evaluation Organism, or OIV) is responsible for internal monitoring and evaluation of activities, their outcomes and impact.¹⁷⁴ The OIV is a person appointed within each public administration, pursuant to art. 14 d.lgs. 150/2009. Furthermore, in accordance with Law 190/2012,¹⁷⁵ OIV also plays a role in the prevention of public administration corruption. OIV participates in all phases of corruption risk management and anticorruption according to the principle of administrative transparency (art. 44, d.lgs. 33/2013).

CONCLUSION

ANNEXES

CONSTITUTIONAL NORMS		
	Italian Constitution (in English)	https://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf
	Law 3 of 2001	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge.costituzionale:2001-10-18;3!vig=
BINDING ACTS		
A) NATIONAL LEVEL		
	DLCPS 233/46	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo.del.capo.provvisorio.dello.stato:1946-09-13;233!vig=

¹⁷⁴ <https://performance.gov.it/organismi-indipendenti-valutazione>

¹⁷⁵ LEGGE 6 novembre 2012, n. 190 Disposizioni per la prevenzione e la repressione della corruzione e dell'illegalità nella pubblica amministrazione

	DPR 221 of 1950	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.del.presidente.della.repubblica:1950-04-05;221!vig=
	Law 266 of 1991	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1991-08-11;266!vig=
	Law 176 of 1991	http://www.camera.it/bicamerali/infanzia/leggi/176.htm
	Law 225 of 1992	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1992-02-24;225!vig=
	Law 185 of 1992	https://www.blia.it/leggiditalia/?a=1992&id=185
	Ministerial Decree 26/08/1992	http://www.gazzettaufficiale.it/eli/id/1992/09/16/092A4166/sg
	Ministerial Decree 15/04/94	http://www.regione.sicilia.it/turismo/trasporti/CE/port%20net/fin%20IAT%20nl/fin%20DM%2015-4-1994.pdf
	Law 460 of 1997	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:1997-12-04;460!vig=
	Law 448 of 1998	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1998-12-23;448!vig=
	Legislative Decree 112 of 1998	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:1998-03-31;112!vig=
	Law 265 of 1999	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1999-08-03;265!vig=
	Legislative Decree 334 of 1999	http://www.camera.it/parlam/leggi/deleghe/99334dl.htm
	Law 149 of 2001	http://www.camera.it/parlam/leggi/01149l.htm
	DPR327 of 2001	http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.del.presidente.della.repubblica:2001-06-08;327!vig=
	Law 401 of 2001	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2001-11-09;401!vig=
	DPR 194 of 2001	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.del.presidente.della.repubblica:2001-02-08;194!vig=
	Decree 343 of 2001	http://www.cloud.protezionecivile.fvg.it/ProtCiv/GetDoc.aspx/9.pdf?firstlanding=true
	Ministerial Decree 13/02/2001	http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG13412
	Legislative Decree 196 of 2003	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2003-06-30;196!vig=
	Legislative Decree 238 of 2005	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2005-09-21;238!vig=
	Decree 25/02/2005	http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?facetNode_1=f4_4_3&prevPage=provvedimenti&facetNode_2=f4_4_3_2&toptab=2&catcode=f4_4_3&contentId=LEG20207#top-content
	Decree 13/06/2006	http://www.protezionecivile.gov.it/resources/cms/documents/decreto_13giugno2006_criterimassima.pdf

Decree 19/03/2007	http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?toptab=2&contentId=LEG26529#top-content
Decree 18/02/2008	http://www.protezionecivile.gov.it/resources/cms/documents/PCM_18_FEBBRAIO_2008.pdf
Legislative Decree 81 of 2008	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2008-04-09;81!vig=
Decree 3/12/2008	http://www.protezionecivile.gov.it/resources/cms/documents/dpcm_3_dic_2008_sala.pdf
Decree 5/10/2009	http://www.gazzettaufficiale.it/eli/id/2009/10/23/09A12274/sg
Law 18 of 2009	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2009-03-03;18!vig=
Law 102 of 2009	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2009-08-03;102!vig=
Legislative Decree 150 of 2009	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2009-10-27;150!vig=
Decree of the President of the Council of Ministers 19/03/2010	http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG22141
DPR 133 of 2010	www.normattiva.it/urires/N2Ls?urn:nir:stato:decreto.del.presidente.della.repubblica:2010-07-09;133!vig=
Decree 13/04/2011	http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?toptab=2&contentId=LEG26529#top-content
Law 100 of 2012	http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2012-07-12;100!vig=
DPR 137 of 2012	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.del.presidente.della.repubblica:2012-08-07;137!vig=
Legislative Decree 178 of 2012	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2012-09-28;178!vig=
Law 190 of 2012	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2012-11-06;190!vig=
Decree 14/09/2012	http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?facetNode_1=f4_4_3&prevPage=provvedimenti&facetNode_2=f4_4_3_2&catcode=f4_4_3&contentId=LEG37700
Law 100 of 2012	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2012-07-12;100!vig=
Law 101 of 2012	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2012-07-12;101!vig=
DPR 137 of 2012	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.del.presidente.della.repubblica:2012-08-07;137!vig=
Law 119 of 2013	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2013-10-15;119!vig=
Decree 3152 of 2013	http://www.protezionecivile.gov.it/resources/cms/documents/decreto_centri_competenza.pdf

	Legislative Decree 33 of 2013	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2013-03-14;33!vig=
	Decree 8/08/2013	http://www.protezionecivile.gov.it/resources/cms/documents/dpcm_8agosto2013_Comitato_operativo.pdf
	DPR 13/09/2013	http://www.altostratus.it/previsorideltempo/20130913_DPR_Proposta_SMND.pdf
	Law 93 of 2013	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2013-08-14;93!vig=
	Decree 24 of 2014	http://www.gazzettaufficiale.it/eli/id/2014/03/13/14G00035/sg
	Law 114 of 2014	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2014-08-11;114!vig=
	Law 190 of 2014	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2014-12-23;190!vig=
	Decree 91 of 2014	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2014-06-24;91!vig=
	Decree 27/05/2014	https://www.senato.it/application/xmanager/projects/leg17/attachments/documento_evento_procedura_commissione/files/000/002/175/Documentazione_Struttura_di_Missione_contro_il_dissesto_idrogeologico_e_per_lo_sviluppo_delle_infrastrutture_idriche.pdf
	Law 107 of 2015	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2015-07-13;107!vig=
	Law 221 of 2015	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2015-12-28;221!vig=
	Decree 28/05/2015	http://www.minambiente.it/sites/default/files/dpcm_28_maggio_2015_rischio_idrogeologico.pdf
	Stability Law 2016	http://www.gazzettaufficiale.it/eli/id/2015/12/30/15G00222/sg
	Law 132 of 2016	http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2016-07-18&atto.codiceRedazionale=16G00144&elenco30giorni=true
	Decree of the President of the Council of Ministers 14/07/2016	http://www.gazzettaufficiale.it/eli/id/2016/09/14/16A06697/sg
	Decree 9/08/2016	http://www.protezionecivile.gov.it/jcms/it/view_prov.wp;jsessionid=3675467BEBF79CA1172B05F51A481634.worker3?facetNode_1=f4_4_3&prevPage=provvedimenti&catcode=f4_4_3&contentId=LEG60408
	Order 394 of 2016	http://www.regione.lazio.it/binary/rl_main/tbl_documenti/PRC_SI_SMA_DD_S00075_01_02_2017.pdf
	Order 408 of 2016	http://www.protezionecivile.gov.it/resources/cms/documents/OC_DPC_408_2016.pdf
	Order 388 of 2016	http://www.protezionecivile.gov.it/resources/cms/documents/Ord_n.388_sisma_centro_Italia_2016.pdf

	Law 27 of 2017	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2017-02-07;27!vig=
	Law 30 of 2017	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2017-03-16;30!vig=
	Draft Law 2665/2017	http://www.senato.it/service/PDF/PDFServer/BGT/01006547.pdf
	Decree 10/02/2017	http://www.gazzettaufficiale.it/eli/id/2017/02/23/17A01373/sg
	Budget Law 2017	http://www.gazzettaufficiale.it/eli/id/2016/12/21/16G00242/sg
	Reg. ENAC	https://www.enac.gov.it/repository/ContentManagement/informazione/N122671512/Regolamento_APR_Ed_2_Emend_3.pdf
	Art. 358 c.p.	http://www.brocardi.it/codice-penale/libro-secondo/titolo-ii/capo-iii/art358.html
	Art 609 c.p.	http://www.brocardi.it/codice-penale/libro-secondo/titolo-xii/capo-iii/sezione-ii/art609bis.html
	Art. 624 c.p.	http://www.brocardi.it/codice-penale/libro-secondo/titolo-xiii/capo-i/art624.html
	Art. 2724 c.c.	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:regio.decreto:1942-03-16;262
	Art. 2050 c.c.	http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:regio.decreto:1942-03-16;262
B) REGIONAL LEVEL		
ABRUZZO	Law 72 of 1993	http://www2.consiglio.regione.abruzzo.it/leggi_tv/abruzzo_lr/1993/lr93072.htm
	Law 77 of 2009	www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2009-06-24;77!vig=
BASILICATA	Law 25 of 1998	http://www.old.consiglio.basilicata.it/Lavori/leggi_promulgate/leggi1998/L1998-025.asp
CAMPANIA	Bollettino n. 71 of 2016	http://burc.regione.campania.it/eBurcWeb/publicContent/archivio/archivio.iface
	Decree 15 of 2012	http://burc.regione.campania.it/eBurcWeb/directServlet?DOCUMENT_ID=37200&ATTACH_ID=47262
FRIULI VENEZIA GIULIA	DGR 1348 of 2006	http://lexview-int.regione.fvg.it/FontiNormative/Regolamenti/DGR_1348-2006.pdf
	Law 64 of 1986	https://lexview-int.regione.fvg.it/FontiNormative/xml/xmllex.aspx?anno=1986&legge=64
LAZIO	DGR 415 of 2015	http://www.regione.lazio.it/binary/rl_main/tbl_documenti/PRC_DGR_415_04_08_2015_Allegato_A.pdf
	DGR 363 of 2014	http://www.regione.lazio.it/binary/rl_main/tbl_documenti/PRC_DGR_415_04_08_2015_Allegato_A.pdf

LIGURIA	Law 9 of 2000	http://www.gazzettaufficiale.it/atto/regioni/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2000-09-23&atto.codiceRedazionale=000R0366
MARCHE	Law 32 of 2001	http://www.norme.marche.it/Delibere/2013/DGR0131_13.pdf
MOLISE	Law 10 of 2000	http://www.regione.molise.it/web/crm/lr.nsf/0/AE09EC0984276442C12569260061DE6D?OpenDocument
PUGLIA	Law 7 of 2014	http://old.regione.puglia.it/web/files/protezione_civile/legge_protezione_civile.pdf
POLICIES		
A) NATIONAL LEVEL		
	Directive 27/02/2004	http://www.protezionecivile.gov.it/resources/cms/documents/direttiva_pcm_27_02_2004.pdf
	Directive 13/06/2006	http://www1.interno.gov.it/mininterno/site/it/sezioni/servizi/old_servizi/legislazione/governo/legislazione_771.html
	Directive 3/12/2008	http://www.protezionecivile.gov.it/resources/cms/documents/indirizzi_operativi_emergenze.pdf
	Civil Protection in the Family	http://www.protezionecivile.gov.it/resources/cms/documents/vademecum_pc_ita.pdf
	Operational guidelines 32320 of 2016	http://www.protezionecivile.gov.it/resources/cms/documents/indicazioni_operative_viabilita_vol.pdf
	Circular 41948 of 2010	https://www.tuttocamere.it/files/imposte/2010_28_Circ_AdE.pdf
	Telecommunication room	http://www.cloud.protezionecivile.fvg.it/ProtCiv/default.aspx/665-sala_telecomunicazioni.htm
	Emergency plan	http://www.protezionecivile.gov.it/jcms/it/piano_emergenza.wp?request_locale=it
	Functions and directives of the municipal operative center (C.O.C).	http://www.antoniocafaro.it/portale/2016-02-19-11-17-13/funzioni-e-compiti-del-centro-operativo-comunale-c-o-c.html
	National action plan against people' exploitation 26/02/2016	http://www.pariopportunita.gov.it/media/2687/piano-nazionale-di-azione-contro-la-tratta-e-il-grave-sfruttamento-2016-2018.pdf
	Operational Guidelines for the Identification of Operational Coordination Centers and	http://www.protezionecivile.gov.it/jcms/it/piano_emergenza.wp

	Emergency Areas	
B) REGIONAL LEVEL		
EMILIA ROMAGNA	Operational Manual for the Training of Civil Protection Volunteers	https://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiUi97Vkd7WAhUEOhoKHeqMC5sQFggoMAA&url=http%3A%2F%2Fprotezionecivile.regione.emilia-romagna.it%2Fargomenti%2Fformazione%2520%2Fgli-strumenti-della-formazione%2Fmanuale-operativo-per-la-formazione-allegato-a-alla-d-g-r-ndeg136&usg=AOvVaw292xaeywcQT1bMwqHz7GCv
CAMPANIA	Guidelines for the Contingency Plan	http://www.regione.campania.it/assets/documents/presentazione-piano-emergenza-vesuvio.pdf
FRIULI VENEZIA GIULIA	Regional Operational room of Palmanova	http://wwwcloud.protezionecivile.fvg.it/ProtCiv/default.aspx/143-sala_operativa.htm
	Legal framework	http://wwwcloud.protezionecivile.fvg.it/ProtCiv/default.aspx/525-quadro_normativo.htm
LAZIO	Guidelines for the Contingency Plan	http://www.regione.lazio.it/binary/rl_main/tbl_documenti/PRC_DGR_363_17_06_2014_AllegatoA.pdf
	Guidelines for the municipal emergency planning (2014)	http://www.scamilloforlanini.rm.it/html/file_allegati/emergenze/linee_guida_protez_civile_014.pdf
	System of information to the population	https://www.comune.roma.it/resources/cms/documents/PIANO_GENERALE_Parte_terza.pdf
LIGURIA	Guidelines for the Contingency Plan	http://www.protezionecivile.gov.it/resources/cms/documents/liguria_linee_guida.pdf
LOMBARDIA	Guidelines for the Contingency Plan	http://www.regione.lombardia.it/wps/wcm/connect/253ac01c-b277-440a-8b76-1948703c6e36/Indicazioni+traccia_PEC%2C0.pdf?MOD=AJPERES&CACHEID=253ac01c-b277-440a-8b76-1948703c6e36
SARDEGNA	Guidelines for the Contingency Plan	https://www.regione.sardegna.it/documenti/1_274_20160413174516.pdf
ITALIAN RED CROSS DOCUMENTS		
Legislative Decree 178/2012		<a "="" href="http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2012-09-28;178!vig=">http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2012-09-28;178!vig=
Commission Order 387/2010 ItRC Emergency Sector Activities Regulation		https://www.cri.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/3994

art. 3.3 of the President of the Council of Ministers Directive 3/12/2008	http://www.protezionecivile.gov.it/resources/cms/documents/in_dirizzi_operativi_emergenze.pdf
ItRC Restoring family links Legislative decree 28/09/2012, n. 178 Art. 1, c.4, lett. f)	http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2012-09-28;178!vig=
ItRC Restoring family links	https://www.cri.it/restoringfamilylinks