**ITALY**



**MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION**

***inter-ministerial committee for human rights***

**“*Too Dirty, Too Little, Too Much: The Global Water Crisis and Human Rights*”**

**Italy’s contribution to the Call for Inputs by UN Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment**

*November 5, 2020*

**ITALY’S CONTRIBUTION**

[srenvironment@ohchr.org](mailto:srenvironment@ohchr.org)

indicating “Call for Inputs – SR Environment report”

Further to letter dated September 2nd, 2020, Italian Authorities are in a position to provide the following contribution.

Regarding vulnerable groups and their livelihoods, climate change has exacerbated water-related problems and increased the adverse impact on human rights. In the last two decades, many Italian cities have recorded heavy impacts caused by phenomena of climatic variability and this trend is estimated to increase in the near future. Extremely intense rains and floods, periods with no rains, rising air temperature, heat waves that persist for days and nights, cold days decreases are events that increase the risks to safety and health of people even in Italian cities. Effects of extreme climatic events are also particularly evident in urban systems, characterised by a high concentration of people and infrastructure. Such phenomena can moreover cause damages to infrastructures and the artistic and cultural heritage, and in the development of the economic activities and the supply of essential services as water resources, energy and transports.

With reference to the general theme of water resources protection and actions to defend against water pollution, water scarcity and floods, the Directive 2000/60/EC - Water Framework Directive (WFD) - has been implemented at national level with Legislative Decree 152/2006. Within the context constituted by WFD implementation in Italy, it is worthwhile to draw attention to an operational tool recently created in our country to assure optimal water resources management and to tackle scarcity crises, characterized by cooperation and dialogue between the parties and attention to territorial specificities. We are referring here to the “Permanent Observatories on water use”, established in 2016 at each district level and with specific Memoranda of Understanding, with which a new sustainable water management method was launched throughout the national territory. It is based on sharing of information, data on withdrawals, inflows, releases, consultation with local actors and strategic planning.

The Observatories, whose activation constitutes a specific “District water management plans” measure:

- respond to the need to ensure that decisions taken by public administrations in charge of water management are based on a wealth of data that is as extensive, reliable and shared as possible. This approach makes it possible to rationally base programming, guaranteeing, especially in significant hydrological severity, the best balance between disposable resources availability and needs for different uses, in an environmental, economic and social sustainability context and in full compliance with achieving quality objectives of water bodies targets;

- are purely operational structures, of technical value, where all main district actors, public and private, participate in, including the Department of Civil Protection, the Ministries competent for the management of the various uses of the resource such as Ministry for Agriculture and Forests, Ministry for Infrastructures and Transportation, reclamation consortia, water service operators representatives, hydroelectric operators representatives etc.;

- carry out analysis on current climate trends, collect, update and disseminate data relating to water resources availability and use in the districts, including wastewater reuse, resources import and export and volumes possibly deriving from desalination. Technically-based proposals are formulated for withdrawals regulation and uses and for water containment consumption, according to targets set by the Management Plans and in line with National Adaptation to Climate Change Strategy guidelines.

- analyze climatic and meteorological state of affairs, to monitor use of resources, to prepare utilization scenarios and to develop a proactive model for managing water scarcity, foreseeing and sharing any measures to contain consumption, as well as derogations from the ordinary management methods of reservoirs (for example sub-alpine), in support of agricultural activities and drinking purposes supplies;

- operate as a control room for water scarcity and drought events prediction and management, guaranteeing an adequate flow of necessary information for criticality levels assessment, its evolution, current withdrawals, and for the of more appropriate actions for a proactive of scarcity events definition management.

The Italian Constitution does not contain a direct reference to the right to water. Within the constitutional jurisprudence, the right to water has been linked to the protection of the environment. It may be extrapolated from the combined provisions of several constitutional provisions, namely Articles 9 and 117 lett. thereof. s), Cost., in matters of landscape and environmental protection; Art. 32 Cost. on the right to health that can be declined both as an individual right and as an interest of the community; Art. 2. Cost. in close connection with the right to life, Art. 3 Cost. on the principle of equality, as well as Art. 117 lett. m), Cost., whose essential levels of performance that must be guaranteed throughout the national country. At the legislative level, regarding to the important point of affordability, with the so called *‘Collegato Ambientale’* the legislator has introduced in 2015 the social tariff for the integrated water service. The new measure provides that, in order to guarantee universal access to water, the Authority for Energy Regulation ensures domestic users of the integrated water service in disadvantaged economic and social conditions access - on favorable terms - to supply of the quantity of water necessary for the satisfaction of needs.

In order to highlight samples of good practices in preventing, reducing and eliminating water pollution it is important to focus on bathing water. Water pollution has several causes, often due to illegal sewage discharges or problems caused by malfunctioning sewage treatment plants and it is crucial to inform the public about quality of bathing waters. Those are defined according to the Directive 2006/7 EC on the monitoring and classification of bathing water quality. This important Directive, whose purpose is to preserve, protect and improve the quality of the environment and to protect human health, has been transposed within the Italian legislation by the Legislative Decree 116/2008, recently modified in April 2018. Italy carries out periodic monitoring to assess the presence of microbiological contamination or other organisms or waste affecting bathing water quality and presenting a risk to bathers’ health.

When it comes to pollution of the water resource, it can be affirmed that it is caused in large part from agricultural and industrial use of water, where agriculture stands out as the largest user of water. The main cause of water consumption in the agricultural sector is irrigation, which represents the greatest pressure on the water resource, especially in areas where rainfall and soil moisture are not sufficient to guarantee the water needs of crops and the production of certain types of crops would not be possible without the use of irrigation practices. At a European level, Italy ranks among the European countries that most uses irrigation.

In addition, the availability of information on water withdrawal and use in industry is rather limited in Italy. This means that unlike for the public consumption, also for this sector - like previously seen for agriculture - there is a high degree of uncertainty in relation to the amount of water resource used. To overcome this information gap, the Italian national institute for statistics - Istat - has made an estimate for the manufacturing activity. The manufacturing industry includes various industrial sectors, such as the extraction of minerals, pulp and paper production, textile, food and beverage and chemical sectors, which use water in production. The total volume of water used as a production input by industry domestic manufacturing is estimated to amount to approximately 3.79 billion cubic meters in 2015, with the exclusion of water used for toilets and human consumption within factories.

Further, regarding the Italian legal framework, different legislative measures addressed to the market, the outcome of the referendum on water of 2011, the rulings of the Constitutional Court and the regulatory stratification that followed, have led to a multilevel governance framework in the water sector involving public and private actors and several governance levels. Indeed, this framework provides on the one hand a clear identification of the tasks of the different actors and their responsibility and the required flexibility for managing water services; on the other hand, relying on the capacity of several entities can imply difficulties in ensuring homogeneous achievements overall national territory. Consequently, Italy developed a comprehensive policy and institutional framework for management of water services since the so-called Galli Law in 1994.

Later on, following the referendum about water in 2011 mentioned above with the D.L. 201/2011 (L. 214/2011) the functions pertaining to the regulation and control of water services have been attributed to the Authority for Electricity, Gas and Water System - AEEGSI. The functions concern, in particular, several aspects of the integrated water service, ranging from the definition of eligible costs and criteria for the determination of tariffs, to the competence in terms of quality of service, verification of the scope plans and preparation of conventions. The Ministry of the Environment and the Protection of the Territory and the Sea is responsible for the management functions relating to the planning of water services, the definition of quality standards, the criteria for defining the environmental cost and resource cost in the various sectors of use, the differentiation of tariffs. A new governance has been set into place, whereby Local Authorities organize integrated water services, decide which legal form is adequate to entrust services (whether to private or mixed public-private companies, by means of a tendering procedure or to public companies by means of a direct public concession), and determine the local tariff on the basis of AEEGSI tariff methodology, which requires AEEGSI final approval. Regulation by ARERA- AEEGSI applies the following general principles, established by the founding law No. 481 of 14 November 1995:

1. Ensure availability and distribution of regulated services in a uniform way throughout the country.

2. Establish a reliable tariff system, that is equitable, certain, transparent and non-discriminatory.

3. Protect consumer and customer rights.

4. Ensure that delivery of water services is efficient, effective and financially and economically balanced.

5. Ensure full cost recovery, in respect of EC Directive 2000/60.

Finally, the recently approved Decree of President of Council of Ministers of 16 October 2016 set out a social water tariff, ensuring to poor people a free access to a minimum amount of drinking water (50 l/inhabitant/day). Italy has thus launched a national policy aimed at ensuring homogeneous access to water for all citizens at a national level without discrimination, with particular regard to supporting weak users. The rate policy adopted guarantees access for all to water supply, the achievement of a rational use of the resource and economic and financial balance of management. In fact, the cost of supplying disadvantaged users at discounted rates is covered through end of tariff mechanisms that are suitable at the same time to warrant the polluter-pays principle and the of cost coverage principle.

Furthermore, Italy has put into practice a financing investments policy in water sector aimed at recovering network losses and supplying water resources that meet the quality and health requirements imposed by Legislative Decree dated on February, 2nd 2001, No. 31. This legislation implements the Directive 98/83/EC on water quality addressed to human consumption and investments for the adaptation of sewage and purification systems to the requirements imposed by Directive 91/271/EEC on waste water. Public support for investments in the integrated water service makes it possible not to burden the interventions costs on the tariff applied to users (economic sustainability). Finally, the current tariff and regulatory system, which provides for an amortization mechanism for the financed assets to establish a fund for their future replacement, prevents the loan costs from burdening future generations (intergenerational sustainability).