Law 22 February 2001

FRAMEWORK LAW ON THE PROTECTION AGAINST EXPOSURE TO ELECTRIC, MAGNETIC, AND ELECTROMAGNETIC FIELDS

The House of Deputies and the Senate of the Republic have approved;

THE PRESIDENT OF THE REPUBLIC
promulgates

the following Law

ART. 1
(Purpose of the law)

1. This law is meant to set out the basic principles for:
   a) health protection of workers (male and female) and members of the general public from the effects of exposure to certain levels of electric, magnetic and electromagnetic fields, pursuant to and in compliance with Article 32 of the Constitution;
   b) promotion of scientific research for the assessment of long-term side-effects and adopting precautionary measures in compliance with the principle of precaution provided for by Par. 2 of Article 174 of the Treaty on European Union;
   c) environmental and landscape protection and promotion of technology innovation and actions for decontamination intended to minimise the intensity and effects of electric, magnetic and electromagnetic fields making use of the best available technologies.

2. The regions having a special autonomy as well as the autonomous provinces of Trento and Bolzano shall comply with the purposes of this law within the powers granted to them by the relevant statutes and the provisions related thereto and in accordance with general rules thereof.

ART. 2
(Scope of the law)

1. This law concerns installations, systems and devices used for civil, military and public order purposes which can imply the exposure of workers and members of the general public to electric, magnetic and electromagnetic fields having a frequency between 0 Hz and 300 GHz. In particular, this law applies to long-distance power lines and to radio electric installations, including installations for mobile telephones, radars and fixed plants for broadcasting signals.

2. The provisions of this law do not apply to intentional exposure to electromagnetic fields for diagnostic or therapeutic purposes. Articles 10 and 12 herein are the only provisions hereof which apply to instruments and devices used for domestic, personal and working purposes.
3. With reference to the Army and the Police Force, the provisions of this law shall be applied taking into consideration the specific needs related to the rendered services as provided for by the decree set forth in Par. 2, letter a), of Art. 4.

4. With reference to health and technical units created for the Army and the Police Force, the existing powers concerning health and safety of the workers are not affected by this law; the aforementioned units shall be in charge of the areas where members of the public cannot have access or police operations take place and those which can be assimilated to these areas and specifically identified in the decree mentioned in Par. 3 hereabove.

ART. 3  
(Definitions)

For the specific purposes of this law, the following definitions shall apply:

a) exposure: means the condition of a person exposed to electric, magnetic and electromagnetic fields or artificial electric currents;

b) limit of exposure: means the emission value of an electric, magnetic and electromagnetic field, as assessed to protect human health from acute effects, which shall never be exceeded, in case of the exposure of members of the general public and workers for the purposes set forth in letter a) Par. 1 of Article 1;

c) value of attention: means the emission value of an electric, magnetic and electromagnetic field which shall never be exceeded in built-up areas, schools and in other areas destined to extended residence for the purposes set forth in Art. 1, Par. 1, letter b) and c). This is a precautionary measure for the protection from possible long-term side-effects and shall be reached in accordance with the timing and methods provided hereby.

d) targets of quality: means

1. the planning criteria, town planning standards, provisions and incentives for taking advantage of the best available technologies, provided by the regional laws in compliance with the powers granted by Art. 8 hereof;

2. the values of an electric, magnetic and electromagnetic field, set forth by the State pursuant to Par. 1, lett. A) of Art. 4, in order to minimize gradually the exposure to the aforementioned fields.

e) long-distance power line: means the complex of electric lines, substations and transformation boxes;

f) exposure: means the condition of a person exposed to electric, magnetic and electromagnetic fields or to currents of artificial electric current;

g) workers exposure: means any kind of exposure of workers (male and female) exposed to electric, magnetic and electromagnetic fields because of the specific duties assigned to them;

h) members of the general public exposure: means any kind of exposure to electric, magnetic and electromagnetic fields, except for the exposure indicated in letter f) above and the intentional exposure for diagnostic and therapeutic purposes;

i) radio-electric stations and systems or plants: consist of one or more transmitters and receivers or an ensemble of transmitters and receivers, together with the relevant accessories, necessary for providing a broadcasting, radio-communication or radio-astronomy service in a specific place;

j) fixed plant for mobile phone services: means the ground radio station for mobile phone service intended to connect mobile terminals with a mobile phone network;
ART. 4

(Functions of the State)

1. The State has the following functions relevant to:
   a) setting the limits of exposure, the values of attention and targets of quality to be qualified as values of a field, as set forth in Art. 3, Par. 1, lett. d), n. 2), taking into account the prevailing national interest to provide unitary criteria and homogeneous rules in accordance with the purposes set forth in Article 1;
   b) the promotion of research activities and technical and scientific experiments and the coordination of the activities of collection, processing and circulation of information, informing each year the Parliament about the same; in particular, the Minister of Health, availing itself of public and no-profit private bodies, having a proved experience in the scientific field, shall promote a multi-year research programme on epidemiology and experimental carcinogenesis, in order to investigate the risks related to the exposure to electromagnetic fields having a low or high frequency;
   c) setting up a national register of the fixed sources of the electric, magnetic and electromagnetic fields and of the areas where these sources are located, in order to assess the levels of same in these areas;
   d) stating the criteria for drawing up the decontamination plans provided for by Par. 2 of Art. 9, with particular attention to the priorities of intervention, the schedule-time for the implementation and the methods of coordination of the activities to be carried on in more than one region as well as to the best technologies available, taking into consideration the economic and logistic consequences;
   e) identifying the techniques for measuring and determining the electromagnetic pollution;
   f) the execution of programmatic agreements with those subjects running long-distance power lines or the owners of same or of transmission networks or with those entities controlling the same as well as with those running plants for broadcasting and mobile-phone services, in order to promote technologies and techniques for setting up installations which minimise the emissions into environment and respect the landscape;
   g) the definition of the tracks of long-distance power lines with a voltage tension above 150 Kilowatts;
   h) stating the parameters for the creation of safety-zones along the long-distance power lines; within these safety zones no dwellings, schools, hospitals or other buildings where people spend a period longer than four hours are allowed.

2. Limits of exposure, values of attention, targets of quality and techniques for measuring and determining the electromagnetic pollution as well as the parameters for determining the safety zones along the long-distance power lines, set forth in Par. 1, letters a), e) and h), must be provided, within sixty (60) days from the date of coming into force of this law as follows:
   a) as regards the members of the general public, by decree of the Prime Minister on the proposal of the Ministry of the Environment in concert with the Ministry of Health, having heard the Committee, provided by Art. 6 herein and the competent Parliamentary Commissions, in agreement with the Unified Conference provided by Art. 8 of Legislative Decree n. 281 of August 28, 1997, hereinafter defined as “Unified Conference”;
   b) as regards the workers, save the provisions of Legislative Decree n. 626 of September 19, 1994, as amended, by decree of the Prime Minister, on the proposal of the Ministry of
Health, having heard the Minister of the Environment, the Minister of Labour and Social Security, the Committee, provided by Art. 6 herein and the competent Parliamentary Commissions, in agreement with the Unified Conference. The same decree also regulates the system for the medical surveillance of the workers exposed to emissions because of the specific duties assigned to them.

3. If an agreement with the Unified Conference is not reached within the time-period provided by Par. 2 above, the Prime Minister shall issue the decrees provided for by Par. 2, letters a) and b) within the following thirty days.

4. The criteria for drawing up the decontamination plans provided for by Par. 1, letter d) hereabove are set by Prime Minister decree to be issued within one hundred and twenty (120) days from the date of coming into force of this law, on the proposal of the Minister of the Environment and having heard the Committee provided by Art. 6 and of the Unified Conference.

5. The regions shall conform their laws to the limits of exposure, the values of attention and the targets of quality, as defined in Par. 1, lett. d), n. 2) of Art. 3, in compliance with the provisions of the decrees set forth in Par. 2 hereof.

6. For the purposes of this article, it is authorised the maximum annual expense of ITL. 8 billions, for the years 2001, 2002 and 2003, for the activities set forth in Par. 1, letter b); and, starting from the year 2001, of ITL 2 billions for the activities set forth in Par. 1, letter c); as well as, for the years 2001, 2002 and 2003, the maximum annual expense of ITL 5 billions for the agreement mentioned in Par. 1, letter f), as well as for those provided by Articles 12 and 13 herebelow.

ART. 5
(Measures for environment and landscape protection. Authorization procedure for the construction and operation of long–distance power lines)

(omississ)

ART. 6
(Interdepartmental Committee for the prevention and reduction of the electromagnetic pollution)

1. A specific Interdepartmental Committee for the prevention and reduction of the electromagnetic pollution, hereinafter indicated as “Committee”, is set up hereby.

2. The Minister of the Environment or its Assistant-secretary chairs the Committee. The other members of the Committee are the Ministries or the relevant Assistant-secretaries of: Health, University and the Scientific and Technological Research, Labour and Social Security, Treasury, Budget and Economic Planning, Public Works and Environment, Industry and Commerce, Cultural Heritage, Public Transport, Communication, Defence and Interior.

3. The Committee carries on the activities set forth in Paragraph 1, letters b) and f) of Art. 4, Par. 2 of Art. 12 and Art. 13.
4. The Committee gives its opinion in accordance with Paragraph 2, letter a) and b), and Paragraphs 4 and 5 of Art. 4 as well as Paragraph 1 of Art. 12.

5. The Committee supervises the implementation of the provisions of this law and prepares an annual report for the Parliament on this matter.

6. The Committee avails itself of the assistance provided, free of charge, by public entities agencies, institutions and organizations having specific powers in the matters hereof.

7. Starting from the year 2001, a maximum annual expense of ITL 1 billion is authorized hereby for the organization and functioning of the Committee.

ART. 7
(National Register)

1. The national register, mentioned in Par. 1, letter c) of Art. 4, shall be organised, within one hundred and twenty days from the date of coming into force of this law, by the Minister of the Environment and having heard the Minister of Health and of Industry, Trade and Handicraft, in compliance with the information and monitoring system provided for by Art. 8 of Presidential Decree n. 335 of June 4, 1997. The national register carries on the relevant activity in the coordination with the regional registers set forth by Par. 1, letter d) of Art. 8. The procedures for entering the data are set by the Minister of the Environment in concert with: the Minister of Communications, if the data concern fixed sources related to installations, systems and radio-electrical devices used for civil telecommunications; the Minister of Public Works and the Minister of Industry, Trade and Handicraft, if the data concern long-distance power lines; the Minister of Public Transport, if the data concern transport facilities; the Ministers of Defence and Interior if the data concern fixed sources related to installations, systems and equipments used for military purposes or by the police.

ART. 8
(Competences of regions, provinces and municipalities)

1. The regions, within the limits of exposure, values of attention, targets of quality and following the criteria and procedures provided by the State, save the specific competences of the State and independent authorities, are competent for:
   a) exercising the functions relevant to the localisation of broadcasting sites and of installations for mobile phone services, radio-electrical plants and fixed plant for broadcasting services, in accordance with Law n. 249 of July 31, 1997 and within the limits set forth by the decree set forth in Art. 4, Par. 2, letter a) hereinabove and in compliance with the principles set forth in the regulation mentioned in Art. 5 hereof;
   b) the definition of the tracks of long-distance power lines with a voltage not exceeding 150 kV, providing for safety areas according to the parameters set forth by Art. 4, and the duty to mark these areas;
   c) establishing the procedures for granting the authorizations for setting up the installations provided hereby, in compliance with the general principle of simplification of the administrative activity, taking into account the pre-existing electrical, magnetic and electromagnetic fields;
d) establishing and keeping a register, coordinated with the national register set forth in Art. 4, Par. 1, letter c), relevant to the fixed sources of electric, magnetic and electro-magnetic fields, in order to assess the levels of same within the territory of the region, with specific regard to the conditions of exposure of the population;

e) the definition of instruments and actions necessary for the achievement of the targets of quality, provided by Par. 1, lett. d), n. 1) of Art. 3;

f) taking part to the scientific research on the effects for health, especially in the long-term period, caused by the exposure to electric, magnetic and electromagnetic fields.

2. In the execution of the functions set forth in Par. 1, letters a) and c), the regions shall comply with the principles concerning the protection of public health, the environmental compatibility and the needs to protect environment and landscape.

3. If the regions fail to comply with the relevant duties, Art. 5 of Legislative Decree n. 112 of March 31, 1998 shall apply.

4. The regions, within the limits set forth in Par. 1 above, shall establish the competences of provinces and municipalities, in accordance with the provisions of Law n. 249 of July 31, 1997.

5. When the activities provided for by Par. 1 above concern areas used for military purposes or belonging to public entities in charge of public order and security such activities shall be carried on in compliance with specific agreements executed by the mixed committees, set forth in Art. 3 of Law n. 898 of December 24, 1976, as amended, where each of the parties are equally represented.

6. Municipalities are entitled to issue a regulation in order to grant the correct town-planning and territorial localisation of the installations and minimize the exposure of the members of general public to electromagnetic fields.

---

**ART. 9**

*(Decontamination plans)*

1. Within twelve months from the date of coming into force of the decree set forth in Art. 4, Par. 2, letter a), each region shall adopt, on proposal of the subjects responsible for the radio-electric installations, and having heard the relevant municipalities, a decontamination plan in order to adapt gradually and, in any case, within a twenty-four month period, the existing plants to the limits of exposure, values of attention and targets of quality provided for hereby. After twelve months from the date of coming into force of the decree set forth in Par. 2, lett. a) of Art. 4, if the subjects responsible for the said installations have not complied with their obligations, the decontamination plan shall be adopted by the regions, having heard the Municipalities and the other entities involved, within three months. This plan, whose execution is controlled by the regions, can also provide for a relocation of radio broadcasting installations to sites which comply with the existing planning instruments in this matter and of the other plants to suitable locations. The burden of the decontamination shall be charged on the owners of the plants.

2. Within twelve months from the date of coming into force of the decree set forth in Art. 4, Par. 4, those running the long-distance power lines shall propose a decontamination plan
intended to guarantee the health and environment protection. Within six months from the date of coming into force of the decree set forth in Art. 4, Par. 2, lett. a), the owners of parts of the national transmission network and those entities controlling the same shall timely inform the entity running the national transmission network of their proposals for carrying on the necessary interventions for the decontamination of their lines and provide it with all information necessary for the decontamination plan. This plan shall provide the projects for implementing the limits of exposure and values of attention, as well as for achieving the targets of quality established by the decree set forth in Par. 2, letter a) of Art. 4. The same shall also provide a schedule of actions to be taken in compliance with the priorities set forth by the aforementioned decree. Cases where a higher level of electromagnetic pollution is registered near residential buildings, schools, hospitals or locations where members of the public spend a significant time (not less then four hours), with specific regard to children protection, should be considered as priorities. After twelve months, from the date of coming into force of the decree set forth in Par. 2, lett. a) of Art. 4, if the subjects responsible for the installations have not complied with the said obligations, the decontamination plan set forth in the first part of Par. 3. hereof shall be proposed by the regions within three months.

3. As regards long-distance power lines with tensions exceeding 150 kV, the decontamination plan shall be proposed to the Minister of the Environment. The plan, with the relevant amendments, additions and recommendations is approved, within sixty (60) days, by the Minister of the Environment, in concert with the Minister of Industry, Trade and Handicraft, and of Public Works, having heard the Minister of Health and the municipalities involved, the Minister of Industry, Trade and Handcraft and the regions involved in this matter. As regards long-distance power lines with tensions not exceeding 150 kV, the decontamination plan shall be proposed to the region and is approved, with the relevant amendments, additions and recommendations, within sixty days. After twelve months, from the date of coming into force of the decree set forth in Par. 2, lett. a), of Art. 4, if the subjects responsible for the installations have not complied with their obligations, within the period provided for by the third sentence hereof, the region shall adopt the decontamination plan concerning the long-distance power lines with tensions not exceeding 150 kV.

4. The renewal of long-distance power lines shall be completed within ten years from the date of coming into force of this law. In any case, the renewal of long-distance power lines which do not comply with the limits set forth in Art. 4 shall be completed by December 31, 2004, while those which do not comply with the conditions set forth in Art. 5 of the Prime Minister Decree of April 23, 1992, published in Official Gazette n. 104 of May 6, 1992, by December 31, 2008, so as to meet the limits of exposure, values of attention and targets of quality set forth by Art. 4, Par. 2, letter a). The burden of the renewal is charged on the owners of the long-distance power lines, as defined by Legislative Decree n. 79 of March 16, 1999. According to Art. 2, Par. 12, of Law n. 481 of November 14, 1995, the Authority for electric power and gas, within sixty (60) days from the approval of the decontamination plan, assesses the costs strictly related to the renewal operations, stating criteria, methods and conditions for recovering such costs.

5. For the limited purpose of benefiting governmental contributions, starting from the year 2001, the regions are authorised a maximum annual expenditure of ITL 2 billions for drawing up decontamination plans, setting up the regional register and for monitoring and supervising activities. By decree of the Minister of the Treasury, the Minister of the Budget and the Minister of Economic Planning, one hundred percent of the sums originating from the sanctions provided for by Art. 15 and paid to the State budget are recorded in specific entries
of the Minister of the Environment; in accordance with the criteria set forth by the Unified Conference, and destined to grant contributions to the regions so as to supplement the resources already granted to the latter for drawing up decontamination plans, setting up the regional register and for the monitoring and supervising activities, according to the first sentence of this paragraph.

6. Subject to the provisions of Art. 15, failure to accomplish the renewal of long-distance power lines, stations, radio-electric systems, fixed plants for mobile phone services, fixed plants for broadcasting services, in accordance with the provisions of the decontamination plan, shall be treated as a non fulfilment of the payment of the fees relevant to the non-restored lines to the subject running the national transmission network and shall involve the deactivation of the above mentioned systems for a period not exceeding six months when the inactivity or non-fulfilment is due to the owners of the long-distance power lines or those entities controlling the same. In any case the consumers’ rights to benefit of the supply of the services of public utility must be guaranteed. The deactivation is ordered:
   a) by the Minister of the Environment, in concert with the Minister of Industry, Trade and Handicraft, having heard the Minister of Health and the Minister of Labour and Social Security as well as the regions involved, when long-distance power lines with tensions exceeding 150kV are concerned;
   b) by the President of the regional council, when long-distance power lines with tensions not exceeding 150 kV and radio-electric systems are concerned; however, if fixed plants for mobile phone and broadcasting services and fixed plants for fixed telephone services and radio electric stations for data transmission are concerned, the deactivation is ordered by the Minister of Communications who shall provide a uniform application of the existing regulation on the national territory.

7. Within one hundred and eighty days from the date of effectiveness of this law, a visible label shall be affixed on plants and systems set forth in letters e), h) and l) of Par. 1 of Art. 3, informing about the tension produced, the values of exposure evidenced by the authorising documents, the limits of exposure and values of attention provided for by national and regional laws as well as the safety distances.

ART. 10
(Environmental education)

(Omissis)

ART. 11
(Participation in the administrative procedure)

(Omissis)

ART. 12
(Devices used for domestic, personal or work purposes)

1. A decree of the Minister of the Environment, issued within one-hundred and twenty (120) days from the date of coming into force of this law in concert with the Minister of Health, on
the proposal of the Committee and having heard of the competent parliamentary
Commissions, taking into account also the guidelines and the official documents of the
European Union on electromagnetic pollution, consumer protection and instructions for use,
states the information to be provided to end-users and workers by the manufacturers of
instruments and devices used for domestic, personal or work purposes and generating electric,
magnetic and electro-magnetic fields, by means of specific labels or informative leaflets. The
information must specifically indicate the levels of exposures caused by the instruments or
devices, the recommended distance to be maintained during the use of such instruments in
order to reduce exposure to electric, magnetic and electromagnetic fields, and the main safety
procedures. The same decree shall lists devices and systems which do not produce electric,
magnetic and electromagnetic fields, or which produce so low emissions that no precaution is
deemed necessary.

2. The Committee promotes the execution of undertakings and general agreements with
manufacturers of devices used for domestic, personal or work purposes, generating electric,
magnetic and electro-magnetic fields intended to promote and develop technologies for
minimizing the emissions.

ART. 13
(Agreements for railways and subways)

(Omissis)

ART. 14
(Verifications and inspections)

1. Provincial and Municipal authorities, in order to carry out their activities of health-care and
environmental inspection and surveillance necessary for implementing the provisions of this
law, are entitled to make use of the infrastructures of the regional Agencies for the
environmental protection, provided for by Law Decree n. 496 of December 4, 1993, as
amended by Law n. 61 of January 21, 1994. In any case, the competences relevant to
inspection and surveillance in the places of work granted by the existing provisions remain in
force.

2. In the regions, where the regional Agencies for environmental protection are not working
yet, provincial and municipal administrations, for the purposes indicated in Par. 1 hereof, are
entitled to avail themselves of the technical support of the national Agency for the
environmental protection, of the infrastructures of the multi-zone departments for prevention
(PMP), of the Superior Institute for the Protection and Safety in the Place of Work (ISPEL)
and of the local departments of the Ministry of Communications, in compliance with the
specific powers granted by the existing laws.

3. Controls to be carried on inside fixed or mobile installations used for the institutional
activities of the military and police forces as well as of the fire brigade are regulated by the
specific provisions governing this matter. In particular, the provisions relevant to military and
police forces set forth by Par. 2 of Art.1 and Par. 4 of Art. 23 of Decree n. 626 of September
19, 1994, as amended, shall apply.
3. The personnel in charge of the controls, in order to carry on the activities of inspection and surveillance, may have access to those installations considered as a source of electromagnetic emissions and request, according to the provisions of Law n. 241 of August 7, 1999, as amended, data, information and documents necessary for exercising the relevant functions. This personnel shall be provided with a document of identification issued by the relevant agency.

ART. 15
(Sanctions)

(Omissis)

ART. 16
(Temporary regime)

(Omissis)

ART. 17
(Financial backing)

(Omissis)

AGENDA

(Omissis)