MEMORANDUM OF UNDERSTANDING

BETWEEN

ANCI AND THE MINISTRY OF COMMUNICATIONS

For the installation, monitoring, testing and rationalisation of radio base station equipment

In view of law no. 36 of 22 February 2001, “Outline law on the exposure of the population to electric, magnetic and electromagnetic fields”

In view of the DPCM of 8 July 2003, concerning “Setting limits for exposure, attention values and quality objectives for the protection of the population from exposure to electric, magnetic and electromagnetic fields with frequencies of between 100 kHz and 300 GHz”

In view of Legislative Decree no. 259 of 1 August 2003, “Electromagnetic Communications Code”

In view of Law-Decree no. 315 of 14 November, 2003, “Urgent arrangements concerning the composition of committees for evaluation of the environmental impact and authorised procedures for electronic communications infrastructures

Mindful of the necessity to plan and regulate all sources of electric, magnetic and electromagnetic fields present in the area for the purpose of ensuring a high level of health and safety for the population and the environment from exposure to the abovementioned fields

Considering, in addition, the necessity for citizens to receive information in real time on the levels of electromagnetic fields in urban territory by means of continuous monitoring stations

Having evaluated the opportunities to promote forms of understanding between managers and individual Italian communities obliged to overcome existing problems by the method of common agreement
The following Memorandum of Understanding is agreed and drawn up between ANCI and the Ministry of Communications.

**PURPOSE**

It is agreed between the undersigned Public Bodies to issue this Memorandum of Understanding for the purpose of:

a) checking and ensuring the informing, monitoring, testing, rationalisation and reclamation of radio base station equipment as becomes necessary for the purpose of contributing to the safety of the environment and the population from exposure to electric, magnetic and electromagnetic fields produced by the above-mentioned equipment;

b) ensuring the full and timely application of the standards and principles in force for the regulation of exposure to electromagnetic transmissions by means of the correct installation of the equipment in the territory, for the purposes mentioned in Art 3, Para. 1 d), no. 2 of law no. 36/2001, for minimisation of the exposure of the population to electric, magnetic and electromagnetic fields and the impact on the environment and the countryside, either by the use of the most innovative technology available or possible reclamation operations, it remaining necessary to preserve the mobile telephone service required by the obligations of the concession or licence;

c) ensuring the correct installation of the radio base station equipment for the above purposes, through planning and optimisation of the operations planned by the managers in agreement with the community and by the identification and provision of public areas and buildings based on these technologies;

d) ensuring a constant supply of information to the population affected with particular reference to the levels of exposure to electric, magnetic and electromagnetic fields and by the promotion of periodical campaigns activated and managed by ANCI and Town Councils for the purpose of publishing scientifically correct information regarding the effects of exposure to such fields produced by the equipment and to provide, in agreement with the Town Councils, suitable methods for the continuous monitoring of electric, magnetic and electromagnetic fields.
SPECIAL OBLIGATIONS AND GUARANTEES

Obligations of the Ministry of Communications

The Ministry of Communications is obliged from the date of signing:

1. to set up, on the basis of information received from managers and Town Councils, the National Land Register of the infrastructure of the radio base station equipment and to set up a technical comparison table with managers and ANCI to produce a geo-referenced representation of the equipment throughout the country;

2. to activate, by application of the DPCM of 28 March, 2002, concerning “Methods of using profits from the UMTS licence mentioned in Art. 103 of law no. 388 of 23/12/2000, both periodic and continuous national monitoring projects to check and monitor levels of emission from cellular telephone equipment;

3. to promote, in agreement with the Ministry of the Environment, Health and Safety and in accordance with the principles of health and safety, methods and technological innovations to minimise the level of exposure of the population;

4. to provide financial support for ANCI publicity initiatives and the present memorandum of understanding in the manner and to the extent previously agreed;

5. to promote and support the adoption, at local level, of memoranda of understanding between individual Town Councils and cellular telephone service managers as shown in the attached diagram.

Obligations of the ANCI

The ANCI is obliged from the date of signing:

1. to publicise, using its own normal methods of communication, this memorandum of understanding;

2. to set up a technical support group to Town Councils for activation of this memorandum and the regulations in force.
Six months from the activation date, the parties agree to check the status of application of the present Memorandum for the purpose of formulating proposals and commencing any initiatives undertaken for the use of more innovative and less impacting technologies.

For the purpose of resolving any disputes arising from application of the present memorandum, a restricted technical group has been established at the ANCI consisting of representatives of the Ministry of Communications and mobile telephone service managers.

*Draft Memorandum (annex 1) forms an integral part of the present Agreement.*

Rome, 17 December 2003

- Leonardo Domenici -
- President of the ANCI -

- Maurizio Gasparri -
- Minister of Communications -
DRAFT MEMORANDUM

Between

THE TOWN COUNCIL AND CELLULAR TELEPHONE SERVICE MANAGERS

For the installation, monitoring, testing and rationalisation of radio base station equipment

Obligations of the managers

The mobile telephone service managers are obliged from the date of signature of this memorandum:

1. to supply to Town Councils, via the competent official, a map of sites that are currently in operation and the development schedule for the mobile telephone network, including both installation sites for which an application for authorisation for installation of cellular telephone equipment is being approved and areas of interest for the installation of new equipment not yet assigned to specific sites;

2. to agree with the Town Councils suitable schedules for the development of the network in respect of the levels of exposure of the population established by law and taking all necessary measures to limit the impact of radio base stations, with particular attention to the historical environment in view of technological advances;

3. to take into account, when preparing the development schedule for the network, the presence of any publicly owned sites for the purpose of the installations where technically possible;

4. to identify, as indicated by Town Councils, existing equipment with greater impact that requires requalification by replacing equipment with a lower impact or by relocating at alternative sites ensuring the same level of coverage and the same quality of service;

5. to support, with prior agreement, Community Administrations in completing the activities, including financing of equipment and collaboration as may be necessary for the purpose of initiating information campaigns on the possible risks of exposure to electric, magnetic and electromagnetic fields emitted by radio base stations and similar equipment and the precautions taken to ensure the health of the citizens and constantly to inform the populations concerned by the continuous monitoring of the said fields;
6. to check the possibility with other managers, where technically feasible, of sharing sites;

7. to pay to the Town Councils concerned the so-called “damage to public roads” taxes to cover maintenance work necessary following excavations made by companies for the purposes of installing the radio mobile communications network.

Obligations of the Town Council

The Town Council is obliged:

1. to exhaust the procedures for releasing authorisation for the installation of electronic communication masts already commenced and under construction on the date of publication of decision no. 303/2003 of the Constitutional Court in accordance with the rules of Article 4 of law decree no. 315 of 14 November 2003. The procedural conditions will commence from the date of presentation of the request or the statement of commencing activities and are calculated under the terms of Articles 87 and 88 of the Electronic Communications Code. The subsistence of the requirements requested by the council offices and the quality objectives referred to in Art. 4 of the DPCM of 8 July 2003 is also evaluated.

2. concerning new applications, to express, under the terms of Art. 87 of the Electronic Communications Code, the evaluations concerning the conformity of applications for authorisation to install the equipment and of the statements of activities to the requirements requested by the competent council offices and the quality objectives referred to in Art. 4 of the DPCM of 8 July 2003;

3. to supply, when requested by managers, all information useful for the purpose of preparing the network development schedule contained in its own territorial information system;

4. to make available, where possible, public areas and buildings for the installation of cellular telephone equipment, for the purpose of encouraging better location on council land with particular reference to minimising the exposure of the population to electromagnetic fields in respect of the values established by law no. 36/2001 and by the DPCM of 8 July 2003;

5. to check jointly with the managers whenever it is impossible to use the sites indicated in the network development schedule (for technical, town planning/building reasons, etc.), alternative locations consistent with the technical dimensional constraints of the network;

6. to evaluate with the managers, in the case of existing equipment to be requalified, the costs arising due to the required relocation and through variations in the fees for renting community-owned property;

7. to evaluate heavily used areas to which to apply the quality objectives referred to in Art. 4 of the DPCM of 8 July 2003;
8. to sign a special agreement with the ARPA, where present, for the purpose of permitting the operational management of the Memorandum of competence of the Agencies to carry out checking and monitoring of the emission levels of radio base station equipment, encouraging periodic and/or continuous monitoring, taking advantage of the prevention and control organisations identified by the competence standards.