



# Ministry for the Environment and Energy Security

## REGULATORY IMPACT ASSESSMENT (RIA)

**Measure:** Proposal for an amendment to Legislative Decree No 99 of 27 January 1992 implementing ‘Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture’, regarding provisions on the fermentable power of treated sludge.

**Competent administration:** Ministry for the Environment and Energy Security

**Contact at the competent administration:** Legislative Office

## SUMMARY OF THE RIA AND MAIN CONCLUSIONS

It should first be noted that the legislative proposal in question concerns the provisions contained in Legislative Decree No 99 of 27 January 1992 which, in implementation of Directive 86/278/EEC, governs the use of sewage sludge in agriculture. In particular, the aim of the legislative proposal is to introduce specific quantitative indicators in order to demonstrate that material meets the condition of ‘treated sludge’ referred to in Article 2(1)(b) of the aforementioned Legislative Decree, in relation to the reduction in the fermentable power of sludge undergoing specific treatments.

The purpose of this proposal is therefore to supplement the current rules, so as to ensure that the use of treated sewage sludge in agriculture complies with hygiene and health requirements, reducing the olfactory impacts of the sludge and, therefore, increasing the degree of acceptability of its use by citizens, while promoting the achievement of the circular economy objectives.

## 1. BACKGROUND AND PROBLEMS TO BE ADDRESSED

Article 2(1)(b) of Legislative Decree No 99 of 27 January 1992 defines ‘treated sludge’ as ‘sludge which has undergone biological, chemical or thermal treatment, long-term storage or any other appropriate process, in such a way as to significantly reduce its fermentable capacity and the health problems associated with its use. Article 3(1)(a) of the same Legislative Decree stipulates that sludge may only be used in agriculture if it has been treated.

In line with Directive 86/278/EEC, in order to avoid harmful effects on soil, vegetation, animals and humans, related to the agricultural use of sludge, Legislative Decree No 99 of 1992 sets out specific limits, in terms of parameters and maximum values, whereby the treated sludge cannot be used if it does not comply with those limits.

However, the aforementioned legislative decree does not provide for any quantitative indicators, compliance with which would allow the relevant reduction in fermentability (meaning, from a technical point of view, the possibility that the treated sludge could trigger biological degradation phenomena, with the consequent foul-smelling fumes) to be assessed within the meaning of

Article 2(1)(b), due to the technological limitations at the time the legislative decree was drafted and, more precisely, the lack of availability of consolidated and standardised measurement methods and instruments applicable to the matter in question.

This situation creates difficulties for industry operators in terms of unambiguously identifying the appropriate parameters to verify the fulfilment of the condition described above. The legislative proposal in question, therefore, aims to overcome these difficulties.

## **2. AIMS OF THE INTERVENTION AND RELATED INDICATORS**

### **2.1 General and specific objectives**

The objective of the legislative proposal is to supplement the rules contained in Legislative Decree No 99 of 27 January 1992 with clear parameters aimed, in particular, at determining the reduction in the fermentable power of sewage sludge for agricultural use following specific treatments, in order to overcome the difficulties of applying the current legislative provisions. The proposal thus identifies these parameters, in line with those identified for compost and digestate under Regulation 2019/1009/EU on fertilising products.

The preliminary work on defining the legislative proposal was carried out with the support of the Italian Institute for Environmental Protection and Research (ISPRA).

### **2.2 Indicators and reference values**

The indicator by which the degree of effectiveness of the legislative intervention can be verified is compliance with the technical parameters relating to the fermentability of treated sludge used in agriculture and, at the same time, fewer problems reported by operators and citizens.

## **3. EVALUATION OF THE LEGISLATIVE INTERVENTION**

### **3.1 Economic, social and environmental impact by target group**

The legislative intervention, by defining clear technical parameters for determining the reduction in the fermentable power of sewage sludge, would appear to have a positive economic, social and environmental impact – it is intended to supplement the legislation currently in force and to resolve the difficulties in applying the current legislation encountered by operators in the sector, with a view to ensuring that treated sewage sludge used in agriculture complies with health and hygiene requirements, reducing the olfactory impacts of the sewage sludge and, therefore, increasing the degree of acceptability of its use by citizens, while promoting the achievement of the circular economy objectives.

### **3.2 Specific impacts**

The introduction of clear technical parameters to determine the reduction in the fermentable power of sewage sludge, a means of implementing the provisions currently in force, will ensure better management of the treatment processes of sewage sludge, so that this resource can be used in agriculture, with a view to the full implementation of the objectives defined by Directive 82/891/EEC.

### **A. Effects on small and medium-sized enterprises**

The legislative proposal will also have positive effects on small and medium-sized enterprises as it defines clear technical parameters for determining the reduction in the fermentable power of sewage

sludge, in order to resolve the difficulties in applying the legislation and provide a clear definition of the obligations that operators in the sector must comply with.

### **B. Effects on competition**

The legislative proposal, with the introduction of clear technical parameters for determining the reduction in the fermentable power of sewage sludge, ensures, specifically, implementation of the principle of fair competition between all companies concerned.

### **C. Reporting obligations**

The provision does not provide for any new reporting obligations.

### **D. Compliance with European Union regulation minimum levels**

The provision does not interfere with the minimum levels regulated under EU law. The legislative proposal implements the provisions of Directive 86/278/EEC, as transposed into national law by Legislative Decree No 99 of 27 January 1992.

## **4. IMPLEMENTATION AND MONITORING ARRANGEMENTS**

### **4.1. Implementation**

Undertakings in the sector targeted by this provision are responsible for implementing it.

### **4.2 Monitoring**

Implementation of the provision will be monitored by the competent Directorate-General of the Ministry of the Environment and Energy Security.