

ASSESSMENT OF HBA GOVERNANCE SYSTEM IN ITALY

A - POLICY APPROACH TO HBA

BASIC INFORMATION

A.1. Cultural Heritage vision and policy approach

We can say that the Italian approach to Historic Built Area is well expressed by two main official documents:

1. The first one is the **Constitution of the Italian Republic** (came into force on 1948), that, in its fundamental principles, at article 9 says “The Republic promotes the development of culture and of scientific and technical research. It **safeguards** natural landscape and the **historical and artistic heritage of the Nation.**”

With this simple phrase the Constitutional Assembly recognized both to the State a main role in driving the preservation and to the historical heritage a national value according to its being a document of the past, independently from additional aesthetic, artistic, economic value.

2. The second one is the most recent comprehensive law about Cultural Heritage, the so called “**Code of Cultural Heritage and Landscape**”, that represents a try to collect, harmonize and synthetize in a single legislative tool all the cultural, scientific and legislative experiences of the Italian Republic since its recent foundation (1861), by also according them to the international shared approaches.

The main principles of the mentioned Code are:

- **The protection and enhancement** of the cultural heritage shall concur to preserve the memory of the national community and its territory and to promote the development of culture.
- The State, the Regions, the Metropolitan Areas, the Provinces and Municipalities shall ensure and sustain the **conservation** of the cultural heritage and foster its public **enjoyment and enhancement**.
- **Private owners**, possessors or holders of property belonging to the cultural heritage must ensure its conservation.
- The activities concerning the conservation, public enjoyment and enhancement of the cultural heritage shall be carried out in accordance with the **laws on protection**. Through these main topics the Code offer immediately an integrated approach to cultural heritage, in order to combine **preservation and fruition, public and private sectors, improvement and protection**.

Despite a so clear and innovative integrated approach to the topic, the implementation of the related policies shows various difficulties, to understand which is important to have a global framework on the cultural evolution of the concept “cultural heritage”, “monuments”,

“restoration” and “landscape” among the scientific and professional community in Italy. In general, we can say that the current legislative framework related to the Historic Built Areas in Italy comes essentially from 2 different cultural “branches”: **the concept of “restoration” and the idea of built “landscape”**.

RESTORATION

Architecture is made of buildings that often last for centuries and millennia. Prolonged use over time often involves changes in use destinations, which are also reflected in the overall layout of the building. Changes made to buildings in recent centuries were also stylistic updates that sometimes radically changed the look of a building. But only in the nineteenth century has been developed a **historical consciousness** linked to architecture, and the its values of art and civilization. During this time were be defined also the first **theoretical ideas** related to the restoration, due in particular to Eugene Viollet-le-Duc and John Ruskin.

Viollet-le-Duc (1814-1879), French architect, has theorized the so-called **"stylistic restoration"**, which is to bring a building back into its unity stylistic, giving it an appearance that can not even have ever had in the past (*"restoring a building means restoring it to a state of integrity it can never existed"*). In this restoration's approach it tends to erase the story next to a building, demolishing the parts that they are not consistent with its “original” style, and rewinding missing or demolished parts in style originally from the building.

John Ruskin (1819-1900) was an intellectual Englishman who was radically opposed to restoration stylistic made by the French, accusing this type of restoration of "lying". According to him and his **Antirestoration movement**, restoring always means making a fake, so the only one permissible operation is to treat as much as possible buildings, but do nothing if they go to ruin. This position has also been called *"romantic restoration"*.

Towards the end of the nineteenth century in Italy there is one **intermediate position**, tending to recognize both the value historical and artistic work: the historical restoration (the integration of the work must be based on historical documents) and philological (recognizability of intervention, respect for additions having artistic value, which over time are you have been made to the artifact; keeping the signs of the time) who has head **Camillo Boito** (1836-1914).

Camillo Boito, in the Congress of Italian engineers and architects held at Rome in 1883, defined the first criteria of a restoration in a more modern sense. This approach was called **"philological restoration"** and defined the **Italian way to the restoration**, a half between Ruskin's English position and that French dictionary by Viollet-le-Duc.

According to Camillo Boito:

Monuments must be **"rather consolidated which repaired, rather than repaired or restored."** all parts of a building must be respected, even those added during its history

If you have to add a new part to the building, this must be differentiated by materials and characters, but without altering the overall appearance of the monument.

The “Philological restoration” was the guideline for the first Italian laws and regulation about preservation of monuments and influenced following theories and experiences made by other Italian researchers and professional, like Gustavo Giovannoni and Cesare Brandi. Moreover, the Italian approach was a lighthouse for the development of the International documents about restoration developed during the XX century.

Over the course of the twentieth century, more and more people became aware of it the need to share unique principles about the restoration, so that this activity would always be more scientific and less empirical. The theoretical formulations of the principles of restoration have always taken place in international conferences, in which scholars and professionals from different countries brought their contribution, then picked in synthesis documents called **"Restoration Charters"**.

URBAN LANDSCAPE

As said, in Italy the first half of the twentieth century is then dominated by Italian culture by figure of **Gustavo Giovannoni**⁶⁰ (1873-1947), promoter of a systematization of the theory of restoration that goes under the name of “*scientific restoration*”.

According to the theory of Giovannoni, in the scientific restoration all phases of the monument’s history had to be respected. Therefore, the ancient monuments should **have been restored and not reconstructed**. As a pivotal figure in the fields of architecture and urban planning, Gustavo Giovannoni developed both a theory and specific rules for **urban conservation**. Although he worked exclusively in Italy, his influence extended beyond the country’s borders, due in part to his involvement in the drafting of the Athens Charter for the Restoration of Historic Monuments in 1931. Moreover, for the first time, with Giovannoni’s vision, the notion of conservation was **extended to the entire urban sector**. From a single building to a wider context, he created not only cultural guidelines, but also technical tools concerning the spheres of legislation, urban planning, and architectural restoration.

At that time, old cities in Europe had many problems related to urban hygiene. In 1865, the national law on public works made a distinction between what lies within and outside of the walled core. (The same principle would be implied in the German body of law, starting in 1873.) After several outbreaks of cholera, the culture of urban hygiene became more influential. The old city cores were overcrowded and had the highest rates of disease. Laws of 1885 and 1888 made public interventions mandatory for the great Italian municipalities: they required that a regulating plan be developed for any city where population exceeded 30,0000. Both as a promise of liberation and for the sake of public health, the area that had been enclosed within the city walls would now be divided, improved, and demolished: public interventions were to be carried out with particular force, through the opening of new spaces and the adjustments of old routes Unlike in Germany, urban planning did not have its own status in Italy at the time. As in France, urban problems were tackled **in two separate—if not opposite—ways**: on one side, a hygienic approach based on surveys and statistics, and on the other side, a view based on an impressionistic mode of tackling questions related to the old cities. In other words, starting from its colors, its picturesque glimpses, the city had to be considered as an untouchable whole as John Ruskin suggested in the case of Venice. On the other hand, analyzing the rates of diseases and mortality showed that large portions of the city had to be improved, if not demolished. Despite his training in civil engineering and urban hygiene, **Giovannoni opposed the radical plans of urban improvement that followed the guidelines of the new law and the local building codes**. He acknowledged the need for public health and circulation; as such, he was not against demolitions per se, but rather against the indiscriminate destruction of buildings. He developed **guidelines for a more sensitive approach to the old urban core**—specifying not only what should not be done but also what should be done. Following his own more sensitive guidelines while developing his mission, Giovannoni viewed **the city as the ideal place for comingling old (through preservation) and new (through creation)**. Rome—with its outstanding architectural heritage and need for modernization as Italy’s capital—represented the most suitable place for applying a sequence of principles related to the idea of balance. Particularly in the first two decades of the twentieth century, Giovannoni was reacting against a series of improvement plans that were jeopardizing the integrity of its urban core. For his entire life, the so-called Eternal City was the particular theater of his struggle, which was increasingly extended to other remarkable urban centers. Such an effort would only be accomplished with the cooperation of the architectural scholars, town planners, and experts of monuments care. This represented the beginning of Giovannoni’s complex vision of city planning and building restoration, as well as monuments care and urban conservation. **All these**

⁶⁰ Fonte:

https://www.researchgate.net/publication/265759509_Gustavo_Giovannoni_A_Theory_and_a_Practice_of_Urban_Conservation

special technical branches had to proceed together, as each was strictly dependent on the other. According to Giovannoni, the two sides of the problem could be reconciled through the strategy of *diradamento*, “thinning out” the urban fabric, as the forester thins out the forest. Through the conceptualization of *diradamento*, Giovannoni revealed a selective attitude in dealing with ancient quarters. Giovannoni proposed that an historical survey should be carried out to determine the key period that characterizes a district; this period, in turn, would guide its restoration. This method was not so different from Viollet-le-Duc’s approach of “stylistic unity,” which he developed sixty years earlier while restoring the cathedrals of France. According to this principle, what has been built before and after the key period can be erased, and should, therefore, be demolished. Giovannoni applied the principles of **selective restoration** to the scale of a city quarter, which would reflect a single significant period.

Giovannoni was not alone in his effort to broaden the scope of conservation. The **necessary relationship between individual monuments and city** was finally established in legislation that also included a far broader notion of context. In the Conservation Act of 1911, for example, the notion of *ambiente artistico* (“artistic environment”) was acknowledged and partially developed, even if somewhat abstractly. Due to Giovannoni’s role as director of a national Beaux Arts commission beginning in 1916, he oversaw planning schemes for historical areas, mostly in Italian towns. From this powerful position, Giovannoni was able to influence, modify, and sometimes shape a series of city planning schemes such as those for Florence Santa Croce, Taranto Vecchia, and Siena Salicotto. As head of the *Consiglio superiore di antichità e belle arti* from 1916, Giovannoni retained for himself the role of a coordinator in a centralized system. In this system, any urban scheme had to be discussed and approved by the Central Board on Antiquity and Beaux Arts, especially in locations where the plan concerns historical areas of particular relevance. At a larger scale, the Board acted in the same way as the *sovrintendenze* acts locally, in front of the many actors of the planning process: municipal bodies, professionals, and members of the health service. This continuous dialogue between institutions allowed for improved methods and a softening of the rigidity of the primary principles. In this empirical way, the practice would have been a slowly informed theory throughout the planning process.

During the same period, to give an answer to different requests and needs coming from various different local groups of intellectuals and cultural influencers, the Italian State promoted many legislative initiatives aiming to protect landscape portions or settlements (Pine Forest in Ravenna, Saint Anna Gate in Lucca, etc.). The cultural movements born to support these local situations and the corresponding legislative actions created the basis to open the concept of “safeguarding” from the single good to a more comprehensive area or territorial context, in a first moment in reason primarily of the aesthetic value, then also for historic and cultural values recognized to the built landscape.

In the following table are summarized the main cultural and legislative initiatives in Italian context, divided by period (1861-1940; 1945-1971; 1972-2004), to underline the **relationship between scientific and cultural debate and the emission of laws and public regulations**. By analyzing those links and their results is possible to have a complete framework of the Italian approach to Historic Built Area preservation and management and to better understand the current legislative situation and governance system.

Cultural phenomena on the topic	Legislative initiatives of the period
<p>1931- Athene Chart - International Congress "Conservation of Monuments of art and history "(October 1931). -Purpose: attempt to unify the different positions of the countries, in the name of the one target. -Promoter and animator is the Italian Gustavo Giovannoni. -Indications of the Charter relating to architectural property only. -Collaboration between states for the preservation of monuments. -Avoid full refunds → Establishment of regular maintenance. -Restore only if necessary, respect for artwork of artistic interest and no preference for the style of any era. -Ruins → Scrupulous conservation without reconstruction, is permitted anastilosis (recomposing a fragmentary monument of which it is keep the parts) and new materials must be recognizable. -Need for studies and research on pathology and restoration materials. -The judicious use of modern materials is allowed, in particular the use of reinforced concrete, but reinforcement elements must be disguised. -Respect for the character and the physiognomy of the picturesque towns and scenery</p>	<p>1939 - L.1089: "Protection of objects of artistic or historical value": -provides the definition of cultural good; -affirms the principle of public enjoyment of cultural goods; -sanctions the independence of cultural assets from the Regulatory Plans; -provides for authorizations in the event of intervention of any nature on the cultural property; -imposes the principle of conservation also to private possessors of things of cultural interest; -regulates alienations, loans, transfers, imports and exports of cultural goods; -establishes penalties in case of infringement of these principles.</p> <p>1939 - L1497: "Rules on the Protection of Natural Beauties". Based on an essentially aesthetic conception of landscaping, concerns individual property or overall beauty. It was characterized in identifying certain categories of Natural Beauties, in particular: -individual beauties - immovable things that have substantial features of natural or geological beauty / park villas, which are distinguished by uncommon beauty; -overall beauties - complexes of real estate that make up a characteristic appearance with aesthetic and traditional value / panoramic beauties,</p>
<p>1932 - Italian Chart of Restoration Consiglio Superiore per le Antichità e le Belle Arti, presso il Ministero della Pubblica Istruzione It can be considered the first official Italian State Directive on the restoration. -There were principles similar to those of "Athens Chart", but with more expressive position those years from Gustavo Giovannoni (1873-1947), defined as "scientific restoration". - Giovannoni was the first to suggest that in every intervention should be exploited by all the more modern technologies to come to science restoration.</p>	<p>The implementation of the law is based on the imposition of the bond that has as its corollary the classification and inventory of the goods and the territory. This was a very innovative legislation of the age, but characterized by an essentially static approach and the tendency to outline a concept of "natural" aesthetic beauty. The object of protection is, in fact, essentially the "beautiful of nature" in the same way that the object of the protection of L. 1089/39 is essentially the "beautiful art".</p>
<p>1964 - Venice Chart Il International Congress of Architects and Monument Technicians -The "monument" concept applies to both artwork and urban environment landscape. -Conservation is a discipline that employs all sciences and techniques, it also involves maintenance, protection of the surrounding environment and is favored from the use, in order to preserve the work of art and its historical testimony. -Excavations must be carried out according to scientific standards; is excluded a priori each reconstruction. -works must be documented. -The integrity and refinement of monumental environments must be preserved. The restoration: -must be exceptional and must stop where the hypothesis begins -must be preceded by studies -Modern materials can be used -Every contribution of the various ages must be respected (no stylistic unit) -Added elements must be integrated, but they must be recognizable In article 1, the definition of historic monument is given, specifying that: "[it] applies not only to great works of art but also to more modest works of the past which have acquired cultural significance with the passing of time". The Venice Charter, adopted by ICOMOS in 1965, codifies internationally accepted standards of conservation practice relating to architecture and sites. Indeed, the Charter provides reliable guidelines for restorers about restorations and conservations. This document has almost become a classic, it sets an example because - amongst many other things - it does not contain dogmatic, rigid rules.</p>	<p>1947 - Constitution of the Italian Republic The protection of historic centers, as cultural goods, stays in the Italian Constitution: "the Republic protects the landscape and the historical and artistic heritage of the nation". The fact that this norm is part of the fundamental principles of the Republic means that its value is recognized above the public powers and that these must be in its service.</p> <p>1963 - DPR 1409: <i>Enstablishment of Ministry for Cultural Heritage and Environment</i></p> <p>1967 - D.L. 765: Article. 17 introduces 2 fundamental concepts regarding the protection and enhancement of historical centers: - the need to consider the historic center as part of general urban planning. The historic centers became the so called "Zona A" among the zoning process of the urban area and every Municipality was called to identify the perimeter of its "Zona A" during the development of its Regulatory Plan ; - the setting of specific standards for ancient centers, which normally preserve the existing building and pre-existing density, the prohibition of overcoming the heights of existing buildings, and so on. Article. 17, paragraph 5, of this law introduced a form of protection that finally looked at environmental complexes and not just individual buildings of monumental value or particular interest. In addition, the same rule (Article 17) in paragraph 5 is concerned that historic centers may suffer irreparable tampering without general plans and stipulates that, in such a case, only "consolidation and restoration works are allowed, without alteration of volumes "and that any free areas can be upgraded to the approval of the general urban planning tool. The mentioned law, moreover, in drawing up urban planning for historic centers, re-enacted a safeguard system similar to that</p>

<p>Instead, it offers an opportunity for the expert to analyse and review the situation. Every monument is different, and each should be treated differently - this is what the Venice Charter suggests.</p>	<p>of the old protection of the cultural footprint of the "Bottai laws". It is common opinion that the protection introduced by law no. 765/67 reflects the peculiarities of the urban policy of the period, worried about regulating mainly (if not only) interventions in the areas of expansion of the inhabited area: it, therefore, for the building and dwelling fabric existing in the historical centers could only to propose conservative protection, focusing on a "blocking instrument" of interventions.</p>
<p>1964 - Franceschini Commission Minister Franceschini In response to the imminent threat of unregulated development in Italy, a public inquiry was opened in 1964. Commonly called the 'Franceschini' Commission after the minister who presided over it, this group was composed of 16 members of parliament and 11 experts in art history, archaeology, law and library science. The Commission was responsible for revising the current legislation, administrative framework and funding mechanisms for cultural heritage protection. Following an in-depth analysis of the situation, 84 declarations were produced. These were synthesized in 9 recommendations for urgent action, clearly indicating of a growing desire for social change: Establish a security service to protect cultural heritage. Call for a moratorium on projects concerning areas of monumental, archaeological or environmental interest. Begin a systematic inventory of Italy's cultural heritage. Make publicly accessible historic buildings now used by the State for administrative functions. Eliminate unacceptable interventions/treatments on cultural heritage. Establish headquarters for research, conservation, restoration and documentation institutes, and for the national scientific institutions. Train scientific and technical staff responsible for the autonomous administration of cultural heritage. Promote contemporary artistic production. Raise public awareness on the importance of respecting cultural heritage through a national campaign The Chart of Gubbio, that inspired the Franceschini Commission, referred to some principles regarding the preservation and restoration of historical centers, which emphasized that it was wrong to consider the single monument until it was taken out of the urban complex when it was necessary to consider it a one with its context of belonging. The Franceschini Commission, in keeping with the principles that emerged from the Gubbio Conference, formulated further, to which the future legislator should have followed, pointing out that, as for the protection of historic centers, it should be directed not only in the sense of maintaining the characteristics but it should also be done through consolidation, restoration and sanitation improvements to improve their living. In addition, the commission also stressed the need to regulate traffic so that undifferentiated circulation of vehicles did not alter the balance and did not undermine the urban-urban fabric.</p>	<p>Article. 2 states that "homogeneous territorial areas (...) are considered as parts of the territory affected by urban agglomerations of an historical, artistic or particular environmental value or position, including the surrounding areas, which may be considered an integral part, for these characteristics, of the agglomerations themselves". However, this norm derives, indirectly, a narrow definition of "historic centers" as an area to be subjected to urban conservation constraints, and normally inclusive of the oldest part of the city and adjacent areas, but far from the present consideration of the historic center in its constant relationship with the evolution of community life. 1969 - establishment of Central Office for Cataloguing and Documentation (Ufficio Centrale per il Catalogo e la Documentazione)</p> <p>1967 - circolare n. 3210 of Ministry of Public Works: try to define the historic settlements as: (a) urban structures in which most of the blocks contain buildings constructed in 1860, even in the absence of monuments or buildings of particular artistic value; (b) urban structures enclosed by old or all-preserved walls, including any external propagation covered by the above definition (point (a)); (c) urban structures built after 1860, which as a whole constitute documents of a highly qualified construction costume.</p>
<p>1972- Italian Chart of Restoration The Ministry of Education, with the advice of the High Council of the Antiquities, in the attempt to reach uniform criteria for the management of Antiquities and Fine Arts, herewith issues new guidelines for the conservation of artistic Heritage -guidelines will apply to the following categories of objects to assure their preservation and restoration: building complexes of monumental, historical, or environmental interest, in particular historical urban areas -It is meant by "preservation" any conservative provision that does not involve any direct action on the material of the artwork. It is meant by "restoration" any action on the material of artwork in order to maintain its material integrity and facilitate the reading and the transmission to the future in their entirety. -All overseeing government agencies and responsible Institutions in the matter of conservation must prepare a yearly program listing all work of preservation, restoration, underground or under water archaeology, to be done on behalf of the State, other institutions or private individuals. It must be presented to and approved by the Ministry of Education with the approval by High Council of the Antiquities and Fine Arts. As part of this program, any restoration works will be described and justified in</p>	<p>1978 - L. 457 "Recovery of Existing Building Heritage", which introduced the "Recovery Plans". This law does not deal specifically with the historical centers: it does not distinguish, in fact, the recovery and revitalization of historic centers from other recovery operations, but merely provides for the fact that "the provisions and competences provided by the No 1089/39 and No 1497/39 "(Article 31, last paragraph). In addition, title IV of the law referred to had the merit of being the first attempt to adapt the overall planning system, built on the layout of expansion urbanism, to the new needs created by the recovery. In addition, it indicated, determined and categorized building interventions on the existing, which until that time were not normatively differentiated by new buildings. Thus, the peculiar features of interventions in historic centers have been absorbed by the broader and generic notion of recovery of existing building assets</p>

<p>a technical report and proposal which will describe the conservative history, the existing conditions, the planned restoration work and the budget necessary to complete the work. The technical report and proposal must be approved beforehand by the Ministry of Education.</p> <p>-the following actions will be forbidden without exception: 1) completions of unfinished work in style, analogical, in simplified form, or even if there are graphic or plastic documentation illustrating the intended form of the completed work; 2) removals or demolitions that erase from the artwork traces left by its passage through time, unless these features are of limited scope and incongruous or disfiguring in relation to the historical values of the work or if they are past completions in style that counterfeit the nature of the work; 3) removal, reconstruction or transfer to locations other than the original one, unless it is deemed necessary for conservation reasons; 4) alteration of the surrounding accessories or environmental conditions in which the artwork has arrived to our time, such as the monumental or environment settings, the furnishings, the gardens, the parks, etc.; 5) alteration or removal of patinas.</p> <p>-the following practices are acceptable: 1) addition of accessory parts that have a structural function and reintegration* of small historically verified portions. Such interventions must be done in a way that differentiates clearly the original portion of the artwork from the new addition either by clearly marking the outline of the reintegration or by using material that is concordant yet sufficiently different to be clearly distinguishable by the naked eye, in particular at the points of connection between the old and the new. Moreover, where possible, all reintegration should be dated and signed; 2) Cleanings of paintings and polychrome sculptures, as long as it does not reach the surface of the color and respects the patina and ancient varnishes and, as with all other types of work, should never reach the raw material that makes up the art; 3) Anastilosis*, only when carefully documented and by reconstructing missing sections with techniques clearly discernible to the naked eye such as using lighter or neutral materials, setting them at a different level from the original parts, or leaving in sight the original support, however never reconstructing ex novo missing “figurative” sections and inserting important features that will alter the figurative nature of the work; 4) modifications and new insertions in the inner structure, underlayments or structural supports with the purpose of conservation and static consolidations, provided that at the completion of the restoration work, there are no chromatic alterations or other changes in the appearance of surface mater; 5) construction of a new setting or relocation of artwork when the original or traditional setting no longer exists, or when the conservation conditions demand the relocation.</p>	
<p>1987 - Italian Charter of Conservation and Restoration</p>	<p>1998 - DL490 “Testo Unico in materia di beni culturali e ambientali”: This does not refer to the historical centers, since, as is apparent from TU's own report, it has "been careful to keep unchanged those formulations of the two fundamental laws (1089/39 and 1497/39) which have now assumed in the consolidated legal experience a quasi-sacral value for the definition of substantive content of the disciplines of cultural goods and environmental goods. " Consequently, the historical centers have not been included in the cultural heritage code ex art. 2. Moreover, the national council hopes for the drafting of a law on historic cities, which extends the scope of the protection action beyond the limits of l. 1089/39, while at the same time integrating in an organic manner and in full respect of the competences of municipalities, provinces and regions, the safeguarding of urban and territorial law</p> <p>1999 - Regional law of Lazio Region: “Land Governance Rules”: This, after drawing on the purpose of the interventions on ancient centers (Article 59), prescribes that "urban centers of ancient formation that originated contemporary cities were historic centers. They are identified as urban structures that have retained the recognizability of traditions, processes and rules that presided over their formation and consist of building heritage, road network and unstructured spaces. Their perimeter, in the absence of prior cartographic documentation,</p>

	<p>is based on the planimetric configurations illustrated in the cadastral plans drawn up after the construction, the advent of the unitary state, and the possible replacement of parts, even conspicuously, of historical construction does not affect the criteria set out to perform the perimeter.</p> <p>Timely historical settlements consist of building structures including unstructured buildings and spaces, as well as territorial infrastructures that testify to the particular processes of anthropization of the territory. They are also located outside the urban structures and constitute recognizable poles of the historic organization of the territory "(Article 60).</p> <p>This norm does not point to chronological criteria, but to distinctive parameters based on a more "modern" view of historical centers, in a constant process of adapting the territory to the needs and interests of man.</p>
<p>2000 The European Landscape Convention - Florence (Italy) with the aim of promoting European landscape protection, management and planning, and organising European co-operation in this area. It represents the first international treaty to be exclusively concerned with all aspects of European landscape. It applies to the entire territory of the parties and covers natural, rural, urban and peri-urban areas. It concerns landscapes that might be considered outstanding as well as everyday or degraded landscapes.</p> <p>The Council of Europe has undertaken a work aiming at examining and illustrating certain fundamental aspects of the convention: Landscape and - social, economic, cultural and ecological approaches; - individual and social well-being; - spatial planning; - innovative tools; - identification, assessment and quality objectives; - awareness-raising, training and education; - international policies and programmes; transfrontier landscapes; - public participation.</p>	<p>2004 - Code of cultural heritage and landscape <i>Article 2: Cultural Heritage</i></p> <ol style="list-style-type: none"> 1. The cultural heritage consists of cultural property and landscape assets. 2. Cultural property consists of immovable and movable things which, pursuant to articles 10 and 11, present artistic, historical, archaeological, ethno-anthropological, archival and bibliographical interest, and of any other thing identified by law or in accordance with the law as testifying to the values of civilization. 3. Landscape assets consist of the buildings and areas indicated in article 134, which are the expression of historical, cultural, natural, morphological and aesthetic values of the land, and any other assets identified by law or in accordance with the law. 4. Cultural heritage property belonging to the government shall be designated for public enjoyment, compatibly with the needs of government use and on condition that no protection reasons to the contrary persist. <p><i>Article 3: Protection of the Cultural Heritage</i></p> <ol style="list-style-type: none"> 1. Protection consists in the exercise of the functions and in the regulation of the activities aimed at identifying, on the basis of adequate investigative procedures, the properties constituting the cultural heritage and at ensuring the protection and conservation of the aforesaid heritage for purposes of public enjoyment. 2. Protection functions are also carried out by means of provisions aimed at conforming or regulating rights and behavior inherent to the cultural heritage. <p><i>Form the code: "...by landscape is meant a homogeneous part of a territory whose characters derive from nature, from human history or from reciprocal interrelations. ...The protection and valorisation of the landscape safeguard the values that it expresses as perceivable identity manifestations... The activities for the enhancement of cultural heritage consist in the stable establishment and organization of resources, structures or networks, or the provision of technical expertise or financial or instrumental resources... Such activities may co-operate or involve private individuals...</i></p> <p>Ministerial Circular MiBACT 21/07/2017</p> <p>On paragraph 4 "The notion of historical-architectural or historical-testimonial interest" the document clarifies that, ex art. 136 c of the Code, the restriction managed by the Ministry should be applied not only to a single building or specific stylistic or decorative or architectural or chronological aspects of a historic village or town, but rather to whole historic built complexes, because it's not possible select only some building or aspects without compromising the value of the place. It lies indeed first of all in the complex and stratified interrelationships between the constitutive elements of a historic built area, that is the homogeneous and choral result of a long-time and embedded human sequence of events.</p>

	<p>This fundamental document seems ratify that:</p> <ul style="list-style-type: none"> -all the HBAs are bonded by law according to the art. 136c of the code; - all the interventions on a HBA requires consequently the Ministerial Authorization, and not only ones related to buildings bonded through a specific restriction. <p>In light of this fact, the long-time duplicity of treatment between historic buildings with a ministerial restriction and historic buildings without it is now outdated as well as the duplicity between the transformation's management between Ministry and Local Authority, that should now find a way to cooperate for the integrated management of every HBA.</p>
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A.2. Relevant terms provided by legal/strategic framework

Art. 2, D.M. 1444/1968

- **zone A** (historical center): parts of the territory affected by urban agglomerations that have historical, artistic and particular environmental value, or portions of them, including the surrounding areas, which can be considered as integral part of these agglomerations in reason of these characteristics

Code of cultural heritage and landscape (2004)

- **Cultural heritage:** consists of cultural property and landscape assets. Cultural property consists of immovable and movable things belonging to the State, to the Regions, to other local government agencies as well as to any other public body and legal entity, and private non-profit legal persons, with artistic, historical, archaeological or ethno-anthropological interest. Landscape assets consist of the buildings and areas ...which are the expression of historical, cultural, natural, morphological and aesthetic values of the land...
- **Buildings and Areas of Notable Public interest:** ...C)complexes of immovable things which constitute a characteristic aspect having aesthetic and traditional value, included historic centers and settlements.
- **Protection:** exercise of the functions and regulation of the activities aimed at identifying, on the basis of adequate investigative procedures, the properties constituting the cultural heritage and at ensuring the protection and conservation of that heritage for purpose of public enjoyment
- **Conservation:** is ensured by means of a consistent, co-ordinated and programmed activity of study, prevention, maintenance and restoration
- **Prevention:** the set of activities suitable to limit the risk situations associated with cultural property in its context.
- **Maintenance:** the set of activities and interventions aimed at controlling the conditions of cultural property and the maintenance of integrity, functional efficiency and the identity of the good and its parts.
- **Restoration:** direct intervention on a property by means of a set of operations aimed at the material integrity and the recovery of the good itself, the protection and the transmission of its cultural values. In the case of immovable property located in areas declared at seismic risk in accordance with current legislation, restoration includes structural improvement intervention.
- **Enhancement:** exercise of the functions and regulation of the activities aimed at promoting knowledge of the cultural heritage and at ensuring the best conditions for the

use and public enjoyment of the heritage itself. Enhancement also includes the promotion and the support of conservation work on the cultural heritage.

D.P.R. 380/2001 (updated 1/09/2017)

- **Ordinary maintenance:** building interventions that concern the works of repair, renovation and replacement of building finishes and those needed to integrate or maintain efficiently existing technology facilities.
- **Extraordinary maintenance:** works and modifications needed to renew and replace parts of buildings (even structural), as well as to realize and integrate sanitary and technological services, under condition that they do not alter the overall volume of buildings and do not change the uses of it.
- **Restoration and conservative renovation:** building interventions aimed at preserving the building body and ensuring its functionality through a systematic set of works that, while respecting the typological, formal and structural elements of the body itself, also allow the change of use, provided that such elements are compatible and in accordance with the provisions of the general urban planning instrument and the related implementation plans. Such interventions include consolidation, restoration and renewal the constituent elements of the building, the insertion of additional components and facilities required by the use's needs, the elimination of elements outside the building body.
- **Refurbishment:** interventions aimed at transforming building organisms through a systematic set of works that can lead to a building organization totally or partially different from the previous one. Such interventions include the reinstatement or replacement of some building's components, the elimination, modification and insertion of new elements and technical installations. In the context of the refurbishment of the building are also included those which consist in the demolition and reconstruction with the same volumes as the existing one.

QUALITATIVE INFORMATION AND COMMENTS

A.3. Policy "Character"

According to the situation presented above, it's possible to remark some **key-points** of Italian Policies related to HBA management:

1. In Italy, most cultural heritage matters are governed by the State and prevention and maintenance are legally inscribed in the Italian Code of Cultural Heritage and Landscape (MiBAC 2004, art. 29). Though structures are in place to facilitate the implementation of a national cultural heritage protection strategy, these laws have not yet materialized into an action plan. If a stitch in time really does save nine, **preventive conservation** is the most long-term cost-effective solution for Italy. This is especially true, now that public spending on the protection and promotion of cultural heritage in Italy has been reduced by 35 % since 2007 (MiBAC 2009, 27).
2. Nowadays, the aim of a restoration project is to preserve the material consistency of the buildings through new actions, and the architectural conservation defines the process to preserve the historical and material integrity of the built heritage through interventions carefully planned. The purpose of the restoration is to safeguard the integrity of the building and to plan the maintenance actions that retain the efficiency of the building itself. For the above mentioned Italian cultural approach, the restoration project of cultural heritage shows the gap between conservation and

- enhancement, between integration and completion, between conservation and structural or energy improvement, between conservation and transformation as well.
3. as said before, until the last Directive n°42/2017, the Italian approach to HBA management of built goods among urban areas or historic landscapes was divided in 2 parts:
 - *for **single monuments** or specific complex or areas with artistic, aesthetic or historic value, the State (MIBACT) was the subject in charge to control and authorize modifications and interventions, but the Municipality was the subject in charge to drive the physical interventions
 - *for the **“common” historic buildings forming the built historic areas** e.g. historic centres of the towns, were the Urban Planning Tools to define which transformations were allowed and the processes to transform them in an authorized way. Every local Urban Plan should define intervention’s categories, according to regional laws and definitions, and control the transformation’s works. In order to recognize the specific nature of the historic built areas, often the Municipalities have created dedicated Office or Plan, aiming at coordinate the interventions among those areas, not only on buildings but also on streets, roads furniture, lighting etc., but non always these offices or planning tools are effective and implemented.
 4. **Environmental issues** are considered, in general, something “detached” from historic buildings and urban components, so the interventions on this sort of goods can usually disregard the environmental prescriptions, in order to “don’t alter” the historic material substance of the building.

A.4. Policy trends and evolutions

It is very proud about the level of awareness that researches and professionals have reached about the value of HBAs and its reasons. As explained before, the “Italian way” to restoration excludes approaches related to selection of an age, a style, an author, as well as stylistic renovations and similar interventions.

Nevertheless, this high-level scientific point of view shows its own limits when the design should find a solution to adapt a historic building to contemporary needs or uses.

Finding the right balance between conservation’s cultural reasons and daily needs to assure a vital life to the HBA is the strongest challenge that involve cultural institutions, administrations, private designers and owners.

B - GOVERNANCE ANALYSIS - LEGAL FRAMEWORK, SUBJECTS AND PROCEDURES IN 3 AREAS

B.1. Built heritage protection (and/or preservation/ conservation)

B.1.1. Heritage protection grades foreseen by legislation

MINISTERIAL PROTECTION

A “bonded” property is a private property for which a statement of cultural interest has been notified and motivated by the competent Superintendency as provided for in the Code of Cultural Heritage d. lgs. n. 42 of 2004, which regulates these properties. The cultural interest of the property can be due to its historical, artistic, architectural or landscape value. The measure is absolutely discretionary, but must be adequately motivated, so that the type of interest (artistic, historical, archaeological) that clearly justifies the imposition of the bond is clearly and unequivocally demonstrated. It is not necessary that the bond is imposed on the whole building, even if only part of it (eg single facade) can be bonded, as well as it is possible to subject property that is in poor state of conservation or property partially reconstructed. The constitution of the monumental bond implies the subjection of the property to the special legislation on protection and start-up works of restructuring. The presence of a bond on a building involves limits to the uses and possible destinations, as well as for any transformations, so that any kind of construction intervention to be carried out on it is required of request and concession of preventive permission from the competent Superintendency. In the case of absolute urgency, the necessary temporary work may be carried out in order to avoid significant damage to the building, under condition that it is immediately communicated to the Soprintendenza, to which must be submitted as soon as possible for approval the final design.

All the buildings old more than 70 years could be “bonded” in reason of their historic value. Public bodies, including local authorities, and public institutions, including parishes, were required to present a list of their property, to be included whenever a new asset is added to their assets. On the basis of the list, the Superintendency assesses which of the listed goods is worthy of protection from the historical and architectural point of view. The goods that the Superintendence considers unworthy of protection are, on the other hand, exempt from the bond. Failure to enter the list is not enough to support the absence of the bond. The requirement of fifty years of age is a prerequisite for the bond of species, but it is not enough; for the bond, it is necessary that the Superintendent, after careful evaluation, does not possess its irrelevance for historical-architectural purposes.

In 1985, Law 431, issued by the Ministry for Cultural and Environmental Heritage (now Article 146 of Legislative Decree No. 490/99), translates the concept of environment and landscape, which since the mid-1970s has guided the planning and territorial transformation, declaring entire categories of goods such as coasts,

rivers, forests, mountains, etc. as “deserving protection”; so those goods are recognized as a primary value over any choice of construction and urban planning, thus extending the power of control of the state organs on most of the national territory. The regions ensure that the landscape is adequately protected and valued. To this end they submit specific land use rules by approving landscaping plans or urban-territorial plans with specific consideration of landscape values, covering the whole of the regional territory. The landscaping plan defines transformations compatible with landscape values and restoration of properties and protected areas as well as landscaping interventions, also in relation to the prospects for sustainable development. So, if an urban skyline or an historic building fall into a preserved landscape, every interventions on it should be authorized by the Soprintendenza, that evaluate its compatibility with the landscape values of the context.

MUNICIPAL PRESERVATION’S RESTRICTION

It is the discretion of the Municipalities to define protection restrictions on buildings - private or public - belonging to their own territory. Such bonds are managed directly by the local administration through its Planning Tools and regulations and no authorization from the Ministry is required. Categories, features and definitions of these building could present some differences according to the regional and municipal planning laws and tools, but in general they respond to the following groups:

- buildings with Architectural-historical interest: they are buildings that represent emergencies in the Urban Territory and in the Rural Territory, including goods recognized as "cultural assets" by national discipline.
- buildings of historical and architectural interest related to Modern architecture: modern buildings built from the early 20th century, which witness the architectural culture from the first post-war period to the end of the century.

Both should be mapped in a specific “Map of bound buildings”

buildings interesting as documents: Buildings that testify to the peculiarities of urban and rural landscapes, conventionally identified with those already existing in 1949 and identified in cartography as they are still present on the date of entry into force of the Regulatory Plan

buildings interesting as documents of the modern culture: those identified on the basis of the attention and the critical recognition attributed to them by sector literature.

On all buildings of historical, architectural and documentary interest, interventions must be designed with the aim of ensuring the presence of the first and the persistence of the seconds. This means that individual works referring to the different types of intervention apply:

- to buildings of historical and architectural interest (even modern) in order to guarantee their preservation and restoration;
- to buildings of documentary interest in order to preserve their historical, cultural and testimonial features
- to the buildings of documentary interest of the modern in order to keep them.

Vincoli correlati al riconoscimento di patrimonio mondiale, definiti dall’UNESCO e recepiti nei piani di gestione. Questi ultimi non trovano una collocazione nel sistema italiano normativo, regolamentare o della pianificazione urbanistica. Pertanto giuridicamente equivalgono a delle pianificazioni volontarie / opzionali

adottate dagli enti titolari del bene riconosciuto ed esclusivamente finalizzate al mantenimento del riconoscimento.

Since the Second World War, international regulation of cultural heritage and its evolutions moved along three main different patterns. 1) The creation of a world system of protection (based on the 1954 Hague Convention and the 1972 UNESCO WHC), with rules and procedures set by international conventions and organizations and implemented by national administrations. In this pattern, the system moved from a more traditional international legal framework, based on conventions, to a more flexible one, composed of guidelines, policies, and other “soft” mechanisms. The number and variety of actors involved have been increasing, including not only governments, but also international non-governmental organizations and other entities. 2) The adoption of international norms regarding the circulation and restitution of cultural objects (such as the 1970 UNESCO Convention and the 1995 UNIDROIT Convention). Effective international regulation of the trade and restitution of cultural property requires the intervention of several actors - not only States but also museums and institutions - and the adoption of a multi-layered set of norms, ranging from international treaties and conventions to operational policies and mutual agreements. In a certain way, the example of international regulation of trade and restitution of cultural property provides evidence of the limits of traditional international mechanisms in addressing “global” interests, and confirms the need to develop global standards for private actors, as well as museums. 3) The development of international standards for museums and cultural institutions. In this case transnational mechanisms, such as the documents approved within the International Council of Museums (ICOM), have become global, due to their large use and high degree of compliance. ICOM is a relevant example of self-regulation operating at the global level: an international non-governmental organization that adopts global standards with which members must comply. But the scope of this Code goes beyond ICOM membership, because many countries, such as Italy, have enacted statutes or regulations, which refer expressly to the Code. This pattern stems from best practices in the management of museums. If one analyses these patterns all together, the international regulation of cultural heritage displays a threefold dimension: regulatory; institutional; procedural.

“The Directorate General of Management and Promotion of Cultural Heritage is responsible for administering the funds provided by Law No. 77/2006 Special measures of protection and use of the Italian sites of cultural, scenic and environmental interest, inserted in the List of World Heritage, placed under the protection of UNESCO, which provides, among other things, financial assistance in support of activities to promote, communicate and use these sites.

Italy, among the 187 member states of the Convention on the Protection of World Cultural and Natural Heritage of 1972, is the country with the largest number of sites inscribed on the List (45).

On February 20, 2006 Law No. 77 was enacted. A fundamental law, established by law for the first time that the UNESCO sites, for their uniqueness, are points of excellence in Italian cultural heritage, landscape and nature, as well as the basic elements of the representation of our country internationally. It also established the principle that intervention on UNESCO sites take priority; a important statement which shows how valuable the recognition as a World Heritage site can help to define particular strategies, also as it concerns the allocation of financial resources.

Law 77 also formally recognized the management plans required by UNESCO as a means of ensuring the conservation of sites and create the conditions for its use, defining priorities for action and its implementation modalities, as well as all possible actions to find the necessary public and private resources, as well as appropriate forms of connection with programs or regulatory instruments which pursue complementary objectives (Article 3).

The management of Italian UNESCO sites rests with the various departments that, within the specific institutional areas, are responsible for protection, conservation and development activities, or are subject to being referred for actions related to knowledge, awareness, or economic promotion. The Ministry, before the approval of Law 77, had invited people to identify these different forms of coordination to optimize the performance of specific activities in place or planned; this useful experience was taken into account in the drafting of the Circular of the General Secretary of the Ministry (May 30, 2007) for enforcing the law, which identifies precisely those responsible for the management, the beneficiaries of the law, and the managers of sites, which is tasked with submitting applications for funding and carrying out the reporting on the implementation of approved projects.

To date, 129 projects have been funded for a total of 10,074,000.00 euros for the financial years 2006-2007-2008. Of these, three and a half million euros have been used by the sites to process management plans, while the remaining six and a half million have been allocated for development projects, communication and usage. The General Directorate looks after the matters relating to this Act, in particular managing the identification and monitoring of projects approved for funding, and also offering technical and administrative support to the sites.⁶¹

B.1.2. Governance level or Institution that has the main responsibility of heritage protection

In Italy, the State, the Regions, the Metropolitan Areas, the Provinces and Municipalities ensure and sustain the conservation of the cultural heritage and foster its public enjoyment and enhancement. The main institution responsible for cultural heritage protection and enhancement is the **Ministry for Cultural Heritage and Activities**.

Other public bodies, in carrying out their activities, ensure the conservation and the public enjoyment of their cultural heritage. Private owners, possessors or holders of property belonging to the cultural heritage must ensure its conservation. Although important changes in the governance structure of culture are under way, for the time being in the ordinary regions the most important administrative and legislative functions still lie with the state, which until recently has also been responsible for half, or more, of the total public expenditure for culture.

⁶¹ Source: <http://www.valorizzazione.beniculturali.it/en/law-n772006-unesco-world-heritage-sites.html>

B.1.3. National/main governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<ul style="list-style-type: none"> • According to the Italian Constitution's article 9: "The Republic promotes the development of culture and technical and scientific research. Protects the landscape and the historic and artistic heritage of the Nation" • Cultural Heritage and Landscape Code (D.Lgs. 2212004 n. 42), the National Law for the safeguard of the Italian cultural heritage <ol style="list-style-type: none"> 2. The preservation and valorisation of cultural heritage contribute to preserving the memory of our national community and its territory, as well as promoting the development of culture. 3. The State, regions, metropolitan areas, provinces and municipalities ensure and support the preservation of cultural heritage and favours its public use and valorisation. • In 2008, by the Law no. 63 of 26 March 2008, the system of responsibility for landscape protection has been balanced by giving responsibility back to the State, in cooperation with regional authorities.⁶²
<p>SUBJECTS list main involved organisations and describe</p>	<p>ADMINISTRATIVE FUNCTIONS At the national level, responsibilities for the cultural sector lie presently with 4 ministries, and notably with:</p> <p>The Ministry of the Heritage, Cultural Activities and Tourism After a long-lasting separation of functions between cultural heritage and the performing arts, at the end of the past century (1999) the Ministry (MiBAC, since 2013 MiBACT) has been entrusted with the full range of core cultural functions: heritage, museums, libraries and archives, visual arts, performing arts and cinema, cultural institutions, copyright, with the only exception being communications (radio television and the press). Tourism has been added to the Ministry's traditional functions in April 2013. For the fifth time in fifteen years, the Ministry's organisational structure - which had already been substantially modified by the Decrees 233/2007 and 91/2009 - underwent extensive and significant changes once again by means of Decree 29 August 2014 n. 171. The aim of this reorganisation was synthesised as follows (http://www.beniculturali.it/mibac/export/MiBAC/sito-MiBAC/MenuPrincipale/Ministero/La-struttura-organizzativa/index.html)</p> <ul style="list-style-type: none"> • the need to comply with the integration of culture and the newly transferred responsibilities on tourism; • an effort towards simplification and better coordination between central and territorial functions; • the need to boost the autonomy of state museums, so that they can modernise; • the enhancement of the ministry's attention towards contemporary art and creativity; and • overcoming the ministry's delay in innovation, research and educational policies. <p>At the central level, while the coordination of ministerial functions is still entrusted to a Secretary General, in 2014 the General Directions have been increased from eight to eleven, while abolishing the DG for</p>

⁶² <http://www.herein-system.eu/sites/default/files/Italy-National-Report.pdf>

	<p> Valorisation - to give way, once again, to the DG for Contemporary Art and Architecture (to which the regeneration of Urban Suburbs have been added) - whereas the DG for Museums has been separated from the DG for Fine Arts and Landscape, the previous DG for Organisation and Budget has been split into two DGs, and, along with the DG for Tourism, aDG has been introduced: the DG for Education and Research. The other previous DGs - the DG for Antiquities, for Libraries and Archives, for Performing Arts, and for Cinema - have been maintained. In exercising its functions, the Ministry is assisted by four central, widely representative advisory bodies: the High Council for Heritage and Landscape, the "Consulta" for the Performing Arts, the Permanent Committee for Copyright, and the newly added Permanent Committee for the Promotion of Tourism. </p> <p> The DGs are technically supported by other central, high-level, relatively autonomous scientific bodies, among which are the Istituti centrali for Heritage protection and restoration, for Heritage cataloguing, for Books restoration and cataloguing, for Archives, for Demo-ethno-anthropological goods, for Graphic arts, for Audiovisual Goods, and the Opificio per le Pietre Dure (dealing with the restoration of inlaid semi-precious stones artefacts).... </p> <p> Besides the existing, relatively autonomous bodies like the National Archives, two National Libraries and the Centre for Books and Reading, Decree 29 August 2014 has also provided for twenty other national heritage organisations of notable relevance, to be endowed with special autonomy, and whose directors are not appointed through the usual, internal selection, but rather through an external, international competition. Among these, besides 13 museums (Uffizi, Galleria Borghese, Brera, Venice Academy, etc.) also the two Soprintendenze for Antiquities of Rome/Coliseum and of Pompeii/Ercolanum and some heritage sites (the palaces of Caserta, Mantua, etc.) http://www.beniculturali.it/mibac/export/MiBAC/sito-MiBAC/Contenuti/visualizza_asset.html_1656248911.html) have also been included. </p> <p> At the peripheral level, MiBACT is split between administrative bodies - the Regional Secretariats - and techno-scientific territorial structures especially endowed with the mission of safeguarding heritage: the Soprintendenze, respectively related to the already mentioned DGs for Fine Arts and Landscape and for Antiquities. Furthermore, two other newly created decentralised bodies should also be mentioned: the Regional Museum Coordinators, whose main task will be the promotion of regional museum systems, also open to local and private museums, and the Regional Commissions for Heritage -composed of MiBACT's managers active in the region of reference. They should have the final say in all matters and decisions related to heritage and landscape safeguard and valorisation, planning restrictions, the granting of permits etc..., within the region itself. </p> <p> Shortly after these far reaching changes in the ministry's organisational structure, though, further changes have been again introduced by Ministerial Decree 19 January 2016, which modified the present MiBACT's organigram once more: in fact, the DG for Antiquities has been modified and melded with the DG for Fine Arts and Landscape, the related Sovrintendenze will be unified as well, and their number increased, while a new autonomous scientific institute has been created: the Institute for Antiquities. It should also be mentioned that the Decree has been heatedly opposed by well known archaeologists (Settis, La Regina, etc...) and even by former Minister for Heritage Paolucci, who deem it as excessively downgrading archaeological matters, whereas other famous archaeologists (Carandini, </p>
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Manacorda...) welcome it as a step forward towards a more unified and contextual territorial vision of fine arts, architecture and archaeology. Furthermore, according to the same Decree, special autonomy will be granted to an additional 10 museums and archaeological sites, most of which are located in the Rome territory (Ostia Antica, the Appian Way, the Etruscan Museum of Villa Giulia, the Villa Adriana and Villa d'Este in Tivoli, etc...). Not surprisingly, the upgrading of such a significant number of the main state museums and sites - which is deemed to imply a separation from their original territorial context, as well as from the related Soprintendenze - is also causing much controversy among heritage professionals, notably as far as the further fragmentation of the former, wide reaching Rome soprintendenza for antiquities into so many autonomous - thus independent and among them disconnected - museums and archaeological sites is concerned.

Besides MiBACT, the other ministries also involved in cultural matters are the following:

The Prime Minister's Office

The responsibilities for the allocation of financial support to the press, and for the conventions related to RAI (the state agency for radio and television) for providing additional public services - broadcasting abroad, etc...- are exercised by the Department for Information and Publishing of the Prime Minister's Office, headed by an Undersecretary of State for Information, and Publishing.

The Ministry of Economic Development

After the abolition in 2008 of the Ministry for Communications - responsible for media and ICT regulatory functions as well as for financial support to local radios and television networks - responsibility for communications has been entrusted to an Under Secretary for Communications, attached to the Ministry for Economic Development. Its regulatory functions are carried out jointly with AGCOM (Authority for Guarantees in Communications).

The Ministry of Foreign Affairs and International Cooperation

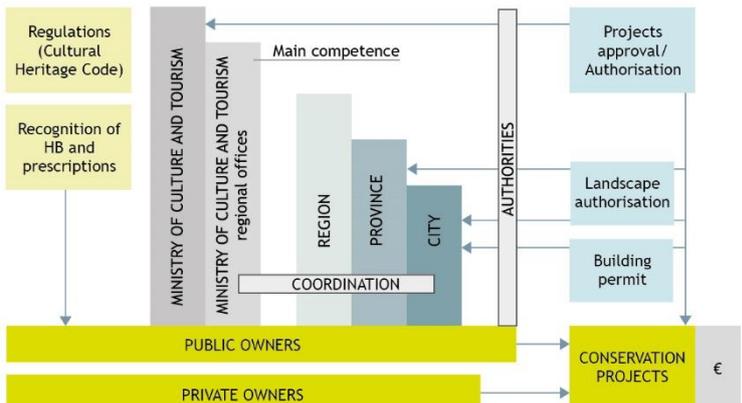
The Ministry's responsibilities for international cultural cooperation (exercised in cooperation with the Ministry of Heritage) are mostly entrusted to the Directorate Central for the Promotion of Italian Culture and Language, although other DGs, and in particular the DG for Cooperation and Development, very active in heritage matters, are also involved.

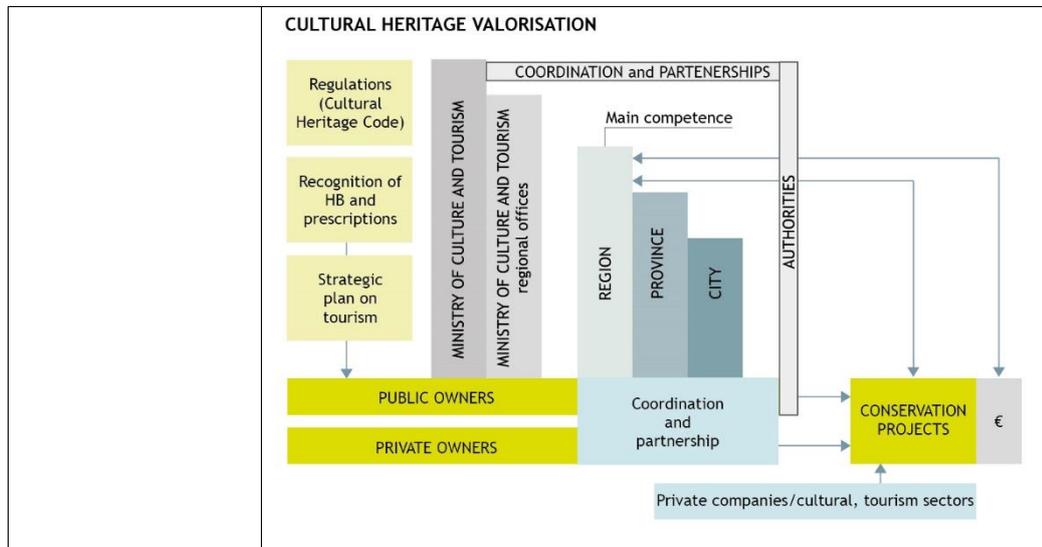
The Ministry of Education, University and Research

Through its DG for Higher Arts, Music and Dance Education, the Ministry is responsible for higher arts education, which is provided in its national Fine Art Academies, in the National Drama Academy and the National Dance Academy, and in the music conservatories. It also runs several other educational institutes providing diplomas in artistic and musical training.

LEGISLATIVE FUNCTIONS

State legislative functions in the cultural field lie presently with the Chamber of Deputies and the Senate, and are notably exercised through their Cultural Commissions. It should actually be mentioned that, at the end of 2015, the Senate has undergone a wide reaching reform process, which will not be enacted - though - until confirmed by a referendum to be held in autumn 2016.

	<p>Besides the specific legislation in cultural matters, the yearly adoption of the Budget Law presently allows both Chambers to play a relevant role in the funding system, as the Parliamentary debates on this law often produce heated discussions on the pros and cons of public financing of culture. These debates can lead, on one hand, to the integration of statutory cultural budgets with additional funding from other sources - e.g. with lottery money (Budget Law for 1997), or with the 3% of capital investment in infrastructure (Budget Law for 2004) - on the other hand, more and more often in recent times, to cuts in budget line items and / or to austerity measures. This has been the case with the most recent budget laws - now called Financial Stability Laws - and in particular with the one for 2011.</p>
<p>PROCESSES</p>	<p><u>Hierarchical and functional relations at national level</u></p> <p>The protection of the built heritage is at the head of the MIBACT through a pure authorization approach. Conservation policy is not supported by a dedicated budget item, so it is not a funded policy. The conservation is therefore left to the initiative of the owner (public or private) and there is no strategic planning at the central level, therefore we proceed to leopard scrub, without an order of priority based on the relevance of the assets.</p> <p>Instead, the valorisation mechanisms are located at territorial and local level, also through collaboration and partnership mechanisms. Regions usually provide funding mechanisms or dedicated rotation funds.</p> <p>Four levels of government (State, Regions, Provinces and Municipalities) share responsibilities in the cultural field.</p> <p>Heritage protection (tutela) is actually listed among the cultural responsibilities to be retained by the State, with few exceptions listed in art.5 of Cultural Heritage and Landscape Code (D.Lgs. 2212004 n. 42), the National Law for the safeguard of the Italian cultural heritage. Regions, Municipalities, Metropolitan Areas and Provinces shall cooperate with the Ministry in the exercise of its protection functions. According to the so-called "Devolution Laws " adopted in the late 1990s, and to Constitutional Law 3/2001, ordinary regions have "concurrent legislative powers" with the State as far as enhancing (valorizzazione) the heritage is concerned. ("valorizzazione" refers to activities aimed at promoting knowledge of cultural heritage and ensuring the best conditions for the utilization and public enjoyment of the same heritage).</p> <p>CULTURAL HERITAGE CONSERVATION</p>  <pre> graph TD subgraph "Regulations and Recognition" R1[Regulations (Cultural Heritage Code)] R2[Recognition of HB and prescriptions] end subgraph "Main Competence" M1[MINISTRY OF CULTURE AND TOURISM] M2[MINISTRY OF CULTURE AND TOURISM regional offices] end subgraph "Territorial Levels" T1[REGION] T2[PROVINCE] T3[CITY] end subgraph "Authorities" A[AUTHORITIES] end subgraph "Process Flow" P1[Projects approval/ Authorisation] P2[Landscape authorisation] P3[Building permit] end subgraph "Ownership and Funding" O1[PUBLIC OWNERS] O2[PRIVATE OWNERS] C[CONSERVATION PROJECTS €] end R1 --> M1 R2 --> M1 M1 --> M2 M2 --> T1 M2 --> T2 M2 --> T3 T1 --> A T2 --> A T3 --> A A --> P1 A --> P2 A --> P3 O1 --> C O2 --> C P1 --> C P2 --> C P3 --> C </pre>



B.1.4. Local governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p>In addition to the urban planning instruments, the Municipalities can provide conservation and valorisation programs, like:</p> <ul style="list-style-type: none"> • mandate's program • triennial plan of public works • UNESCO management plans • operative plan of urban requalification • district's contract • special projects <p>Example of mandate's program of the municipality of mantua From the mandate lines:</p> <ul style="list-style-type: none"> • Reorganization, development, promotion of the museum system and enhancement of the historical and artistic heritage of the Municipality • Development and enhancement of cultural events and activities and their integrated planning • Restoration and enhancement of historical and artistic heritage • Relaunch of cultural institutions and cooperation's relationships • Qualify the Mantua and Sabbioneta World Heritage site • Digitization of the artistic, architectural and cultural heritage of Mantua
<p>SUBJECTS list main involved organisations and describe</p>	<p>THE REGIONS The twenty Italian Regions - all endowed with legislative powers and ad hoc administrative structures in the cultural sector (regional departments for culture / "assessorati regionali alla cultura", in some cases associated with other domains like education and tourism) - are split into two groups:</p> <ul style="list-style-type: none"> • five autonomous regions, created in the post-war period and endowed with more extended competencies in the cultural field. It is important to note that, out of these five autonomous regions, according to their statutory laws, three - Valle d'Aosta, Sicily, and

	<p>Trentino Alto Adige - also exercise, through their decentralised Soprintendenze, exclusive and direct legislative and administrative responsibility for their own heritage assets, including the previous "national", now "regional", museums and sites (the devolution of functions by the state took place in the late 1970s). Therefore, in these three regions there are no state Regional Directions for Cultural Goods and Landscape;</p> <ul style="list-style-type: none"> • fifteen ordinary regions, established in 1972, whose cultural competencies were initially limited by the Constitution (Article 117) to the supervision and financial support of local museums and libraries. The subsequent devolution of responsibilities for "cultural promotion of local interest" (Law 616, 1977), although falling short to meet their demand for more cultural decentralisation, came as a partial acknowledgement of their active commitment in the field, the formula being vague enough to eventually allow the Regions to legislate on a fairly wide range of cultural disciplines. According to the subsequent so-called "Devolution Laws" adopted in the late 1990s, and to Constitutional Law 3/2001, ordinary regions have now "concurrent legislative powers" with the state as far as managing and enhancing the heritage and cultural activities are concerned. <p>Unfortunately, for the time being, Istat is not able to collect comprehensive data on their cultural expenditure, as regional budgets are only now being standardised. In 2000 - the last year for which an ad hoc survey on the actual regional expenditure for culture based on their final accounts was carried out (see Rapporto sull'Economia della Cultura in Italia 1990-2000) - such expenditure amounted to 780 million EUR, about half way between the expenditure of the provinces and the municipalities (see further). It should also be noted that the biggest share of such expenditure (57%) was made available by the five autonomous regions.</p> <p>Official representation of regional interests - in cultural, as in any other matter - is entrusted to the State-Regions Conference. Within this framework, the heads of the regional departments for culture regularly meet to discuss issues of common interest in the framework of two special coordination committees, the Interregional committee for cultural goods and the Interregional committee for the performing arts, also acting as lobbying organisations, pursuing institutional reforms towards a full implementation of a more federal governance structure in the cultural field.</p> <p>THE PROVINCES</p> <p>The 107 Italian Provinces have always been the level of government least involved in cultural policy: their total expenditure for culture in 2013 of 131 million EUR, mainly allocated to archives and libraries, nearly halved since the 2008 financial crisis, and was fifteen times less than the amount of municipal expenditure in the same year (see further).</p> <p>The only exception to the rule are the two rich Autonomous Provinces of Trento and Bolzano, which Regione Trentino-Alto Adige (see chart 3) has entrusted with its own cultural competencies devolved by the state (including direct responsibility for heritage), as well as with the connected very substantial financial resources, which are therefore taken into account under the regional expenditure for culture.</p> <p>As far as the ordinary provinces are concerned, it should be mentioned that according to Law 1429B amending our Constitution - adopted by both parliaments, and awaiting submission to referendum in autumn</p>
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	<p>2016 - the provinces should be abolished. Their functions may be reallocated to the other three levels of government, in line with the so called "spending review", aimed at the downgrading of our public expenditure to reduce Italy's huge deficit. What will happen with the provincial culture related functions - mainly concerning archives and libraries as well as their role of intermediating bodies between the regions and the municipalities for the allocation of funds to cultural activities - has not yet been finally established.</p> <p>THE MUNICIPALITIES Along with the state, the 8 101 municipalities are by now undoubtedly the most prominent public actors and funding source in Italy's cultural scene, so much so that, notwithstanding the cuts undergone since 2008 (-19%), the total amount of their expenditure for culture in 2013 - 1 990 million EUR (ISTAT data).- was still substantially higher than the expenditure by MIBACT itself for the same year: 1 609 million EUR.</p> <p>Through their municipal departments for culture / "assessorati comunali alla cultura", they play a paramount role in the direct and indirect management of municipal cultural institutions: museums and sites, archives, libraries, theatres, multifunctional cultural centres, etc.</p> <p>Italian municipalities are also investing highly in the restoration and maintenance of their historic assets, albeit under the supervision of the Ministry, and in building cultural premises, with special attention given, in the early 2000s, to capital investment in modern and contemporary art museums and in performing arts centres (see for instance the new MACRO - Museo Arte Contemporanea in Rome, the GAM in Turin, the GAMEC in Bergamo, the MART in Rovereto, the Museo del Novecento in Milan, and the Three Halls Auditorium by Renzo Piano in Rome.).</p> <p>Municipalities also promote and support a wide range of cultural activities, actively contributing to the rich national supply of art exhibitions, performing arts festivals, literature festivals, street events, White Nights (Notti Bianche), cultural minorities' celebrations, etc.</p>
<p>PROCESSES</p>	<p>BUILDING TRANSFORMATION: Design and construction supervision. According to the legislation currently in force (R.D. 23/10/1925 No. 2537, Article 52) restoration and restoration of buildings burdened by the constraint of historical or artistic interest are "due to the profession of architect, but the technical part can be accomplished as much by the architect as by the engineer". Authorization: see chapter 2</p> <p>PREVENTIVE AND PROGRAMMED CONSERVATION PLANS (FOR SINGLE HERITAGE PIECES OR HBA): maximising the permanency of structures and materials, controlling their deterioration as far as is possible (whether natural or pathological), acknowledgment with the Cultural Heritage and Landscape Code, and confirmation through the Contracts Code in public works as well, Lack of operative pathways with procedures, operating instructions, forms, data systems, as efficient work tools capable of governing decisional and control procedures, managing information, knowledge</p>

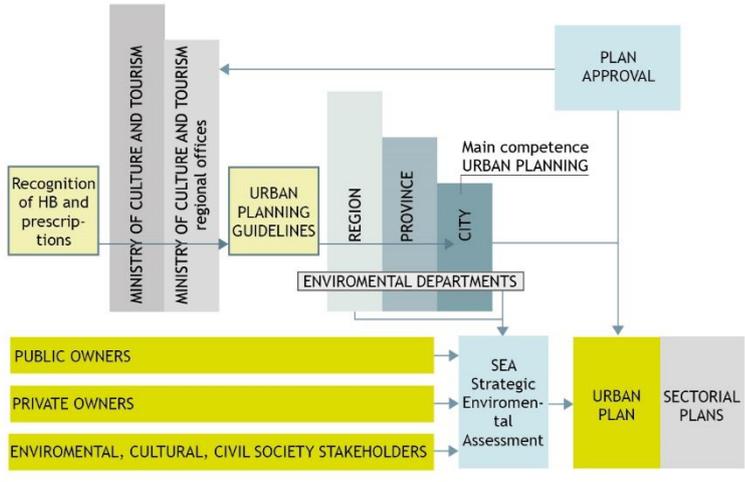
	and feedback, and providing objective evidence” (Cecchi and Gasparoli, 2010).
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B.2. Urban planning and HBA

B.2.1. National/main governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Cultural Built Heritage reference within the territorial/urban planning legal framework</u></p> <p>Starting from 1942, the Italian urban planning legislation is characterized by an overlapping of norms that are not always exclusively related to urban planning, which have modified but did not replace the previous ones, creating a corpus that has never come to constitute a single text. Furthermore, the debate on the need for "urban reform", never launched by the Parliament, has been constant since the 1960s. The main stages of this evolution were:</p> <p>Law 17.8.1942, n. 1150 - National Urban Planning Law. Discipline «the structure and growth of buildings and urban development in general in the territory of the Republic». It prescribes "the renewal and expansion of buildings in cities, respect for traditional features, to promote disorganization and to curb the tendency towards urbanism". The new law established, among other things, the General Regulatory Plan (PRG) which regulates, even today, the entire municipal territory. The system of Law 1150/42 provides a system of territorial planning articulated on three hierarchical levels:</p> <ul style="list-style-type: none"> *supra-municipal planning, traces the general lines of land use - Territorial Regulatory Plans (PRT) *municipal planning, regulates the organization of the municipal territory - Municipal Regulatory Plans (PRC) *implementation planning, allows intervention on individual building uses - Rules and Standards for building activities(NACE) <p>The detailed PLAN is an implementation tool of the Municipal Planning Plan. It prescribes the rules and parameters to be followed in the interventions to be carried out.</p> <p>Law 6.8.1967, n. 765 - Modifies and complements the Urban Planning Law 1150 of 1942. Called "Bridge Law": It extends the obligation of the building permit to the whole municipal territory and the subordination to the existence of the urbanization works. It drastically limits the building activity in the municipalities without the PRG and in those provided with the subordination to the approval of the detailed plans and the subdivision plans.</p> <p>Interministerial Decree 2.4.1968, n. 1444 - Mandatory limits of building density, height, distance between buildings and relationships between spaces intended for residential and productive settlements and public or private spaces to collective activities, public parks or car parks. It fixes the characteristics of the homogeneous zones (A, B, C, D, E, F) and the quantities of the urban planning standards. From this moment on, the areas of the municipal territory characterized by "urban conglomerates with historical, artistic and particular</p>
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	<p>environmental value or portions of them, including the surrounding areas, which can be considered an integral part... of the agglomerations themselves. » were made to coincide summarily with the homogeneous territorial “zone A”.</p> <p>It should be emphasized that, contrary to what is prescribed by the Gubbio Charter, the perimetrization of the historical centers, coinciding with the zones A, is not based on preliminary studies and research but is reduced to a bargaining between the political forces in the elaboration of the PRG, with the result that in many administrations the aim was to reduce to a minimum the extent of these areas, due to the greater constraints contained in the Decree of 1968.</p> <p>Law 28.1.1977, n. 10 - Rules for the construction of soils (so-called “Law Bucalossi”). Introduces the institute of burdensome concession (former building permit), the obligation of Multi-annual Implementation Programs (PPA - 3/5 years) that establish where, how and when to build in the Regulatory Plan. Increase indemnity of expropriation of Law 865/71.</p> <p>Law 1978, n. 457: Law aimed at redeeming particularly degraded areas of historic centers and solving the problem of scarce availability of housing.</p> <p>It is therefore not suitable for the management of the ancient building heritage, as it does not distinguish it from the contemporary one, it is subject to the same operational categories, and does not consider the complexity of the real and multiple intervention variables that it requires, with a non-respectful approach of the principles of conservation. This law, together with all the existing rules on the subject, was reunited in 1999, in the decree n. 490, “Consolidated Law on Cultural and Environmental Heritage”, updated again in 2001, with the D.P.R. n. 380, “Consolidated text of the laws and regulations on building”.</p> <p>Article 3 (L) defines the building interventions, updating article 31 of the law n. 457 of 1978 which established the admissible categories of intervention:</p> <ul style="list-style-type: none"> - ordinary maintenance; - Extraordinary maintenance; - conservative restoration; - building renovation; - urban refurbishment. <p>The Law 457/78 also establishes the areas of recovery: areas identified within the municipal territory, where “due to the conditions of deterioration, it is appropriate to recover the existing building and urban heritage through interventions aimed at conservation, rehabilitation, reconstruction and better use of the heritage itself. These zones may include individual buildings, building complexes, blocks and areas, as well as buildings to be used for equipment”.</p> <p>These areas may differ from those identified by zone A of the historical center, determined according to the law 765/1967.</p> <p>The protection instrument that regulates these areas is the Recovery Plan, which provides for “the discipline for the recovery of buildings, building complexes, blocks and areas (...), also through urban renewal measures, identifying the minimum units. intervention ».</p> <p>Recovery plans serve as a detailed plan and are aimed at regulating interventions on existing building complexes without altering the urban structure of the area concerned</p> <p>Law 8.8.1985, n. 431 - Conversion into law of Decree Law 312/85 (so-called Galasso), containing urgent provisions for the protection of the areas of particular environmental interest. Landscape plans by the Regions</p>
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	<p>in a year. It protects the banks of rivers, regional parks, glaciers, and coasts marine, woods and reserves. <u>In general, the Urban Planning laws are structured to manage new building areas and not existing built areas.</u></p>
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in for territorial/urban planning</u></p> <p>Different Ministries (Territorial planning, infrastructure, Environment, Landscape, Cultural Heritage)</p> <p>Italian National Institute of Planning - Istituto Nazionale di Urbanistica (INU) The INU was founded in 1930 with the aim of studying the technical, economic and social issues related to the development of urban centers and discuss issues concerning the organization and functioning of public services of a municipality. The INU collaborates with the central government and local authorities in the study and solution of urban problems and building, and liaises with organizations or similar bodies in various countries. The INU is a member of the European Council of Town Planners. The INU is divided into Committees and National Study Groups, to promote and encourage the development of studies and research in specific subject areas, such as: Environment/ Energy/Climate/Consumption of Soil; Landscape and Quality of the Project; Cooperation and Coordination Territorial Development; Operating Plan and Resources of the City; Participation; Policies; Infrastructures; Rating of Plans and Programs for the Government of the Territory; Contemporary City; Housing Policies; Public Spaces.</p>
<p>PROCESSES</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making/ implementation of territorial planning with relevance for HBA</u> CULTURAL HERITAGE AND URBAN PLANNING</p>  <p>The diagram illustrates the process flow for urban planning with cultural heritage relevance. It starts with 'Recognition of HB and prescriptions' leading to the 'MINISTRY OF CULTURE AND TOURISM' and 'MINISTRY OF CULTURE AND TOURISM regional offices'. This leads to 'URBAN PLANNING GUIDELINES' at the 'REGION' level, then 'ENVIRONMENTAL DEPARTMENTS' at the 'PROVINCE' level, and finally 'Main competence URBAN PLANNING' at the 'CITY' level. 'ENVIRONMENTAL DEPARTMENTS' also have a direct link to 'PLAN APPROVAL'. 'PLAN APPROVAL' leads to 'URBAN PLAN' and 'SECTORIAL PLANS'. 'PUBLIC OWNERS', 'PRIVATE OWNERS', and 'ENVIRONMENTAL, CULTURAL, CIVIL SOCIETY STAKEHOLDERS' all contribute to the 'SEA Strategic Environmental Assessment', which then informs the 'URBAN PLAN'.</p>

B.2.2. Local governance level

<p>LEGAL / POLICY/ STRATEGIC FRAMEWORK</p>	<p><u>Cultural Built Heritage reference within the regional/local legal framework for urban planning and main thematic /sector plans concerned with HBA</u></p> <p>In January 1972 (Presidential Decree 8 of January 15) the Regions inherited from the central state almost all powers in the field of Urban Planning.</p>
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations/departments/stakeholders involved in urban planning processes</u></p> <p>In Italy there are different urban plans. The Urban Plan is a real administrative act and generally consists of a preliminary report (that indicates the inspiring principles), implementation rules and graphic drawings. The Urban Plan for excellence is the General Regulatory Plan (or P. R. G.). The state law delegates the criteria and the approval of the P.R.G to the Regions or the Municipalities, according to the regional law on the topic.</p> <p>Often the Municipalities adopt implementing plans, defined as they are essentially made up of detailed or sector-specific urban development plans that meet specific needs, including: the detailed Plan (PP), the Recovery Plan (PdR), the Plan for the Popular Economic Residential buildings (PEEP) and the Plan for the Production settlements (PIP), the Urban Traffic Plan (PUT).</p> <p>The territorial fragmentation and the lack of coordination between the various urban planning instruments have in the past probably been one of the biggest obstacles to be faced for the discipline, as each planned intervention could be extended only within the legal territory of the plan (generally municipal), also if the effects of the intervention, with the advent of more recent regulations, have regulated the urban planning that has attempted to harmonize classifying the urban planning instruments in order to constitute an address for all the Municipalities falling within a given territory and, overall, regional level among the individual Provinces. In fact, the planning tools are hierarchically ordered in the following descending order:</p> <ul style="list-style-type: none"> • Regional Territorial Plan PTR or Regional Landscape Plan PPR (regional competence) • Provincial Territorial Coordination Plan PTCP (of provincial competence); • Strategic inter-municipal or municipal plan (of municipal competence) • General Regulatory Plan PRG or Municipal Urban Planning PUC or PdF Manufacturing Plan and related Town Planning Regulations (of municipal competence); • Implementation Plans: PP, PEEP, PIP, PUL etc. (of municipal competence); <p>The European Community has introduced tools to assess the environmental impacts of human activity on the territory:</p> <ul style="list-style-type: none"> • Strategic Environmental Assessment VAS for plans and programs, Directive 2001/42 / EC • EIA environmental impact assessment for projects, Directive 85/377 / EEC

	<p>acknowledged, in Italian law, with the Testo Unico Ambiente, or Codice dell'Ambiente.</p> <p>The supervision on the adoption and entry into force of the various instruments, prerogative of the Region, stops at the PRG, as the implementation plans can be considered a mere detail of the PRG.</p> <p>Voluntary governance tools at local level</p> <ol style="list-style-type: none"> 1. UNESCO MANAGEMENT PLAN: to be compiled for recognition into the World Heritage List, updated and monitored. describes how the exceptional value of the site will be protected. ensures an effective protection of the good, its transmission to future generations. the Management Plan must take into account the typological differences, characteristics and needs of the site, as well as the cultural and or natural context in which it is located. It can also incorporate existing planning systems and or other traditional ways of organizing and managing territories. 2. CULTURAL HERITAGE/HISTORIC CENTER DETAILED PLAN ANNEX TO THE URBAN PLAN: according to the instruments foreseen by the national laws, a Municipality could provide specific detailed plan to manage the transformations among the HBAs.
<p>PROCESSES AND TOOLS</p>	<p><u>Hierarchical and functional relations; main mechanisms for decision making/implementation of territorial planning with relevance for HBA; urban land instruments for preservation and maintenance of cultural heritage</u></p> <p>Within Urban Planning tools, which was implemented with the regulatory plans and which today are called Municipal Urban Plans (PUC), the historical centers correspond to the homogeneous territorial area identified by the letter "A": "It includes the parts of territory having urban agglomerations with historical, artistic and particular environmental value or from portions of them, including the surrounding areas, which can be considered an integral part of the agglomerations themselves. " (Article 2, paragraph 1, of the Interministerial Decree of 2 April 1968 No. 1444). That determines the following processes: HISTORIC BONDED BUILDINGS: the owner should present the request of building licence to the competent Municipal Office, following regulations of the Municipal Regulatory Plan, but has also to obtain the Authorization by the Ministerial Office (Soprintendenza) HISTORIC BUT NOT-BONDED BUILDINGS: the owner should present the request of building licence to the competent Municipal Office, following specific regulations of the Municipal Regulatory Plan. <u>As said before, after the Ministerial Circular (MiBACT 21/07/2017) it seems that for every intervention among historic built area is now mandatory to obtain the ministerial authorization, even if the specific building is not bonded by the Ministry.</u></p>

B.3. Environmental policies and HBA

B.3.1. Integrated approach or integration policies

Generally speaking, conservation/restoration and environmental sustainability seem two different worlds unable to talk each-other and find a common shared way to let evolve the HBAs without losses or side-effects.

Among the traditional Italian approach, HBA means essentially built, “mineral” stock, opposed to the environment, that means natural, organic system. This is the reason why the environmental laws and policies generally affect not-built contexts, or, in the most recent production, the building process of new stocks, as if the attention to the environmental aspects should represent a sort of “sorry”, a compensation for the construction of new built areas.

An important contribution to the evolution of this cultural approach was, in the last 15 years, the international attention to the concept of “landscape”, that in Italy became the way to open to a more general rethinking of the relationship between “environment” and “anthropic sphere”, between “natural” and “built”. In a territorial situation like the Italian one, where every “landscape” is in fact “built”, where every HBA represents a “built environment” that has been balanced through the centuries the human needs and desires with the natural conditions and opportunities, talking about “HBA conservation” and “HBA sustainability” represent two side of the same coin, two different points of view looking at the same goal.

This awareness is now shifting from the academic, scientific discussion to the legislative and design approach, but the way is still long and we are still at the very beginning of the process. The reasons of conservation and respect of the historic material matter as well as of the historic “looking” of HBAs have still to be mediated with the reasons of energy efficiency, climate adaptation, environmental comfort etc.

Generally speaking, due to the impossibility to find a legislative or procedural agreement on the topic, till now the HBAs are a sort of “*exception*”, a sort of “*I would but I can not*”, where is impossible to apply the same regulations and techniques used for new buildings as well as to give up increasing their sustainability, because they represent more than 40% of the Italian urbanized territory.

The only way to find a solution to this impasse is to evaluate the level of sustainability of the HBAs in a different way, considering not only the environmental, ecological aspects applicable to the new stocks, but rather a mix of environmental, economic, social components, where the different elements balance out each other. Maybe for the Italian situation it will be impossible to have a “near 0 energy restored building” inside a HBA, but the energy consumption and, more in general, the global sustainability of a restored, vital HBA could become higher than the one of a new neighborhood made by Near 0-buildings.

B.3.2. Thematic policies and strategic plans

Italy has a high natural capital with its coasts, mountain and natural areas, as well as an unparalleled urban heritage. Nevertheless, environmental implementation is a challenge with high regional variations in water and waste management. As regards resource efficiency, Italy is pioneering voluntary agreements, and has one of the highest levels of Eco-Management and Audit Schemes and Ecolabels in the EU. The adoption of the ‘Collegato Ambientale’ at the end of 2015 was a major step forward towards environmental integration in the economy.

Italy strengthened its environmental legislation and policies, largely within the framework of EU and international commitments. In many cases, Italian environmental policies anticipated EU requirements, in areas such as river basin management and waste treatment. The 2006 Environmental Code consolidated several environmental acts, transposed a number of outstanding EU Directives, established key principles of good environmental management, simplified many regulations, and specified procedures to strengthen implementation.

The main challenges Italy faces with regard to implementing EU environmental policy and law are⁶³:

- Improving waste management and water infrastructure, including wastewater treatment, which are persistent concerns particularly in southern Italy.
- Improving the management of land use, flooding and air pollution in the centre and northern regions.
- Designating the remaining Special Areas of Conservation (SACs); and improving the conservation status of habitats and species of EU interest by fully implementing the Natura 2000 instruments, using the regional Prioritised Action Frameworks to ensure better integration of EU funds and more strategic planning for investments.

With relatively modest efforts Italy could perform better on issues where a sound knowledge base and good practices already exist. This applies in particular to:

- Taking the opportunities for European Investment Bank loans and environmental investment with European Structural and Investment Fund (ESIF) support and the European Fund for Strategic Investments. ESIF support can increase the quality and efficiency of public administration to develop a better model of environmental governance.
- Using the proposed Green Act and the Committee on Environmental Taxation to make wide-ranging proposals.
- Using the Integrated Project ‘GESTIRE 2020’ (to update the Lombardy Natura 2000 Prioritised Action Framework) as an example for other Italian regions.

⁶³ http://ec.europa.eu/environment/eir/pdf/factsheet_it_en.pdf

B.3.3. National/main governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Reference to Cultural Built Heritage within the legal framework for environmental protection, efficient use of resources or sustainability</u></p> <p>In the Constitution we speak of "protection" of the landscape (art.9), of "protection" of the environment, of the ecosystem and of cultural heritage (art.117, paragraph 2, lett.). There is no legislative definition of the notion of environment and it is the Constitutional Court which, with sentences n.378 / 2007 and n.104 / 2008, has adopted the notion, used in the Stockholm Declaration of 1972, according to which for " environment and ecosystem "must be understood that part of" biosphere "that concerns the entire national territory.</p> <p>With the sentence n.225 of 2009 the same Constitutional Court then specified that the environment is "matter" to itself, not transversal, of the State and is determined by the constitutional purpose of "conservation" and then by its natural substrate: it has to a specific object is the "material good", the biosphere, which includes the vital interests of individuals, understood as persons and citizens. In the Directive of 27 June 1985 85/337 / EEC on the EIA, the environment is intended as an object to be protected consisting of man, fauna, flora, soil, water, air, climate, landscape, cultural heritage, a broad concept that has been transposed in the art.4 of the legislative decree n.152 of 2006.</p> <p>TESTO UNICO AMBIENTE d.lgs 152/06 e smi: the code of the environment contains general principles expressly applicable to cultural heritage that is the object of the distinct and specific discipline referred to in the Code of Cultural Heritage and Landscape. The art.3-ter in defining the principle of environmental action speaks not only of the protection of the environment and natural ecosystems, but also of the protection of cultural heritage, as well as the subsequent article 3-quater, concerning the principle of sustainable development, provides that, in application of the aforementioned principle, the activity of the public administration "must be finalized" to give "priority consideration ... to the protection of the environment and cultural heritage". With the sentence n.367 of 2007, the Constitutional Court ruled that "environmental and landscape protection, weighing on a complex and unitary good, considered by the constitutional jurisprudence a primary and absolute value, and falling within the exclusive competence of the State, precedes and however constitutes a limit to the protection of other public interests assigned to the competing competencies of the Regions. The object of the protection of the landscape, according to the Court, is not constituted by "natural beauties", but "from the whole of things, material goods and their compositions" that insist on a territory and determine its historical-geographical conformation. The Court, therefore, between the two theses, the one that leads the protection of the landscape to the matter "cultural heritage" and that which brings it back to the "environment", has opted for the latter. But the environmental perspective does not exclude, however, the identity-cultural value.</p> <p>The National Strategy for Adaptation to Climate Change (SNAC), approved by Directorial Decree n. 86 of 16 June 2015, identifies the main impacts of climate change for a number of socio-economic and natural sectors and proposes adaptation actions. In May 2016, the</p>
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	<p>National Plan for Adaptation to Climate Change (PNACC) was launched to boost the implementation of the SNAC.</p> <p>The PNACC aims to:</p> <ul style="list-style-type: none"> • identify the priority adaptation actions for the key areas identified in the SNAC, specifying the timelines and those responsible for implementing the actions; • provide indications to improve the exploitation of any opportunities; • encourage coordination of actions at different levels. <p>Identifying actions and planning actions consistent with adaptation strategies is of particular interest and urgency: some good practices are available in this regard, implemented through European projects. The Knowledge Platform identifies these good practices, encouraging exchange and dissemination, with the aim of promoting greater planning skills.</p>
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations involved in environmental protection, efficient use of resources or sustainability</u></p> <p>In Italy the following national institutions are involved in environmental protection:</p> <ol style="list-style-type: none"> 1. The Ministry of the Environment and of the protection of the territory and of the sea; The Ministry for the Environment was established in 1986 and has become the political and administrative point of reference for all actions to safeguard the territory. Moreover, with the institutional law of the Ministry, three fundamental principles have been established: <ul style="list-style-type: none"> • the first establishes that the damage caused to the environment affects the whole community, for which the State and the other public bodies have the obligation to impose compensation on the part of the polluter; • the second is that every citizen and environmental associations have the right to denounce acts that damage the environment; • the third is that every public work, be it the construction of a road or a building, can be allowed only after having assessed its compatibility with the environment (the so-called "environmental impact"), which must be verified through precise assessments technicians. 2. ISPRA, Institute for Environmental Protection and Research, created in 2008 following the merger of the APAT (Agency for Environmental Protection and Technical Services) with other institutes (the INFS on wildlife and 'ICRAM on the sea); ISPRA is part of a network known as National System for Environmental Protection, which is made up of 21 Territorial Environmental Protection Agencies (ARPA / APPA), established by Regional Laws. It's an example of consolidated federal system, which combines the direct knowledge of the territory and its issues with the national policies for environmental protection, so as to become an institutional and technical-scientific reference point for the whole country. The establishment of ISPRA fosters the cohesion of the system, while respecting the territorial differences, and promotes the collaboration and the consistent addressing of environmental themes.

	<p>In fact, since the establishment of the first regional agencies, there was a clear need to create occasions and spaces for discussion and debate among the ARPA / APPA, in order to promote a coordinated development. For this reason the law establishing APAT, then ISPRA, provided for a Federal Council, chaired by the President of ISPRA and formed by ISPRA's Director General and by the legal representatives of each ARPA / APPA, with consultive functions on the agreement between the ISPRA and the Ministry of Environment, with particular regard to the allocation of funding and the use of resources, to the technical and operational methodologies used by ARPA / APPA.</p> <p>3. Environmental associations, for example Legambiente, WWF, Ambiente e Lavoro, are committed to disseminating information on the environment of our country and its numerous problems.</p>
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B.3.4. Local governance level

<p>LEGAL FRAMEWORK Main legislation, including adoption of international Conventions</p>	<p><u>Reference to Cultural Built Heritage within the regional/local legal framework environmental protection, efficient use of resources or sustainability</u></p> <p>Every Region could autonomously define instruments and policies regarding environmental issues, according to the national legal framework. In fact, rarely they have directly relationships with HBAs management. As example, the Emilia-Romagna Region has developed the following Plans, that have effects also on HBAs.</p> <p>STRATEGIC TRANSVERSAL PLAN</p> <p><i>Regional Territorial Plan - PTR</i></p> <p>The Regional Territorial Plan is a planning tool that aim to ensure development and social cohesion, to enhance the competitiveness of the regional territorial system, to make sure the qualification and the improvement of social and environmental resources. The plan is the reference for the sector policies, for the collaboration between research institutions, for consultation with the social and economic forces, as well as for businesses and citizens choices. The strategies of PTR concerned conservation, re-use and regeneration of the territorial capital, which is the attractive quality of the cities and territories of the region. PTR is declined through "large innovative projects" referred to the dimensions of the territorial capital: cognitive, social, infrastructure and for ecosystem and landscape, linked to objectives of quality, efficiency and identity. It has a transversal and integrated configuration strategy that combine social and economic cohesion to the issue of sustainability. Among the integrated strategies for cognitive capital, there are the development of a widespread system of knowledge and learning processes based on the integration between all the actors of the education and training system in dialogue with the economic system for the promotion of innovative research to improve the positioning of Emilia-Romagna through the challenges of innovation in processes and products. In addition, particular attention is paid to sustainable territory management with regard to risks related to climate change. In particular for infrastructure and ecosystem actions the PTR focuses on air quality of urban areas and use of</p>
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energy with low consumption and emission. The objectives of PTR are in agreement with EU targets related to climate change and clean energy, pursued through the achievement of the goals linked to the use of renewable energy and the reducing emissions of greenhouse gases.

SECTORAL AND IMPLEMENTATION PLANS

Regional Integrated Air Plan - PAIR

In July 2014 the Regional Government has also adopted the first Air Quality Regional Plan (PAIR 2020) aiming at reducing polluting emissions so well as ghg emissions, through a set of measures focused on cities, sustainable mobility, energy efficiency, renewables, agriculture, gpp. PAIR is the first regional plan adopted in Emilia-Romagna for the improvement of air quality, which builds on the experience developed through the program agreement signed since 2002 between Region, Provinces and Municipalities to strengthen and expand measures with the aim of passing from an emergency approach to a structural change of strategy. The set of actions initiated by the Region and Local Governments in recent years has enabled them to achieve significant results, also measurable in the downward trend of the main pollutants, but not sufficient to ensure compliance with the limits established by the European Union. To act with more efficiency on the complex processes that lead to the overcoming of the limits, it is necessary to adapt plans more appropriate for the territorial scale, in this case the regional one, also considering the strategic role played by local authorities in the implementation of the measures. The Plan has an horizon of strategic reference from today to 2020 (with a monitoring intermediate expected for 2017) and will be updated as necessary in the face of significant change in activities that affect the concentration of pollutants in the air. There are 90 actions to reduce air pollution identified by the PAIR, with which the Region has planned all the necessary measures to meet the limit values set by the EU by 2020. The measures cover all emission sources involving citizens and institutions, companies and associations, and are divided into five main areas of intervention: the city planning and land use, mobility, energy, agriculture and manufacturing activities. The key word in this process is integration: sectoral integration, integration of resources, territorial integration, integration between levels of government territory. The period in which the plan is active is in line with strategic opportunities for synergies between sectoral policies, placing it at the beginning of the seven years of the 2014-2020 programming period of the Structural Funds and European Investment parallel with the adoption of the Regional Operational Programmes. The corresponding processing of these tools gives to the Region the opportunity to maximize the synergies between the various plans and programs through the identification of measures of type "win-win", such as those on energy efficiency, sustainable mobility, reducing emissions from the activities zootechnical, allowing the possibility to achieve air quality standards set by the EU. On the basis of the assessments made by the cognitive framework, in relation to situations of exceeding the limit values, emission contributions of the different sectors and regions, the study of air quality and emissions scenarios, it has been identified areas of intervention and measures connected with them on which the plan must address its priority actions, requirements and resources. The priority action areas identified for achieving the air

quality objectives are the city planning and land use, transport and mobility, energy, productive activities, agriculture, Green Public Procurement. A specific focus is restricted to the territorial city, where is concentrated the highest population density and therefore the majority of the population exposed to values above the allowed limit, with a cross-sectoral approach to the issues mentioned above that characterize the activities in urban areas.

Environment Action Plan - PAA

The Environmental Action Plan adopts the perspective of sustainable development for the Emilia-Romagna through activities to be implemented in all areas of interventions considering the EU framework in the environment filed. The document contains the description of the main environmental problems of the region, the definition of objectives, issues of intervention, tools, actors involved in its implementation, methods of management and the indication of the financial resources available. There are two strategic objectives: the need to reduce the vulnerability of the system ensuring the environmental safety of the territory and the promotion of responsible and proactive behaviour related to environment protection for citizens, producers and consumers. Specific objectives include those of biodiversity conservation, waste reduction and optimization of the management, as well as the integration between the actions of protection and the enhancement of biodiversity also according to the objectives contained in the new PTR; The PAA aims to create synergies with the PTR, the plan climate and other instruments put in place by the region on issues related to climate change. In particular balance policies for energy production from renewable sources and the containment and reduction of greenhouse gas emissions in line with Kyoto targets and the so-called "20-20-20 Package". This is achieved through the development of regional research and training in the field of energy, the green economy and qualification of production system and agricultural sector, but also through the urban, territorial and building qualification, the promotion of sustainable mobility, the use of renewable energy sources through appropriate technologies to minimize their environmental impacts.

Climate Plan - CP

The Climate Plan is intended as a transversal plane of different policies that proposes measures and projects aimed at the reduction of GHG emissions in the administrative territory. The plan aims to define and promote a methodology used by all local authorities at the regional level in order to have a homogeneous and comparable system, but also to provide useful guidance for the development of interventions at the regional level with the quantitative determination of reduction targets of gas emissions. In 2010 was launched the initiative called "Climate Plans in Emilia-Romagna" which commits the provinces and cities in the construction and implementation of their own territorial climate plans, or implementation of local policies aimed at reducing greenhouse gas emissions. The goal is to follow a shared vision that includes several progressive stages, from the construction of the cognitive framework and the implementation of the measures to the monitoring and reporting of results.

Regional Energy Plan - PER

The energy plan of the of the Emilia-Romagna Region (the first in Italy to tackle the complexity of the energy topic) comes from the Regional Law n. 26 of 23 December 2004 and is carried out through

the three-year plans for implementation. The objectives are the efficient use and conservation of energy, the development of renewable energy and the upgrading of the electrical system, but also new technologies in the industry, energy certification of buildings and the development of energy management services. Among the main objectives of the PER there are, both at regional and local level, the reduction of pollutant emissions and greenhouse-gas and ensure correct conditions for environmental, landscape and territorial energy activities; the promotion of the energy performance improvement for urban systems, buildings and equipment, production processes and the engagement of national targets for limit emissions of pollutants and greenhouse gases set by the Kyoto Protocol on climate change.

Regional Integrated Transport Plan - PRIT

The Regional Law n. 30 of 1998 (General Rules of the regional public transport and local) identifies the PRIT as the main planning tool for the establishment of regional guidelines and directives for policies on mobility and sets out the main actions and priority measures to be pursued in the different areas of intervention. Among the objectives of the PRIT there is the definition of a policy framework that allows to transform the regional economy in an environment friendly system through a package of measures for transport sector to tackle climate change goals and restore and protect the quality of air. For the energy issue transport sector play a relevant role and for the achievement of specific targets with regard to greenhouse gas emissions, energy consumption and use of renewable sources.

Water Protection Plan - PTA

The Regional Plan for water protection is the tool to achieve the environmental quality objectives for inland and coastal waters and to ensure a sustainable water supply in the long term, according to the provisions of the national and European standards. The main goal of the PTA is to assess the deviation of actual environmental situation from the objectives to be achieved in future. Among the main objectives there is the infrastructural actions with low environmental impact to engage in a better way problems and situations of potential water stress. The possibility to face extreme events such as droughts and floods is the strategic objective which also takes into account the significant regional climate change scenarios that are changing hydrometeorological situations in the future.

Integrated Coastal Zone Management Program - PGIZC

The plan for the integrated management of coastal areas is the tool of the Region of Emilia-Romagna, for the definition of objectives and actions in nine strategic sectors: tourism, coastal protection, water management, port facilities and maritime transport, protection of natural habitats, fisheries and aquaculture, sustainable agriculture, energy policies, settlement and mobility. The aim is to protect coastal system against the increasing pressure from human activities and to redirect all activities that have an effect on the coast of Emilia-Romagna to the environmental, economic and social sustainability. The PGIZC program of the Emilia-Romagna recognizes as the competition between local systems on the global market highlights the environmental quality as one of the key factors of success together with the innovation and the social factors. Coastal development necessarily involves sustainability, which means for coastal areas, according to the

International Panel on Climate Change of the United Nations, the need to avoid a rise of sea levels and temperature, the appearance of pathogens, the radical change of ecosystems and biodiversity aggression, the saline intrusion and the coast desiccation. The goal is to ensure the sustainable development of coastal energy system, taking into account the commitments made by Italy with the signing of the Kyoto Protocol for the protection of the global climate and the reduction of emissions of greenhouse gases. Among the general objectives, there are the promotion of energy saving and the rational use of energy, the development and exploitation of renewable energy sources, the environmental compatibility and territorial integrity, and the security of production processes, transportation, distribution and energy use, assuring a balanced distribution of the plants in the coastal area.

Regional Waste Management Plan - PRGR

The Italian legislation (art. 199 of Legislative Decree D'152/06) requires to the regions to prepare and adopt the Regional Plans for Waste Management. These plans must be coordinated with other planning instruments of regional competence. In compliance with the objectives of sustainability, climate change mitigation and in agreement with the regional programs of protection of natural ecosystems, integration of biodiversity issues into planning tools, the PRGR deals with actions through this objective:

- reduction of municipal waste per capita generation and decrease of special waste dangerousness
- achievement of at least 70% recycling by 2020
- recycling of paper, metal, plastic, wood and glass for at least 60% in terms of weight
- increasing the recovery of organic waste for the production of quality compost
- energy recovery of waste fractions
- reducing the amount of waste sent for incineration
- equal geographical distribution of environmental burdens arising from waste management
- determination of criteria for the identification of areas not suitable for the location of waste treatment plants
- Approval of a regional plan for the reclamation of contaminated sites and of an environmental monitoring program

Flood Risk Management Plan - PGRA

The Directive 2007/60 / EC on the assessment and management of flood risk (transposed into Italian law by Legislative Decree 23 February 2010 No 49) aims to create a uniform framework at European level for the management of the alluvial phenomena and to reduce the risk of adverse consequences associated with floods especially for life and human health, environment, cultural heritage, economic activity and infrastructures. The PGRA is a long-term planning divided into three stages concatenated that provide for a preliminary assessment of flood risk, the elaboration of dangerousness maps and the preparation and implementation of management plans (by 2015). The Plan's goal is to take into account all aspects of flood risk management and in particular it will be focused on prevention and protection. At the current stage of development, the Emilia-Romagna Region has prepared maps of flood risk with attention to the following topics: identification of the hydrographic network of reference; watercourses dangerousness mapping, an analysis of current and future climate change and update of hydrological input; analysis of land use,

	<p>identification of exposed elements and assessment of vulnerability and risk.</p> <p>Programme for the Regional System of Protected Areas and Nature 2000 network sites</p> <p>The program of the regional system of protected areas and sites of the Nature 2000 network has foreseen (art. 12 of Regional Law of 17 February 2005, n. 6) the definition of the natural heritage conservation and the management of the regional system of protected areas and sites of the Nature 2000 network. In particular Nature 2000 is a network of sites of interest, created by the European Union for the protection and conservation of habitats and species of plants and animals identified as priorities by the Member States of the European Union. The fundamental objective is working for conservation, protection and enhancement of regional biodiversity through the use of appropriate tools for the existing and new protected areas. The loss of species and habitats are the main threats to biodiversity conservation in this region. It depends essentially from direct anthropogenic factors related to the development of urbanization and other relating to the ongoing climate change on a planetary scale. These changes extremes and speed up environmental phenomena such as the increase in the intensity of rainfall and temperature, the rise of sea level, the salinization of coastal land; all these phenomena are the basis of the strong and irreversible imbalances in natural systems. Regional actions to fight against these trends aim to achieve the global goals and Europeans targets to control the rise in global temperature, but also to increase the resistance capacity of natural systems, improving efficiency and resilience. The programme aim to limit the virgin soil urbanization process, to stop the loss of natural habitats, to promote the improvement of the of watercourses quality, to encourage reforestation, to protect coastal marine areas, to promote measures to contain the animal species invasive; In addition, the program foresees the compensation for farmers who respect the measures regulating land use and conservation of biodiversity, the sensitization of public awareness, the stimulation of applied scientific research and the regular monitoring of most important natural systems.</p> <p>Local Action Programme to fight against drought and desertification - PAL</p> <p>The Local Action Programme to fight against drought and desertification in the Emilia-Romagna Region has focused on the improper use of land and water resources in areas characterized by climate fragility and with increasing drought phenomena (vulnerable areas already included in the threatened by drought areas, land degradation and desertification processes). Within the program human action and climate factors can determine desertification and irreversible impacts on agro-ecosystems. In particular, the PAL has focused on the dynamics of critical factors, identifying the limits of land use according to the principle of sustainable management of water resources in agriculture, using the tools of spatial analysis, such as remote sensing images with high spatial resolution, the territorial water balance model and the comparison with experiences and knowledge gained from technical and research produced within the region.</p> <p>At municipal level, the regulatory plans could host environmental issues, that represent mandatory or voluntary requirements, that</p>
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	<p>designers/owners could choose to apply in their interventions. Most of them are generally related to new construction and not specific for built stock. It's possible to divide them into 10 fundamental building themes:</p> <ol style="list-style-type: none"> 1) Thermal insulation 2) Performance of windows and doors 3) Integration of renewable sources 4) Use of technologies for energy efficiency and individual heat metering 5) Orientation and shielding of buildings 6) Building materials 7) Water saving and rainwater recovery 8) Sound insulation 9) Soil permeability 10) Energy certification <p>Every Municipality could also adopt sectoral plans, like Energy Plan, Noise Plan, Mobility Plan etc.</p> <p>As example, the Municipality of Mantua has approved a document for the implementation of an acoustic healing plan (MUNICIPAL NOISE REDUCTION PLAN) with the following characteristics: the identification of the typology and magnitude of the noises present, including the mobile sources, the areas to be resurfaced, identified under the acoustic zoning, the identification of the parties involved in the rehabilitation process, the indication of the priorities, the modalities and times for the rehabilitation, the estimate of the financial burdens and the means needed, any precautionary measures urgency for the protection of the environment and public health.</p>
<p>SUBJECTS list main involved organisations and describe</p>	<p><u>Competences, functions and activities relate to Cultural Built Heritage among the organisations, departments, stakeholders involved in environmental protection, efficient use of resources or sustainability</u></p> <p>The above mentioned network related to ISPRA includes:</p> <ol style="list-style-type: none"> 1. the PFR (Regional Focal Points), territorial reference of the Network; 2. the 21 ARPA (Regional and Provincial Agencies, called "APPA" only in the autonomous provinces of Trento and Bolzano), created with law n. 61 of 1994, having control functions and technical, scientific, legal and analytical support for public administrations <ul style="list-style-type: none"> • Municipalities • Specialised territorial Agencies

C - STAKEHOLDERS

BASIC INFORMATION

The built heritage, for the values it represents and the role it plays in the life of the communities, can be considered a common good, whose possibilities for use by the community (even in terms of symbolic appropriation or cultural identification) should be guaranteed. However, in the transition from the collective right to safeguard the resource, to the individual right to define the transformation of one's life environment, a leap of scale is produced which poses some problems, since the responsibility for the interventions on heritage remains, in most cases, at the head of the individual person. Similarly, the protection of the built heritage, understood as a collective cultural resource, poses problems related to the multi-level nature of the interests and values at stake: on the one hand, the need to preserve the evolutionary potential of the built up contexts, and the values recognized collectively to them, must be translated into the control of the quality of the interventions on the scale of the individual objects; on the other, in contexts not subject to protection constraints, the fragmentation of the property of the building makes it difficult to coordinate the intervention processes and the management strategies, with the risk that the cumulative effects of the transformations carried out on individual buildings prevent answer the question of value, expressed or implied, on a collective scale. In the case of built heritage, the possibility of introducing coercive mechanisms to limit the consumption of the resource must come to terms with the need to ensure the possibility of transformation in response to the evolution of living comfort standards or the need for regulatory compliance (which moreover, in some cases it protects other common resources, such as interventions aimed at reducing energy consumption). Furthermore, the safeguarding of public interests must be confronted with the legitimate exercise by residents of private law and property rights, a conflict sometimes perceived as an insurmountable obstacle to planning. As said before, as regards the first critical aspect, it is recognized that it is not possible nor would it be effective to stop the evolutionary processes of the built: the safeguarding of the resource must result rather in the search for a balance between conservative and transformative instances, trying to maximize material permanence and at the same time satisfy functional needs. In this process, the capacity for the evolution of heritage assumes the character of an added value, as it allows to fully exploit the potential of the existing through contemporary and relevant forms of use for the population. As regards the conflict between private law and general interests, however, the search for a balance must go through the sharing of objectives and management strategies that must be defined at the scale of settlement systems. however, it is clear that in pursuing a balance between protection, fruition and enhancement, the conservative instance remains a guiding criterion in the evaluation of management strategies. It can therefore be said that management is in a certain sense the "control room" of the various processes that structure the chain of Cultural Heritage.

Although on the theoretical level the fact that local communities must be involved in these processes is shared and shared, however, in practice the definition of the roles and responsibilities to be attributed to them is a difficult area for discussion.

At EU level, the EU has recognized the importance of including local communities in the process of recognizing heritage values and defining policies related to it through the publication of two Framework Conventions.

In 2000, the European Landscape Convention (CEP), designed the new international framework for landscape management, considered both in its patrimonial dimension and in that linked to the daily experience of the communities that live there.

The Faro Convention subsequently reiterated the importance of the community's contribution to the conservation of cultural heritage, in relation to crucial issues such as sustainable development, cultural diversity and conflict management. In 2006 the Italian state ratified the CEP133, while the Faro Convention has not yet been signed. Moreover, the national legislation on the protection of Cultural Heritage and Landscape, on the role of local communities, is limited to taking the definition of landscape proposed by the CEP, opening to the development of inclusive policies, while for what concerns the Cultural Heritage built simply introduces the proposal for a collaboration between public and private subjects to management activities. Furthermore, the traditionally elitist approach of the discipline of the protection of Cultural Heritage weighs heavily on the relationships between the actors: involving the population in the process of recognition of the value of heritage means confronting different forms of knowledge and judgment, both "expert" and "profane", generating controversies that have to do with dynamics of power and questions of authority. The role of the population therefore often ends up being passive: awareness-raising actions are directed to it, which, however important, are not sufficient to ensure that conservation is effectively implemented, and that quality requirements are respected in interventions. Furthermore, communication strategies are often used that attempt to persuade rather than start an argumentative and negotiating dialogue between the parties. The comparison between individuals and different groups would require a mediation capacity that is not necessarily typical of the professionals in the sector. On the other hand, the decision to use a "scientific" and one-way communication to motivate the need for heritage conservation is a strategy often implemented because it is effective for the transmission of decisions that do not allow revisions. It is evident, however, that in order to induce a real transformation of the intervention practice, and to access undervalued economic and social resources, the role of the communities in conservation interventions can not be limited to a series of "promotional" initiatives, but must be oriented also towards concrete actions. In order for private owners, businesses and other possible lenders to be willing to bear the costs of conservation activities, the objectives must also be shared. The possibility of constructing shared scenarios, for example through informal consultation mechanisms, can also create the conditions for legitimizing the action of decision-makers and reducing the risk of conflicts linked to value's issues. This step involves a difficulty, often encountered by technicians: the information produced through non-formal processes, realized extra-standard, are difficult to translate into indications with normative value. Moreover, even in this case, professionals and technicians who manage the processes may lack the skills for consensus building and conflict management, with the risk that the comparison does not actually reach a decision-sharing phase.

The role of the population in conservation and management processes can also be expressed in direct participation in the interventions. Direct participation in the conservation of heritage and its values can take place on two levels: it can be a participation in activities directed towards the object, in the context of restoration interventions or in the development of monitoring and maintenance activities, or it may involve participation in fund raising and management of public goods, or for public use. Finally, civil society can take an active role in fundraising activities and in the management of public or private property for public use: the owner can, for example, enter into contracts for the use of buildings at reduced rates compared to at market prices, establishing that the contractor assumes the burden of the restoration intervention and ensures that the necessary maintenance is carried out over time. The decision to introduce new activities in the buildings that encourage aggregation and social interaction becomes a further strategy of sensitization in the moment in which it makes the contemporary potential of the heritage manifest to the population, stimulating the demand for similar interventions

C.1. Horizontal governance mechanisms at national level

In addition to processes involving citizens, the new governance models also promote stakeholder enabling processes. Basically they promote a proactive attitude of public administrations no longer confined to a traditional administrative role, nor even in a regulatory role, but projected into a role of active solicitation of the civil society itself.

NGOs / NON PROFIT ORGANISATIONS

Cultural sector in Italy is characterized by the presence of a number of organizations, very active in contributing at the dissemination of the culture of conservation, preservation and enhancement of Italian cultural heritage and in promoting the active participation of citizens. Most of them were founded during the 1960s, in a period characterized by severe damage to cultural and environmental heritage carried out in the name of economic development. These organizations belong to different typologies: non-profit associations (such as ADSI - Associazione Dimore Storiche Italiane and TCI - Touring Club Italia), volunteering and social promotion associations (AUSER), social promotion associations (ARCI, ITALIA NOSTRA, MO.DA.VI and ARCEOCLUB), environmental associations (WWF and LEGAMBIENTE), foundations (FAI and FONDAZIONE NAPOLI 99), or federations of associations (such as F.I.D.A.M. - Federazione Italiana delle Associazioni "Amici dei Musei").

Most of them operate - exclusively or partially - in the field of cultural heritage, but some of them deal with environmental care and protection (WWF and LEGAMBIENTE) and cultural activities (ARCI). These organizations, even if are not defined as volunteering ones according to the law, mostly operate through volunteers.

In 2001, in Italy there were 2,585 volunteering organizations operating in the cultural field as a whole: 9% of them exclusively in the cultural sector, 37% prevalingly and 55% non-prevalingly. The most common services that these organizations provide are: guided tours, room warden, conservation and realization of music, theatre and cinema performances. From 2001 to 2003 the total number of volunteering organizations operating in the cultural field as a whole increased quite significantly (+ 147%); particularly the number of those operating exclusively in the cultural field increased by 201.8%. From 2001 to 2003 volunteers operating within these organizations increased from 109,683 to 259,963 (57.3% men, 46.4% women). Most of them both in 2001 and 2003 belonged to the 30-54 years group. In In 2003 more than 52.7% of these organizations provided training courses for volunteers.

(Source: Volunteers in Museums and Cultural Heritage - A European Handbook. Result of the project Volunteers for Cultural Heritage. European project, funded by the European Commission <http://www.amitie.it/voch/index4.htm>)⁶⁴

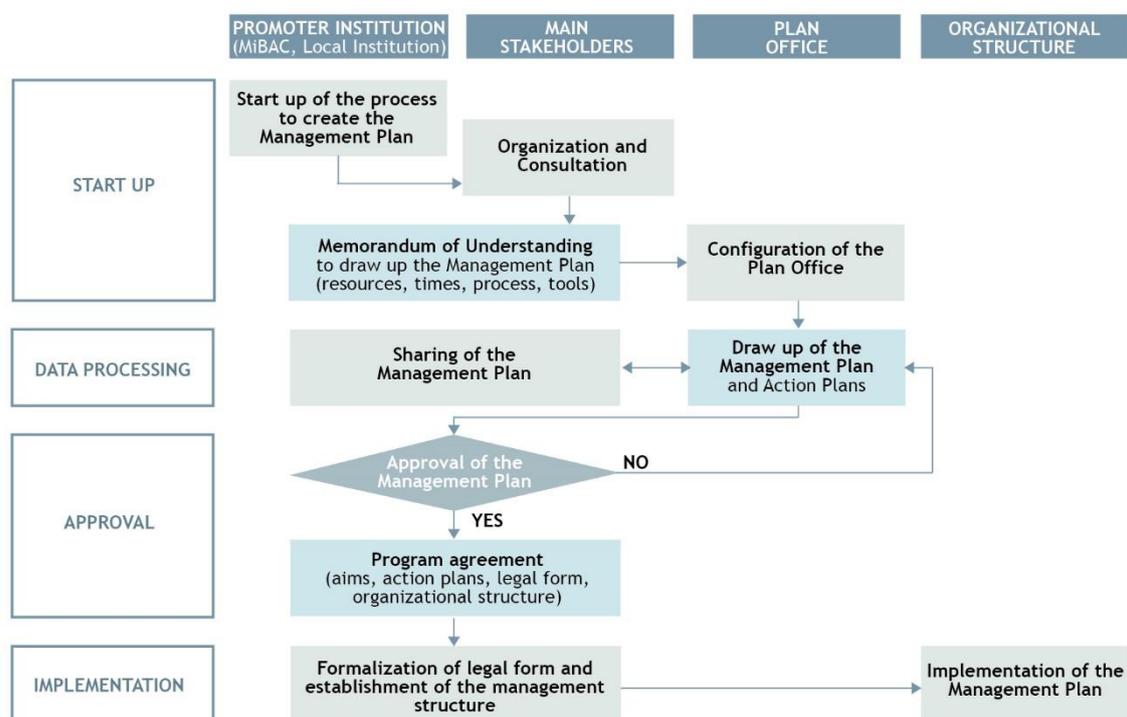
ORDINI PROFESSIONALI

The National Council of Architects, Planners, Landscapers and Curators is a body appointed by the Ministry of Justice with the Law n. 1395/23; The Council, consisting of 15 members, elected by the provincial branches called "Orders", for a five year term, carries out its activity for the in depth analysis of professional themes through the work of its own departments. The Council gives its opinion and interpretation with reference to regulations and laws regarding the professional practice. The Italian system of the Orders is organized through the 103 provincial Orders that, being distributed all over the national territory, pass first degree comments and promote the culture of the project.

⁶⁴ www.herein-system.eu/print/180#

www.awn.it/AWN/Engine/RAServePG.php/P/93941AWN0304/L/1 The regional bodies, Councils and Federations, are voluntary organizations that gather the provincial Orders in a same geographic area aiming to share initiatives related to the preservation and promotion of the profession of architect, planner, landscaper and curator. www.awn.it/AWN/Engine/RAServePG.php/P/25241AWN0304 These and other private subjects will be involved through consultation's procedures about the regeneration, valorisation and conservation of national heritage.

C.2 Horizontal governance mechanisms and practices at local level.



A specific situation is the Management Plan of UNESCO site. According to UNESCO, this plan should focus mainly on the planning of the interventions to be implemented to maintain the integrity of the values that allowed the inclusion in the List, in order to preserve the site for future generations. The Management Plan must not be a simple document to be presented to UNESCO, but rather represents a real process that involves all the site's stakeholders over time. The following diagram describes the aforementioned process, which virtually accompanies the Management Plan from its start-up phase to implementation:

C.3 Specific procedures involving public and private sectors on HBA

The indications provided by the Code regarding enhancement activities have opened up interesting prospects for management strategies, introducing new opportunities for coordination between the public and private initiatives, which allow to expand the resources to be tapped by experimenting with innovative models, inspired by management business. On the one hand, private initiative is also admitted for the valorisation of public goods, provided that the interventions prefigure socially useful activities. On the other hand, the privately owned Cultural Heritage is recognized as eligible to receive public support to pursue valorisation objectives, given that the interventions respond to the quality levels set at national level. Among the possibilities of collaboration between public and private subjects for the management of public goods are also forms of co-management, in which the activities are coordinated by collective subjects with mixed participation such as foundations, associations, consortia, joint-stock companies; in addition, the possibility exists that public entities enter into agreements with cultural or voluntary associations active in the field of Cultural Heritage. From this it is evident how the private sector and, by extension, civil society, are increasingly considered as a pool of resources - both economic and social - and organizational skills that can be used for heritage management.

QUALITATIVE INFORMATION AND COMMENTS

C.4. The PP approach and relations: partnership or conflict?

Nevertheless, some authors have observed that these potentialities are limited precisely by the lack of integration between protection activities and exploitation activities. The first, in fact, is placed at the head of the State, which exercises it through its peripheral organs, while the second is among the subjects of concurrent legislation and, of course, it finds more possibilities of implementation at the territorial scale, where it is easier to find correspondence between interests and resources to invest. This leads to two considerations: first, local resources, both economic and social, are often underestimated in the development of protection activities. Secondly, the lack of coordination between protection and valorisation risks translating into lower management efficiency.

Turning from the case of the Cultural Heritage to the more general context of HBA of recognized value but not necessarily subject to protection constraints, it is observed that the individual buildings have value as part of a system, and that this therefore represents the appropriate scale for the definition of management strategies. In this case, the mobilization of private and local resources is fundamental for the development of preservation of the value of systemic integrity of the built over time. However, the acquisition of full awareness of the objectives of management and the transition from awareness of the problem to the development of coherent actions is by no means a foregone conclusion.

In order for governance dynamics to be produced at the local scale for asset management, the system must have a certain critical mass, since the interests, resources and capabilities needed must coexist within it. In this passage the so-called "connector subjects" assume importance, ie those subjects, public or private, able to detect, channel and structure the local demand (of social, cultural, institutional quality ...) and, at the same time, to elaborate response strategies transforming information coming from outside into operable knowledge and innovative practices. The connector subjects do not necessarily have to be institutional players, but they can be non-conventional organizations or subjects belonging to civil society, such as universities and cultural institutes, professional or cultural voluntary associations, non-profit organizations.

On the basis of the above considerations, the hypothesis is assumed that the involvement of a large number of stakeholders in the definition of strategies for the management of systems built with patrimonial value, associated with a strengthening of their governance capacity, allows to increase the quality of management, assuming conservation as a general objective.

D - SWOT ANALYSIS

Strengths	Weakness
<ul style="list-style-type: none"> • Cultural Heritage includes Built Heritage, movable Heritage and landscape • The UNESCO sites, for their uniqueness, are points of excellence in Italian cultural Heritage • High-level scientific restoration (level of awareness that researches and professionals have reached about the value of HBAs and its reasons) • HBA valorisation and urban planning include stakeholders' involvement, participatory approach and collaborative project design 	<ul style="list-style-type: none"> • HBA data are not systematically governed and regulated • HBA conservation is governed in terms of prescriptions and authorisations • The conservation is left to the initiative of the owner (public or private) and there is no strategic planning at the central level • Lack of integration between protection activities and exploitation activities • HBAS' sustainability: it is not governed because the regulations on sustainability and efficient use of resources «exempts» cultural heritage; it is not mandatory; regulations can be elaborated and applied locally

Opportunities	Threats
<ul style="list-style-type: none"> • Cultural Heritage governance is multilevel, complex and evolving • To increase the quality of governance and management in the HBAs through the involvement of a large number of stakeholders (integral approach and continuous collaboration of experts within the sustainable use and conservation program with spatial planners, architects, economists, tourism experts, etc) • More effective involvement of the community in the development of the HBAs 	<ul style="list-style-type: none"> • Conservation policy is not supported by a dedicated budget item, so it is not a funded policy • Local resources, both economic and social, are often underestimated in the development of protection activities • The lack of coordination between protection and valorisation that risks translating into lower management efficiency • Conflict between private law and general interests (in particular with private buildings with a fragmented property)