The one-stop-shop for production activities

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1. Introduction

Business activities in Italy have always been subject to a diversified range of constraints and controls by the Public Administration. The judicial discipline is included in many regulatory texts at various institutional levels. Regulations are present in Community, national and regional provisions. From the quantitative profile, legislative provisions regarding the sector comprise a great quantity of rules. Simplification was and is, still needed.

The evolution of this type of approach to simplification of administrative reform has been particularly meaningful in Italy. The nineties were characterized by a renewed interest in a different role for the Public Administration towards citizens, with the consequence that the first regulations on “simplification” were inserted in the general laws of administrative reform. (Law n. 537, 1993 and Law n. 59, 1997).

The starting point was the realization that the administration must fulfil the needs of the “administrated”, the provision of – bureaucratic (certificates) or entrepreneurial (provision of services) - services to the public must be efficient and economically competitive. In order to do this, more flexible rules are needed. This is at the basis of the issue of “deregulation” principally focused on the process of streamlining administrative procedures and the reorganization of government machinery in compliance with more flexible rules (this period of time was defined as a transition “from the law to the rule”).

The impulse given by the simplification of “single procedures” has subsequently given rise to two main needs:

− to separate the “simplification method” from the simple “administrative simplification”
− to significantly reduce the number of existing “regulations” in the Italian system (a result which cannot bet obtained through the issue of new deregulation).

From the operational point of view, this has led from the concept of “simplification”, implemented through deregulation and limited to the:

− simple streamlining of administrative procedures
− organization of public divisions
− broader and more current concept in line with the international experience including the general question of the “quality “ of rules.

This broad accepted meaning of simplification is intended as a synonym for regulation quality and justifies the most recent legislative choices of:

− a privileged reduction of regulations
− consolidation/codification of the rest

Furthermore, the tool of “deregulation” is less adequate – at least as a pivotal tool of intervention – in the new set of regulatory powers as provided by the reform in Title 5 of the Constitution. Deregulation regarding topics where the Government has full power as in article 117 of the Constitution, may remain an efficient tool to render some of the aspects more flexible but its usefulness might increase if integrated in the process of a reduction of regulations.
Legislative decrees for the implementation of Law No.229 July 29th 2003, ("Interventi in materia di qualità della regolazione, riassetto normativo e codificazione - Legge di semplificazione 2001") provide for new stage of codification on legislative simplification and re-organization (readjustment) following a stage concerning the so-called “blended single acts” as in the rescinded article 7 of Law No.50, March 8th 1999, (substituted by article 23 of Law No. 229, 2003).

This new stage is included among the legislator’s initiatives aimed at:
- implementing “regulatory simplification”
- reducing the excessive number of rules in the Italian system
- solving:
  - contradictory rules
  - their onerousness for citizens and businesses
  - their relatively not high quality

2. The One-Stop-Shop for Production Activities in Europe

Quantity, complexity and long time lengths for administrative procedures, have encouraged the establishment of new businesses both in Italy and other European countries. This mainly refers to small and medium enterprises because of the lack of available resources.

In Europe, One-Stop-Shops for production activities have been established as well, in order to provide services which range from simple information to the authorizations necessary to set up production activities. In the following table, the One-Stop-Shops established in some European countries are listed.

The One-Stop-Shops in Italy give aid to a business from its establishment to its closure and follow the businessmen in every step. The advice (2004/C 23/04) of the Committee of the Regions is of interest, as in paragraph 2.11. “the Commission is requested to submit proposals so that the tools which have been successfully elaborated by local and regional entities to the advantage of enterprises, e.g. the “One-Stop-Shop for Businesses” activated in Italy, can be disseminated and exported to other European States, above all candidate countries. These are not only a particularly useful means to encourage businesses to fulfil administrative practices , but are also efficient tools for diffusing European initiatives”. (see table page 32)

Furthermore, the European Parliament and Council Draft Directive (COM/2004/0002 def. - COD 2004/0001) on services in the internal market of February 25th, is to be remembered. In order to eliminate hindrances to free establishment, the following is foreseen:
- administrative simplification measures, in particular the creation of One-Stop-Shops where the loaner can fulfil the administrative procedures regarding their activities as well as the obligation to permit the online fulfilment of these procedures
- a series of principles to be observed by the authorization regimes applicable to the service activities, especially the conditions and procedures for releasing authorizations
- denial of specific judicial prescriptions which are particularly restricted and which may be still included in the legislations of some member states
- the obligation to evaluate the compatibility of a certain number of other judicial prescriptions under the conditions established in the directive, in particular their proportionality

3. The One-Stop-Shops for Production Activities in Europe

The One-Stop-Shop for Production Activities in Italy, was established during the period of transition from “the law to the rule” whose concept of “simplification” is limited to the streamlining of
administrative procedures (and the organization of public offices) through the delegification of a specific part of their discipline without changing the regulations regarding this sector (art. 20, Law 59/97)

The use of other administrative simplification methods, e.g. self-certification, silent consensus and the service conference, optimizes the relationships between Public Administration and businesses and is included in the intervention of reform aimed at federalism which was commenced with Law 59/97 based on the principle of subsidiarity as well, as it transfers competencies from central structures to local autonomous bodies. The legislative decree on industry n. 112/98 (arts. 23-27-bis), on the basis of the indications as in Law 59/1997, provides the attribution of administrative functions on implementation, enlargement, closing down, reactivation, location and relocation of production plants of goods and services, included the issue of construction licenses.

The Presidential Decree of October 20 1998 n. 447 as amended by Presidential Decree n. 440 December 7, 2000 provides that «regulations for simplifying authorization procedures for the realization, enlargement, restructuring and re-conversion of production plants, for establishing works within buildings as well as for determining the areas destined to production settlements as provided by article 20, paragraph 20 of Law n. 59 of March 15, 1997».

The objective of the One-Stop-Shop is dual. In the first place, any subject who intends to start up a new production activity or amend an existing activity, communicates with one structure now, and has one interlocutor, thus eliminating the inconveniences caused by the regulations previously enforced and deriving from the necessity to call on different and often many public front offices to obtain the necessary authorizations.

In the second place, entrepreneurs have in-depth information of a diversified nature (administration, town planning, economics, etc…) which is necessary to operate. All this is realized through defined and briefer time lengths compared to the previous regulations.

The relationship between deregulation and regional competencies, following the enactment of Constitutional Law 3/2001, through which the reform in Title 5 of the Constitution was achieved, was cleared by the Constitutional Court, according to which: “provided the usual relationship between regional legislation and the fundamental principles deriving from government laws, the government deregulation issued regarding tangible areas of regional competence has no abrogative or invalidating effect on the regional laws in force which are released both for the implementation of principles of simplification or pre-existing principles or bindingly affects regional legislators. Regulatory standards substitute specific government legislative standards to be applied for supplementary or amendable reasons when a corresponding regional discipline is missing”.

4. The area of application and the management of the One-Stop-Shop

In compliance with the principle of subsidiarity and in the ambit of Title 2 on economic development and production activities, in articles 23 and 24, the Legislative Decree n. 112/98 conferred the administrative functions regarding location, realization and enlargement of production plants of goods and services on municipalities, thus ensuring that one structure is responsible for the procedure. To carry out these tasks, the structure has a One-Stop-Shop for Production Activities to which the interested party must call on for all the tasks foreseen by the procedures in the Presidential Decree No.. 447/98 and subsequent amendments. When municipalities adhere to a territorial agreement namely when they have subscribed to an area agreement, the body in charge of exercising the functions attributed to it, can correspond with the body responsible for the territorial agreement or with the sole
director of the contract area.

Presidential Decree n. 440/00 introduced art. 1 of the Presidential Decree n. 447/98, paragraph 1-bis, establishing that among all the productions plants for goods and services regarding all types of activities, including agricultural, commercial or handicrafts activities, tourism and hotel activities, the services provided by the banks and financial brokers and telecommunications services. The above-described list is for illustrative use and not peremptory, therefore the One-Stop-Shop competencies in managing procedures on production plants for goods and services are of great relevance.

The One-Stop-Shop carries out the “authorization” function through the issue of the “final provision” for businessmen as well as the “information” function through the provision of information on the evolution of procedures, data on the local production system, public facilities and the assistance services available, the possibility to utilize economic databanks, standards on worker protection, healthcare and safety in work places, etc.

5. The Compulsory nature of the One-Stop-Shop

Article 4, paragraph 2 bis of the Presidential Decree n. 447/98 and subsequent amendments establishes the following: “Applications must be presented only to the One-Stop-Shop, where active. Other public administrations involved in the procedure cannot release authorization documents, permits, advice or consensus acts even if containing negative content and however denominated. These documents, if released, are valid only for the single procedure. In any case, administrations must transmit (in good time - within five days) eventual applications with regard to the procedures provided by these regulations and forwarded to the structure responsible for the procedure, proceedings already undertaken in attachment of which the applicant must receive notice.”

All applications on production plants for goods and services must be submitted; furthermore, documents issued by the various administrations are ineffective if prepared and issued without reference to the single procedure. Where the One-Stop-Shop is “active”, the rule acknowledges the difficulties in establishing the One-Stop-Shop and underlines, that authorization documents issued by those administrations which are not responsible for the procedure, are useless. An attempt to “save” the activity is carried out by the administrations on request of the business and submitted to a single procedure of the One-Stop-Shop. Administrations cannot reject the applications presented by enterprises and must keep them until the One-Stop-Shop becomes active.

The implementation of legally binding standards, is not only an obligation for municipalities but also a compulsory activity for all the administrations involved in the One-Stop-Shop procedure. Not implementing a provision renders the act illegitimate and also irresponsible, because the new regulations are a parameter of the legitimacy of the administrative action.

6. The Tasks of the Region, the Province and the Chambers of Commerce

Through the Province, the Region is called on to carry out the general role of motivating, coordinating and addressing the offer of services and assistance to enterprises, e.g. collection and diffusion of information (art. 23 of Legislative Decree 112/98 and subsequent amendments), discipline of the industrial and ecologically equipped areas (art. 26 of Legislative Decree 112/98 and subsequent amendments), the definitions of the criteria to localize the simple structural systems (art. 6 Presidential Decree n. 447/98 and subsequent amendments).

In particular, from the analysis of the regional laws provided by the Legislative Decree n. 112/98 and
subsequent amendments and as provided by the regional laws of re-organization of the local autonomies, it can be deduced that the Regions together with the Province, act as a body of “direction and coordination” of a system of services to development” that has municipalities and mountain communities as its main suppliers. The latter, Chambers of Commerce, public authorities, professional associations, consortiums, etc., act as partners in the offer of services to businesses.

The essential task of the Chambers of Commerce is to offer their experiences in IT networks, thus stipulating “Agreements” with municipalities for the realization of a One-Stop-Shop, as provided by the art. the 24 of the Legislative Decree n. 112/98 and subsequent amendments.

Concerning future expectations, the actions more frequently requested by municipalities are:

1. simplification of rules and practices, creations of a map and a vade-mecum of the procedures and written standard forms
2. activity of methodological support and organization of know-how, the search for new organizational models and the creation of a dedicated computerized instrument
3. training activities directed to learning the operational phases and the basic themes regarding the One-Stop-Shop
4. financial support for the realization of the One-Stop-Shop
5. activities supporting the coordination of the involved parties
6. facilitated access to the most important data banks
7. support to the realization of territorial marketing

An agreement for the definition of the collaboration between regions, municipalities, bodies responsible for the One-Stop-Shop for Production Activities and other Public Administrations involved in the procedure, is necessary.

7. Specification of Areas Designated for Productive Land Settlements

Article 2 of the Presidential Decree n. 447/98 and subsequent amendments call for the specification of areas to be designated for productive installations of land settlements. In this case, the Municipality carries out the formation of a parameter to specify those areas according to the existing regional regulations, with respect to regional planning and the agreements with the eventually interested administrations.

Article 2 of the Decree lays out that such a parameter is approved “on the basis of the procedure specified by Article 25, paragraph 1, letter a) of Law n. 47/85” and that the parameter has to “be subject to the previous agreement among the other competent administrations. The agreement has to be assumed within the supervision of services” based on Law 241/90 and subsequent amendments, articles 14 and subsequent, in order to examine the several public interests involved in the parameter.

The Municipal Council has the option to subordinate the realization of the intervention through a plan for productive installations (P.I.P). When these are lacking, the realization of the interventions remains subject to the existence of the town planning efforts or an appropriate agreement.

8. The Single Procedure

The main goal of the Presidential Decree n. 447/98 and subsequent amendments is the simplification of the authorization procedure for exercising production activities, which requests the intervention of a large number of operating subjects at various levels of government. The rule establishes a unitary discipline in order to facilitate the release of the “final provision” and distinguish two administrative procedures: the simplified procedure and the self-certified procedure.

Before activating the single procedure, the entrepreneur can ask the structure to declare, within 90 days, compliance with the rules of the preliminary projects within existing tools for landscape, territorial and urban planning without judging the eventual subsequent procedural authorization.
8.1 The Simplified Procedure

Article 4 of the Presidential Decree n. 447/98 and subsequent amendments foresees the simplified procedure that closes with the issue of a “final procedure” and constitutes the normal procedure. On the other hand, the procedure foreseen by Article 5 of the same decree, is applied to projects entailing the parameters of urban planning tools.

8.1.1 Procedure through the Service Conference

This procedure is necessary for the installations and the deposits included in Article 27 of Legislative Decree n. 112/98 and subsequent amendments:

1) installations that use nuclear material
2) weapon production plants
3) coastal deposits
4) installations of the production, refinement and warehousing of mineral oils
5) installations for the temporary deposit, disposal, recuperation and recycling of waste matter

This applies even for those for which the Community laws foresee the necessity for special authorization (Article 6, paragraph 1, Presidential Decree n. 447/98 and subsequent amendments).

For these cases, and for all others in which businesses intend to use this procedure, Article 4, c. 1, states that:

“(…) the procedure is single and begins with the presentation of a single application to the structure, which adopts directly – or asks the administration of the sector or those who intend follow Article 24, paragraph 4, of the decree 31 March 1998, n. 112—the acts and the technical advice, denoted by the existing laws. The administrations must hand over the acts within a determined period not to exceed 90 days after the documentation is received.”

While at the same time, Article 4, paragraph 1-bis establishes that: “The conclusive clause of the procedure is the only document necessary for the realization of the request.”

In the instance of work projects that must be environmentally evaluated, the term is 120 days with the possibility to ask for— within the actual laws— a postponement not to exceed 60 days.

In the event that the competent administration for the evaluation of the environmental impact finds that the documents submitted are incomplete, it can ask, only once, to be integrated into the structure within 30 days. In this instance, the term resumes from the date of the presentation of the complete documentation.

Article 4, paragraph 2-bis states that: “Where there is only one One-Stop-Shop already in function, applications must be presented exclusively at the structure. The other public administrations included in the procedure, cannot release nulla osta, authorizations, advice or acts of consensus (even in the negative) to the applicant.” Such acts, in the case in which they are eventually released, operate exclusively within the single procedure. In all instances, the administrations are obliged to transmit to the structure, within 5 days, eventual applications presented that are relative to the procedures laid out by the present rules. The already completed investigation acts must be attached to the application and communicated to the applicant.”

The reception of the application must be filed, assigned to a procedural officer and placed immediately
in the informational archive (Article 3, paragraph 2, Presidential Decree n. 447/98 and subsequent amendments) and displayed in the court register.

The terms must begin from the moment in which the application reaches the municipality, independent of the internal dysfunctions. The municipality must evaluate organizational best practices in order to guarantee respect for the procedural timeline.

All of this must be done in light of Article 27-bis of Legislative Decree n. 112/98 which states: “The administrations, agencies and the authorities competent for developing (according to Articles 23 to 27) activities in the procedural sector relative to Article 20, paragraph 8, of the Law 15 of March 1997, n. 59, for the realization, enlargement, restructuring, the conversion of production installations and for the execution of works internal to buildings as well as for the determination of the areas destined for production investments. They provide for the adoption of organizational measures necessary for streamlining the aforementioned investigation activities. This is in order to ensure the coordination of the terms with the terms of the aforementioned regulations.”

To rationalize, unify and simplify the procedures within the municipal administration, it is necessary to adjust the professional resources, structures and tools available. Consequently, it would be opportune to approve an organizational regulation to define the timeline for all of the obligations of the offices. With third party entities it is important to stipulate agreements or protocols for agreements that allow for the adherence to the times set out in the regulations; to agree to the modalities for payment of the investigational expenses and to simplify several investigational acts. Most critical to relations with third parties are:
- the interaction between the regulations of reference
- the timetable of the procedures
- the identification of the procedures and competencies
- a low technical level of the procedures and the sharing of data bases
- individualization of a single reference for procedures
- an inadequate tendency to collaborate between different entities and to change
- the sub-division of financial burden for establishment and management.

Only the use of data transfer and IT technology can guarantee the single procedure to perform under the modalities and times allotted. The administrations must, in any case, equip themselves to pass, as quickly as possible, from a physical One-Stop-Shop to a virtual one, defining reciprocal agreements that outline technological standards for the use of the aforementioned technologies.

It is necessary that, before numerating and initiating the application, the One-Stop-Shop should carry out a preliminary verification of the existence of the conditions for receiving it. The positive conclusion of the verification, does not in any way constitute the recognition that the documentation is complete. The power and duty remains intact to request and acquire the necessary integration during the carrying out of the successive preliminary investigation of merit.

Once the procedure is initiated, the structure “adopts’ directly –or asks the sector administration or those to whom it is necessary according to Article 24, paragraph 4, of Legislative Decree. n. 112/98 and subsequent amendments to adopt – the preliminary acts and the technical opinions named in the existing regulations.” Therefore each administration has to facilitate the receipt of authorizations, consensus, advice and the necessary acts within a term that cannot exceed 90 days from receiving the documentation (naturally this can be done in less time specifying it eventually in the agreement or protocol with the third parties).
The procedure concludes within a maximum of 5 months. For works to be submitted to environmental impact assessment, the procedures conclude within 9 months. For projects of thermal electric and turbo-gas installations submitted to public enquiry (according to Attachment IV of the Presidential Decree of 27 December 1988) the procedure concludes within 12 months.

**Final provision**
Those responsible for the procedure – once the single structure collects the authorizations and the necessary agreements—must conclude the single procedure with an explicit final act. In the event of a service conference, Article 4, paragraph 6, of Presidential Decree n. 447/98 and subsequent amendments provides that the minutes of the conference “takes places from the conclusive administrative provision of the procedure” namely it confirms that the procedure always concludes with a single, summary, and conclusive provision.

**Negative pronouncement**
If within 90 days [(120+60 in the case of an environmental impact evaluation (V.I.A.))] one of the administrations makes a negative declaration, the procedure concludes with the rejection of the petition. The rejection must be formulated and justified by those responsible for the procedure. Attached to the rejection must be the negative declaration and it must be transmitted to the applicant company within 3 days. The company has the possibility within 20 days of receiving the rejection to ask the single structure to call for a service conference to establish if the negative declaration can be circumvented.

**Lack of Pronouncement by an Administration**
Following the uneventful passing of 90 days (120+60 in the case of a V.I.A.), within 5 days, those responsible for the procedure at the structure, calls for a service conference to conclude the procedure.

**Service Conference**
The summoning of the conference is made public in order for those who have public or private interests (individual or collective) or those in associations or committees that could be negatively effected through the implementation of the project, to present observations and participate in the conference.

The head of the procedure will make the decision around admissibility of these participants. In fact, s/he is responsible for the selection of the material that will be examined at the service conference.

The service conference advances the preliminary investigation of the project to create a record that considers the preliminary investigation acts and the technical advice foreseen by the actual laws or deemed necessary. The conference, above all, establishes the terms in which a decision must be taken. The record summarizes the decisions adopted by the service conference (which also judges the observations presented by the stakeholders), considers the conclusive administrative provision and is immediately communicated by the One-Stop-Shop to the applicant.

**Projects Including Variations to the Urban Plan (Article 5 of the Presidential Decree n. 447/98 and subsequent amendments)**
In the event that a project is in contrast with the urban plan, the manager of the procedure is obliged to reject the application.

But if:
− the project conforms to the environmental, sanitation and job safety standards
− if areas for the installation of production systems are not designated by the town planning body through the classification of appropriate areas for the type of request made; or if the areas scheduled by the town planning body are insufficient in relation to the proposed project

The head of the procedure can, with reason, summon a service conference, under the rules of Article 14 and subsequent articles of Law n. 241/90 and subsequent amendments for the consequent decisions. The head of the procedure gives public notice, so that each interested party (public, private or other) who may be negatively affected by the realization of the installation is able to intervene in the service conference presenting observations that the conference must then evaluate.

If the outcome of the service conference leads to the variation of the urban planning instrument, the decision becomes a variation proposal upon which the Municipal Council renders a decision within 60 days (approval of the variation) according to the observations, proposals and oppositions formulated by those with a right under Law n. 1150/42.

A justified objection expressed by the region at the service conference leads to a negative outcome of the variation proposal and, therefore, prevents the approval of the proposal in the Municipal Council. In fact, the Constitutional Court, according to verdict no. 206 of 26 June 2001, declared, following the appeal of the Veneto Region, the constitutional illegitimacy of Article 25, paragraph 2, letter g) of the Legislative Decree 31 March 1998 n. 112, in the part which foresees that “where the service conference records an agreement on the variation of the urban plan instrument, the decision results in a variation proposal on which the Municipal Council has a right to render a verdict even when the Region is in opposition.”

8.2 The Procedure through Self-certification

In order to proceed through self-certification, it is necessary that:

a) the procedure must pertain to installations different from those set out in Article 27 of Legislative Decree. n. 112/98 and subsequent amendments such as:
   − installations where nuclear materials are used
   − weapon production plants
   − coastal deposits
   − installations for the production, refinement and warehousing of mineral oils
   − installations for the temporary deposit, disposal, recuperation and recycling of waste matter

b) they are not installations for which the community foresees the necessity of an apposite authorization

c) that construction permits be issued wherever necessary

d) that the company arranges for the self-certification to be edited by professionals registered on a roll who must “vigilantly control” that the project is in compliance with to the laws in force in the following areas:
   − town planning
   − safety of installations
   − healthcare
   − environment

The single structure must:

1) file the application in the computer database
2) make public the application (even through posting on the court register)
3) transmit (also online) a copy of the application and of the attached documentation:
   - to the Region
   - to the other interested Municipalities
   - to the public bodies that have to fill out the controls (Article 6, paragraph 1, Presidential
     Decree n. 447/98 and subsequent amendments)

4) request the issue of the building permit to the territorially relevant municipality, when
necessary.

Paragraph 13, Article 6, of the Presidential Decree n. 447/98 and subsequent amendments establishes
that within 20 days of the date of publication, those with public or private, individual or collective
interests, and moreover, the committees and the associations that could be negatively effected through
the implementation of the project can:
   - send recollections and observations to the single structure or
   - ask to be heard in cross-examination or
   - ask for the summoning of a meeting in which the company participates (in the meeting
     each participant can be assisted by technical experts). If the meeting is called, the term
     of the conclusion of the procedure is suspended for not more than 20 days.

The structure, in this instance, must declare its rationale.

The manager of the procedure, in the case where:
   a) it is necessary to clarify the technical and planning solutions chosen by the company
   b) it is necessary to demonstrate adherence to the administrative and technical regulations of the
      sector
   c) the project is particularly complex
   d) it is necessary to modify the project
   e) the municipality proposes a different location for the installation within the areas designated for
      productive settlements according to Article 2 of the Presidential Decree n. 447/98 and
      subsequent amendments

can summon the company for cross-examination of which a record will be taken. If an agreement is
reached that involves the drafting of a new project or amendments to the initial one, the term of 60 (or
45 days) is suspended from the date of the signature of the record and resumes with the presentation of
a new or modified project.

Article 6, paragraph 8, of the Presidential Decree n. 447/98 and subsequent amendments, establishes a
term of 60 days for the conclusion of the procedure (45 days in the case of installations with a simple
structure). In these procedures, also included is the issue of the construction permit (which must be
acquired in the same period).

In the event that the aforementioned term passes without any action, the realization of the project is
understood to be authorized (paragraph 10, Article 6 of the Presidential Decree n. 447/98 and
subsequent amendments) in compliance with the self-certifications produced. The construction permit,
however, must be issued (when needed) so that the project can start up.

**False Self-certification**

If the head of the procedure examines the application (except in cases of error or omission of materials
subject to correction or integration) and identifies a falsified self-certification, s/he immediately
transmits the proof to the competent Power of Attorney and alerts the applicant. The procedure is
suspended until the decision on the denounced facts is rendered. If a falsified document is verified after
starting the construction of the installation (except in cases of error or omission of materials subject to
correction or integration), the head of the structure orders the “return to the original state” at the expense of the company. The head of the procedure transfers the acts to the Power of Attorney as well as to the applicant.

**Installations with “Simple Structure”**

Article 6, paragraph 6 of the Presidential Decree n. 447/98 and subsequent amendments, foresee that “…with regard to installations with simple structure identified in accordance with the criteria established by the region, the realization of the project is authorized if the structure, within 45 day from receiving the application, does not communicate disagreement namely calls the responsible business for examination”.

At present, not all the regions have established installations with simple structure. The autonomous regions and provinces are in delay compared to the other regions.

### 8.2.1 Verifications

Verifications are carried out in compliance with the self-certifications produced for the town-planning instruments, the observance of landscape and territorial plans as well as in the absence of constraints for seismical, water, forest and environmental reasons, protection of the historical, artistic and archeological heritage which are incompatible with the installation.

Each competent public body controls that standards, plans and the discipline of its competence, have been observed.

The verification must include the following topics:

- fire prevention
- safety of electric plants and lifting apparatus
- establishment of high-pressure devices and installations
- establishment of high-pressure tankers containing GPL
- observance of the existing standards on prevention of accidents at work
- emission of air pollutants
- emission of water or underground water pollutants and risk of emission of potentially toxic substances
- acoustic and electro-magnetic pollution inside and outside the production installation
- health-unfriendly plants
- measures for energy waste reduction

### 9. The Roll-out Phase

When foreseen by the existing standards, structure and installations must be rolled out by professionals or bodies in charge, with the exclusion of the designer of the installation or the work manager or those who are not professionally or economically involved in the project.

The roll-out phase must be conducted on the responsibility of the stakeholder who will entrust a professional or a body entitled by the regulations in force, with the task of assessing adherence to the project approved and its fitness for use.

Employees from the administrations involved in the monitoring of the works as provided by the regulations in force, must attend the roll-out operations conducted by private professionals (who are
coordinated by the single structure) as well as carry out (in accordance with the criteria of economy and efficacy of the administration), all the verifications foreseen by the provisions in force. Furthermore, the personnel must also conduct subsequent activities of monitoring and preliminary control.

Once the installation has been established, the structure is requested to arrange the date for the roll-out between the twentieth and the sixtieth day after receiving the application. After this term is concluded, the roll-out procedures are carried out by the business of competence who must communicate the results to the competent structure.

When the certification does not conform with what agreed upon or provided by the existing regulations (except in cases of error or omission of materials subject to correction or integration), the responsible structure must apply the necessary provisions, namely “return to the original state” at the expense of the company. The head of the procedure transfers the acts to the Power of Attorney as well as to the applicant.

A positive certification of the roll-out procedures, allows for the start up of the installation functions until the definitive release of the fitness-for-use certificate, authorization for the production activities and the necessary administrative acts.

The region and other competent entities conduct specific controls within the installations. The results of the investigation must be communicated to the stakeholders who can send recollections or ask to be heard in cross-examination and adopt measures as provided by the law. The conduction and outcome of the controls must be registered at the regional and municipal informational archives.

The roll-out procedures do not exonerate the competent administrations from the functions of monitoring and control as well as from the responsibilities provided by the law to be exercised following the deposit of the roll-out certification.

10. The Expenses

Article 10 of the Presidential Decree n. 447/98 and subsequent amendments foresee that in accordance with the procedures as provided by the regulations of the municipality or the associated municipalities, the stakeholder must pay the duties foreseen by the government and regional laws in force.

The structure responsible for the procedure, is in charge of collecting these duties and then pay them to the administrations who have conducted the preliminary activities in the ambit of the procedure. If the aforementioned administrations do not observe the terms arranged, the amount due will be reimbursed.

In the case of a procedure through self-certification, expenses and duties to be paid equal fifty percent according to the activities of verification.

With regard to the structure responsible for the procedure, the municipality or the associated municipalities must collect the investigation duties as provided by Municipal Council resolution. These duties plus the aforementioned obligations and stamp duties, cannot exceed the amount to be paid by the stakeholders after the enactment of the Presidential Decree n. 447/98 and subsequent amendments

11. The One-Stop-Shop and the Digital Administration

Presidential Decree n. 447/98 and subsequent amendments established that each One-Stop-Shop must
organize an IT archive “including all the necessary IT elements” in order to ensure “stakeholders free access – also online access – to the information about the fulfilments needed by these regulations, the list of the applications for authorization presented, the state of procedural advancement as well as all the useful information available at regional level, including the related promotion activities”.

Presidential Decree n. 82/05 (Code of the digital administration) as in art 10 which provides that:

− The One-Stop-Shop for production activities has been realized in IT format and provides its services also online (c. 1).
− The One-Stop-Shops forward applications, declarations, documents and any other act transmitted online by the users, integrated with online public administration services (c. 2).
− In order to promote maximum efficiency and efficacy of the One-Stop-Shop, through the adoption of harmonized methods to communicate with the users throughout the national territory, in accordance with the unified Conference as in 8 of the Law Decree. n. 281/97, the Government has identified one or more technical-organizational models of reference by considering the best experiences gained which ensure interoperability of the solutions identified (c. 3).
− In the ambit foreseen by the connectivity public system, the Government (Law Decree n. 42/05) has provided an IT business system with regard to the procedures of competence of the central administrations for the purpose of the realization of the IT Register for business administrative fulfilments (c. 4).

LAW 241/1990 as recently amended by laws 80/05 and 15/05 provides:

− Art. 3-bis (Use of IT) “1. In order to pursue maximum efficiency of the activities, public administrations foster IT use with regard to the internal relationships between various administrations and the latter and private bodies”
− Art. 14 (Service conference), c. 5-bis “5-bis. Following the agreement between the administrations involved, the service conference is convoked with the aid of the IT tools available and in compliance with the terms and methods established by the administrations”

12. The Formez experience

Since 1999, Formez, Training and Study Centre for the Public Administrations, has carried out activities of training, assistance and consultancy, seconding local entities in the realization and development of the One-Stop-Shops for production activities and the management of the single procedures in Italy and abroad.

The first interventions aimed mostly at the diffusion of the concept of the One-Stop-Shop involved about 300 municipalities for a total population of 26 million inhabitants. Training, assistance and consultancy services were provided for a total cost of 43 million euros. Subsequently, where the One-Stop-Shop was established but did not function in a proper manner, interventions were implemented or are in progress that aim to enhance the One-Stop-Shop functions in the specific local territory by diversifying the specific development models.

The services and technical assistance were provided by Formez for the One-Stop-Shop in the ambit of a number of projects and actions and were diffused through the website (www.sportelloimpresa.it).

The website is a valuable information tool by offering a detailed overview of the services and initiatives realized with Formez and the Department of Public Administration projects on the simplification of the relationship between the Public Administration and businesses.

The website includes the Community of Business One-Stop-Shops (http://csi.communityformez.it/commy) with over 700 users and numerous contents and in-depth
analysis on the One-Stop-Shop for production activities (SUAP), One-Stop-Shops for revenues (SUE) and Trade.  

A section on the website is entirely dedicated to Regional Coordination, namely to the dissemination of the information related to the regional simplification regulations, inter-institutional agreements and best practices for the improvement and development of the services offered by the One-Stop-Shops. On the website, surveys and research are conducted through online surveys. Among these, are surveys conducted in collaboration with Confindustria, CNA, Confartigianato; national surveys on the state of SUAP implementation in all the Italian municipalities, qualitative research on the One-Stop-Shops and the demand for business simplification.  

Since 2000, numerous Formez projects and actions have contributed to diffusing the One-Stop-Shop in Italy, among which are:  

- “Progetto Simpliciter” aimed at encouraging the administrative simplification process, the pursuit of three key objectives, such as simplification and acceleration of the administrative procedures, the transparency of the administrative action and its opening to citizens’ participation; the active promotion of a rational economic-local-territorial development;  
- “Dall’Iter alle Reti: Implementazione Sportello Unico”, with the objective to augment the competitiveness of territories and Southern Italian administrations;  
- “Si- Sportello Impresa”, guide-line 2 – Information and awareness-raising – aimed at diffusing the know-how related to implementation and management of the One-Stop-Shop;  
- “Sistema integrato di interventi per lo Sportello Unico per le imprese”, to promote cooperation between the parties involved in the establishment of the One-Stop-Shop;  
- “Super (Sportelli Unici e Programmazione Economica Regionale)”, to start up the regional coordination of the One-Stop-Shop for Production Activities with the realization of a production room for collecting all the information about the One-Stop-Shop activities;  
- “Sister (Sistemi regionali di supporto alle imprese attraverso gli sportelli unici)”, dedicated to the Ob.3 regions for the implementation of interregional projects for qualifying the role of the One-Stop-Shops, in particular for the promotion of local development with the implementation of functions, such as promotion of business establishment, territorial marketing and investment attraction;  
- “Misu - Monitoraggio Indicatori Sportello Unico”, with the aim of implementing a national databank on One-Stop-Shops in the Italian municipalities published on the Formez website and used for calculating the quality indicator and monitoring the progress of SUAP implementation at national/regional level.  

The activities carried out abroad by Formez with regard to the One-Stop-Shop, involve also Albania and Romania.  

In Albania, the project “Asset – Assistenza Allo Sviluppo Socio Economico Del Territorio”, aims to promote the institutional capacity of the Albanian Ministry of Economy and has led to the implementation of workshops in loco and a Study Tour on the One-Stop-Shop for Production Activities through which participants, officials from the ministry and local representatives (Shkoder and Durazzo) could discuss and observe the various administrative and decision-making levels, for which the One-Stop-Shop represent an Italian best practice for administrative facilitation (Municipality and Province of Bologna and Municipality of Rome).  

In Romania, through the Twinning project RO01/IB/OT/01 “Strengthening the Institutional Capacity of the Ministry of Public Administration”, feasibility studies for two One-Stop-Shops in Romanian local administrations, were elaborated (Tulcea and Botosani).  

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locali, per la riforma della Pubblica Amministrazione e per la semplificazione amministrativa’;


Legge n. 50/1999, “Delegificazione e testi unici di norme concernenti procedimenti amministrativi - Legge di semplificazione 1998”;

Decreto Legislativo n. 112/98, “Conferimento di funzioni e compiti amministrativi dello Stato alle regioni ed agli enti locali, in attuazione del capo I della legge 15 marzo 1997, n. 59”;

Legge costituzionale n. 3/2001, “Modifiche al titolo V della parte seconda della Costituzione”;


Decreto Presidente della Repubblica n. 447/98; “Regolamento recante norme di semplificazione dei procedimenti di autorizzazione per la realizzazione, l’ampliamento, la ristrutturazione e la riconversione di impianti produttivi, per l’esecuzione di opere interne ai fabbricati, nonché per la determinazione delle aree destinate agli insediamenti produttivi, a norma dell’articolo 20, comma 8, della legge 15 marzo 1997 n. 59”;

Legge n. 47/95, “Norme in materia di controllo dell’attività urbanistico-edilizia, sanzioni, recupero e sanatoria delle opere abusive”;

Legge n. 241/90, “Nuove norme in materia di procedimento amministrativo e di diritto di accesso ai documenti amministrativi”;

Legge n. 1150/42, “Legge urbanistica”;

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Decreto Presidenza del Consiglio dei Ministri 27 dicembre 1988, “Norme tecniche per la redazione degli studi di impatto ambientale e la formulazione del giudizio di compatibilità di cui all’art.6, L. 8 luglio 1986, n. 349”;

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http://db.formez.it/ArchivioNews.nsf/b1aad3b343429ddf3e1256b52005b3f5b/aa746a7242e90c41c125719b0036f673?OpenDocument&Highlight=0,asset

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14. Biographical sketch

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## 15. Annex

<table>
<thead>
<tr>
<th>Country</th>
<th>Administrative bodies</th>
<th>Functions to support businesses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>France</strong></td>
<td><strong>Centre de Formalités des Entreprises (CFE)</strong></td>
<td>Single centre for collecting applications regarding the establishment, variation and closure of business activities. CFEs have been created since 1981</td>
</tr>
<tr>
<td></td>
<td><strong>Agencie pour la création d'entreprise</strong></td>
<td>Agency for collecting and disseminating information about the start-up of new businesses</td>
</tr>
<tr>
<td><strong>Germany</strong></td>
<td><strong>Gewerbeamter</strong></td>
<td>Department established within the municipal administration for carrying out administrative tasks for the settlement of production activities. The efforts undertaken by the Länder for establishing One-Stop-Shops is supported by the central government</td>
</tr>
<tr>
<td><strong>Ireland</strong></td>
<td><strong>Enterprise Ireland</strong></td>
<td>Agency of support to local business development through consultancy activities</td>
</tr>
<tr>
<td></td>
<td><strong>City and County Enterprise Board</strong></td>
<td>Local offices for providing technical assistance and financial services</td>
</tr>
<tr>
<td><strong>United Kingdom</strong></td>
<td><strong>One-stop Shop</strong></td>
<td>One-Stop-Shop for assisting bureaucratic tasks for businesses</td>
</tr>
<tr>
<td></td>
<td><strong>Small Business Service</strong></td>
<td>Organization of support to SMEs in the fulfilment of bureaucratic regulations - since April 2000</td>
</tr>
<tr>
<td><strong>Spain</strong></td>
<td><strong>Ventanilla Unica</strong></td>
<td>Single centre for information and management of administrative procedures to be exercised by the Comunidades Autonòmas. A network for the creation of an integrated system, was developed by the Chamber of Commerce (“Ventanillas Unicas Empresariales”).</td>
</tr>
<tr>
<td></td>
<td><strong>Oficinas de Gestión Unificada</strong></td>
<td>Public body established in Catalogne to support businesses in carrying out administrative procedures</td>
</tr>
<tr>
<td><strong>Belgium</strong></td>
<td><strong>Guichets d'entreprises (CE)</strong></td>
<td>Regional centres aimed at informing and assisting businessmen during the creation of an enterprise. The ECOBRU centre in the Brussels region is well-known</td>
</tr>
</tbody>
</table>