Extended Partnership

multi-Risk sciEnce for resilienT commUnities undeR a changiNg climate

Spoke TS3 – Communities' resilience to risks: social, economic, legal and cultural dimensions

WP 7.7 - ***Legal and Ethical Aspects Prospect***

TK 7.7.2/DV 7.7.2 – Recommendations on identified gaps/conflicts in multi-level institutional framework and in sectoral multilevel legislation

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POLICY BRIEF

An Assessment of the Multilevel Governance of Hydrogeological Risk in Italy: Challenges and Recommendations [1]

An Overview

Italy is one of the European countries most exposed to landslides, floods, and climate change-related phenomena.[2] Despite a complex regulatory framework, hydrogeological risk governance remains characterized by inefficiencies, overlaps, and delays that reduce its overall effectiveness.

The current multilevel governance structure for hydrogeological risk, as redefined by Legislative Decree No. 152/2006 and subsequent legislative interventions, is based, in the intentions of the legislator, on a multilevel cooperative system in which the State,

[1] This study was carried out within the RETURN Extended Partnership and received funding from the European Union Next-GenerationEU (National Recovery and Resilience Plan – NRRP, Mission 4, Component 2, Investment 1.3 – D.D. 1243 2/8/2022, PE0000005). See for an in-depth analysis: M. Alberton, *Governance* multilivello del rischio idrogeologico in Italia: criticità e prospettive in un contesto di crisi climatica, in Federalismi.it, 2026.

[2] See: A. TRIGILA., B. LASTORIA, C. IADANZA, M. BUSSETTINI, S. MARIANI, F. D'ASCOLA, A. SALMERI, M.L. CASSESE, V. PESARINO, G. DI PAOLA, S. ROMEO, I. RISCHIA, B. DESSì, D. SPIZZICHINO, V. LICATA, P.L. GALLOZZI, *Dissesto idrogeologico in Italia: pericolosità e indicatori di rischio*, Edizione 2024, ISPRA, Rapporto 415/2025 (rapporto_ispra_dissesto_idrogeologico_ed2024_web.pdf

Regions, Autonomous Provinces, and District River Basin Authorities contribute to the definition and implementation of hydrogeological risk prevention and mitigation policies. This institutional architecture was designed to overcome sectoral fragmentation and bring risk management back to a systemic and unitary dimension, consistent with the principle of integration and the ecosystemic logic of the river basin district introduced by the European legislator. Nonetheless, the analysis of the regulatory framework and implementation dynamics highlights that this system presents persistent structural and functional challenges.

While, on paper, the District Basin Authorities, endowed with technical and scientific autonomy and vested with superior planning functions, constitute the core of the system, as they are responsible for ensuring the integration of hydraulic, environmental, and territorial policies through the District Basin Plan, as well as through the adoption of Water Management Plans, Flood Risk Management Plans, and other Supplementary Plans, an examination of the programs and plans has highlighted the weakness of the role played thus far by these Authorities in the decision-making process for land management, programming, and maintenance. The decade-long delay in establishing the District Basin Authorities and the subsequent years spent awaiting financial transfers and the acquisition of technical and administrative personnel that would allow the Authorities to fully operate have created a serious gap in the strategy for preventing and mitigating hydrogeological risk, which has not yet been fully filled. Their effectiveness is still conditioned by operational limitations, attributable both to the not always adequate allocation of human and financial resources and to the heterogeneous levels of institutional cooperation with Regions and local Authorities in the various hydrographic districts.

The Authorities' ability to influence land-use planning and transformation decisions faces resistance from regional and local urban planning tools and sectoral planning, which sometimes struggle to incorporate their requirements, despite the formally prevailing nature of district plans. In this context, the Constitutional Court's case law has reaffirmed the need for loyal cooperation between levels of government within the Authorities, considered an essential condition for ensuring coordination between land protection, which falls within the broader environmental protection framework (under exclusive state jurisdiction), and land management (under concurrent jurisdiction). At

the same time, it has helped legitimize a strengthened state role, which in recent years has regained a preeminent position in the coordination and planning of interventions.

The centralization process has materialized through the establishment of dedicated structures, the concentration of funding procedures, and the adoption of extraordinary tools aimed at overcoming decision-making inertia and implementation delays. In particular, the numerous centralized guidance and management structures, such as mission structures, control rooms, technical secretariats, and central task forces, which were established over time and often reflected changes in political structure, have not, however, been able to make a decisive contribution to the transition to ordinary management, which remains heavily conditioned by emergency responses.

While these institutional innovations have contributed to greater consistency in strategic directions and more effective monitoring of resource use, they have also led to overlaps with the ordinary administrative structure, partly weakening it.

The Regions have retained an important role both in the implementation phase and in the definition of territorial policies, contributing to district planning through the Permanent Institutional Conference and bearing responsibility for implementing interventions and adapting local planning. This intermediate position has made the Regions a key hub in the system, but at the same time has generated the risk of misalignment between the unitary basin dimension and territorial political-administrative needs, resulting in implementation asymmetries in the prevention and mitigation of hydrogeological risk. The coexistence of environmental planning tools and regional and municipal urban planning highlights a lack of integration that translates, especially in the event of disasters, into a prevalence of reactive and emergency approaches over preventive planning.

In particular, ineffective interinstitutional coordination, often confined to formalities and lacking adequate operational cooperation tools, has created a system in which the effectiveness of risk prevention policies is often subordinated to the activation of extraordinary and commissioner-led instruments. The establishment of the Special Commissioners also fits into this logic. The subsequent assignment of the implementation of interventions to the Special Commissioners represented by the Presidents of the Regions has not, however, led to the hoped-for effectiveness in combating hydrogeological risks, primarily due to the lack of adequate technical

structures and the tendency to delegate interventions against hydrogeological instability to beneficiary municipalities, which are not always capable of implementing them. Furthermore, the fragmentation of commissioner powers and the presence of numerous special accounts have further complicated the work of the Regional Presidents and hindered a clear understanding of the interventions completed and those still to be implemented. Some of the implementation issues mentioned are confirmed in the Government Commissioners' own reports.[3] So, the following issues are highlighted in the interaction between the various levels of territorial governance: the fragmentation and complexity of sector regulations; the plurality of competent bodies; the difficulties in applying the derogation regulations; the staff shortages of commissioner structures and local authorities; the general lack of connection between district planning and regional planning; urban planning regulations not effectively integrated with those of land protection; the direct allocation of economic resources to local authorities for interventions to combat hydrogeological instability by Ministries other than the Ministry of the Environment (in the absence of monitoring and coordination on the ReNDiS platform), which, therefore, escape a comprehensive planning of measures at the scale of the hydrographic district; the delay and complexity in the transfer of funds.[4]

Some of these critical issues have been addressed through interventions related to the "ProteggItalia" Plan and the implementation of the PNRR. In this regard, tangible progress can already be observed in the simplification and acceleration of financing procedures and decision-making processes related to hydrogeological risk, in the expansion of human and financial resources, in the strengthening of technical bodies in central and local administrations, and in the transfer of powers related to combating landslides to a single commissioner, regardless of funding sources. However, shortcomings and delays in implementation remain, including in the monitoring of interventions, and critical issues related to the proliferation and fragmentation of platforms, databases, and

[3] See Ministero dell'Ambiente e della Sicurezza Energetica, *Relazione annuale al Parlamento 2024 in merito agli interventi di contrasto del dissesto idrogeologico e al loro stato di attuazione*, Doc. CCXXVIII, n. 2, *cit*. 87 ss.

[4] See Rapporto della Corte dei Conti, Sezione centrale di controllo sulla gestione delle Amministrazioni dello Stato, *Gli interventi delle Amministrazioni dello Stato per la mitigazione del rischio idrogeologico*, Deliberazione n. 17/2021/G.

information systems. This latter issue, although identified by the "ProteggItalia" Plan as the subject of specific simplification measures, has not yet been fully addressed.[5]

Trends in recent years appear to be moving toward converging trajectories: on the one hand, a strengthening of the role of state coordination as a guarantor of unified direction and effective resource allocation, especially with European funding; on the other, a growing need for integration between basin planning, climate policies, and land management, according to a logic of systemic resilience and sustainability that overcomes the constant oscillation between ordinary and emergency planning. The PNRR provides significant resources to address the issue, frequently raised by experts, of the limited resources available to combat hydrogeological risks. It links this funding to a governance reform that overcomes the identified institutional and inter-government coordination gaps.

From this perspective, two recently adopted European instruments offer further elements of reform and synergy in hydrogeological risk governance. The first is the EU Soil Directive 2025/2360, which introduces, for the first time, a comprehensive European regulatory framework to ensure the protection, monitoring, and restoration of soil health. Specifically, the Directive recognizes soil as a strategic resource for climate resilience and the reduction of natural risks, requiring Member States to integrate soil protection objectives into their land-use, hydraulic, and environmental planning policies. The second instrument, coordinated with the first, is EU Regulation 2024/1991 on nature restoration, which imposes obligations to restore degraded ecosystems, with particular attention to river basins, wetlands, and river corridors. Both European instruments reinforce the need for integrated and multilevel approaches to land management.

[5] See Ministero dell'Ambiente e della Sicurezza Energetica, *Relazione annuale al Parlamento 2024 in merito agli interventi di contrasto del dissesto idrogeologico e al loro stato di attuazione*, Doc. CCXXVIII, n. 2, *cit*.

Summary of the critical issues highlighted:

1. Legislative and institutional issues

1.1. Legislative and planning fragmentation

• Historically reactive legislation, not built on a long-term, systemic vision.

• Coexistence of numerous planning tools (PAI, River Basin Plans, Regional Protection Plans, Flood Plans) with often overlapping and uncoordinated content.

• Complexity and stratification that slow the implementation of measures and their integration into territorial planning.

1.2. Institutional delays in the implementation of District River Basin Authorities

• Planned in 2006, the full operation of the District River Basin Authorities only arrived between 2015 and 2016, creating a prolonged institutional and governance vacuum.

• This delay has compromised the ability to implement coherent and integrated plans for years.

1.3. Operational weaknesses of the District Basin Authorities

• Insufficient human and technical resources.

• Limited ability to influence regional and local urban planning tools

2. Critical Issues in Multilevel Governance

2.1. State-Regional Conflicts

• Historical tensions between State and Regions and Autonomous Provinces over powers and decision-making processes, accentuated after the 2001 reform of Title V of the Constitution.

• Persistent conflictual institutional relations that weaken coordination and slow down risk prevention policies.

• The Constitutional Court is required to solve institutional conflicts: there is a persistent lack of effective cooperation between territorial levels.

2.2. Ineffective Interinstitutional Coordination

• Coordination in planning is often merely formal, with poor operational integration between district plans and territorial planning (regional and municipal).

• Significant differences between districts and regions in terms of administrative capacity and quality of cooperation.

3. Implementation Problems

3.1. Prevalence of the emergency approach

• Continuity of reactive responses after disasters, to the detriment of structural prevention and ordinary planning.

• Systematic recourse to special administrations and extraordinary instruments (special commissioners, derogation powers) instead of strengthening ordinary governance.

3.2. Administrative shortcomings for regions and local authorities

• Shortages of technical and administrative staff, difficulties in using derogation powers, delays in authorization and intervention processes.

• Misalignments between territorial priorities and district planning.

3.3. Financial and management inefficiencies

• Complexity of procedures for allocating and managing funds.

• Slow transfers, multiple special accounts, revocations due to non-use.

4. Data Integration and Monitoring

4.1. Information Systems Fragmentation

• Coexistence of numerous platforms (ReNDiS, SGP, KRONOS, BDAP, etc.) that are not always interoperable.

• Difficulty in consistently monitoring interventions and evaluating their effectiveness.

• The problem persists despite the measures provided by ProteggItalia and the PNRR.

Summary of recommendations for overcoming current critical issues

1. ***Strengthen administrative capacity***
   • Hiring and training technical personnel for regions, district authorities, and local authorities involved in risk management.
   • Stabilize technical personnel funded by the PNRR.
2. **Strengthen multilevel governance**

• Promote greater coordination between the various institutional levels—national, regional, district, and local—to ensure consistency, effectiveness, and timeliness in risk prevention policy implementation.

• Establishing permanent discussion forums and defining shared operational protocols can foster more integrated and resilient governance, avoiding overlaps and dispersion of responsibility.

3. **Integrate and simplify planning tools**
   • Alignment between district, urban, and territorial plans.
   • Reduction of regulatory stratification
   • Strengthen coordination and integration of sectoral plans and legislation.
4. **Overcome the emergency approach**
   • Limit the use of emergency tools.
   • Consolidate governance through ordinary and cooperative tools.
5. **Strengthen the interoperability of information systems**
   • Unify or structurally integrate existing data platforms.
   • Improve transparency and traceability of interventions.
6. **Align governance with new EU legislative interventions and EU policies**
   • Timely implementation of EU Directives and policy
   • Systematic integration of soil, water, and ecosystems into planning and legislation, as also indicated in recent European regulations (e.g. EU Directive 2025/2360 on soil; EU Regulation 2024/1991 on nature restoration).
   • Strengthen River Contracts as tools for participatory territorial governance.