

ITALY – Recent developments in environmental matters [2025-2026]

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Case Law

Cannavacciuolo vs Italy ECHR case

The case of *Cannavacciuolo and Others v. Italy* concerns the long-running environmental disaster in the Campania region known as the “Terra dei Fuochi” (“Land of Fires”), where toxic waste was illegally dumped, buried, and burned for decades, often by organized criminal groups. The applicants were residents and associations claiming that the Italian State failed to protect people from the resulting pollution and health risks.

The European Court of Human Rights (ECHR) held that Italy violated Article 2 of the European Convention on Human Rights — the right to life — because the authorities failed to adequately respond to the environmental and health dangers caused by the widespread toxic contamination. The Court found in particular that the authorities acted too slowly and inconsistently, despite evidence of contamination and disease.

A particularly important aspect of the ruling is that the Court did not require victims to prove a direct scientific causal link between a specific illness and a specific pollution source. Instead, it accepted that the existence of a serious and foreseeable environmental risk, combined with state inaction, was enough to trigger the State’s obligations under Article 2. In that sense, the Court adopted a precautionary approach, moving beyond the need to demonstrate a direct and causal link between pollution and the ensuing illness.

On the other hand, the judgment has been subject of criticism for the very restrictive approach that the Court took of standing, particular for environmental associations. On that point, the Court granted victim status only to the applicants who could prove that they live or that their relatives lived in the specific areas heavily affected by the toxic waste crises, thereby relying primarily on geographical assessment and rejecting the claims from individuals who lived in neighbouring areas and whose health was also allegedly affected by the waste pollution.

Greenpeace and others v Eni (“La Giusta Causa”), Italian Supreme Cour of Cassation, No 20381/2025, Judgment of 21 July 2025.

In this landmark ruling, the Court of Cassation, while not ruling on the merits on the claims as the proceedings concerned a *regolamento di giurisdizione* under the Italian Code of Civil Procedure, clarified that the Italian judges retain jurisdiction over climate-altering emissions produced by ENI subsidiaries abroad, because the alleged harm occurred in Italy where the plaintiffs reside. This was a turning point in the Italian climate litigation as it allowed the substantive part of the case to proceed before the Court of Rome.

In this case plaintiffs also sued the Ministry of Economy Finance and the Cassa Depositi e Prestiti. On this point, the Court clarified that these entities could be subject to civil jurisdictions because they were being sued in their capacity as shareholders of ENI and not as public authorities acting in their legislative or political capacities.

In doing so the court also implicitly distinguished this case from the other landmark climate change case in Italy, “*Giudizio Universale*”, where jurisdiction had been denied because the claim was directed against the State in its legislative/administrative capacity for acts and measures reflecting political and policy functions.

The Court also touched on the question of the separation of powers. Responding to ENI’s and the other shareholders argument that the courts lacked jurisdiction because reviewing corporate climate strategies would intrude upon political and legislative functions, the Court ruled that civil liability claims against a private company do not infringe on sovereign prerogatives.

Legislative developments

Strengthening environmental criminal law (2025)

Following the ECtHR ruling in the *Cannavacciuolo* case, the Italian Government adopted Law decree 8 August 2025, subsequently converted into Law No 147/2025 of 3 October 2025, containing “Urgent provisions for combating illegal activities relating to waste, for the remediation of the area known as Terra dei Fuochi, and for assisting the population affected by natural disasters” (GU n 183 of 8 August 2025).

This aims to be a strong intervention in the field of waste management and the fight against illegal waste practices affecting the national territory. To this end, the law envisages harsher criminal sanctions for environmental violations, such as illegal waste management and trafficking of waste, placing them at the same level of other serious forms of economic and organised crime, with penalties differentiated according to the nature of the waste (whether hazardous or not) and the severity of the damage.

Source: <https://practiceguides.chambers.com/practice-guides/environmental-law-2025/italy/trends-and-developments> ; see also: <https://www.puntosicuro.it/gestione-rifiuti-C-122/legge-147/2025-rafforzato-il-sistema-sanzionatorio-in-materia-di-rifiuti-AR-25894/>

Procedural simplification reforms (2026)

Decree Law No 19 of 19 February 2026 (converted into Law 20 April 2026, No 50) which is essentially conceived as a National Plans of Resilience and Recovery (PNRR) implementation measure, aims at simplifying administrative procedures in a number of areas, and has implications also for environmental regulation. In particular, the decree contains various provisions which amends the Italian Environmental Code (Legislative Decree 152/2006) or which affect environmental regulation by simplifying permits and authorizations.

Of relevance are in particular:

Article 14, which amends D.Lgs. 152/2006 (article 242-ter) and introduces urgent simplification measures for remediation of contaminated land and for projects on contaminated sites, by allowing some national technical criteria to apply temporarily in regional sites until the Regions adopt their own implementing rules.

Source: <https://www.advant-nctm.com/news-e-approfondimenti/decreto-legge-19-2026-nuove-disposizioni-in-materia-di-bonifiche-e-industrie-insalubri>

Moreover, the decree also excludes some industrial activities, which were classified as polluting (“industrie insalubri”) under an old law – namely the *Testo Unico delle Leggi Sanitarie*, No 1265 of 27 July 1934 – from that qualification when they obtain specific authorizations.

With this change, introduced by Article 14(3) of Decree-Law 19/26, the following industries are no longer classified as unhealthy industries, and are therefore excluded from the relevant regulations: companies holding an Integrated Environmental Authorisation (‘AIA’), a Single Environmental Authorisation (‘AUA’) or authorisations relating to atmospheric emissions and water discharges, issued pursuant to Legislative Decree 152/2006.