

ANOTHER AMENDMENT TO THE TESTO UNICO DELL'EDILIZIA

With the Senate's approval on 14th of July 2022, the conversion into law of the so-called *Decreto Aiuti* (Decree-Law no. 50 of 17th of May 2022) was finalised; this decree - in addition to focusing on Superbonus, RES, photovoltaic/renewable energy plants, and tax credits - again intervenes on Article 3 of the *Testo Unico dell'Edilizia*.

This represents another change made to Article 3, which was affected also by Law No. 34 of 27th of April 2022 no more than three months ago.

Over the last twenty years, the revisions to the definition of building interventions - contained in the aforementioned article - have been so numerous that even experts in the field, as well as the local administrations themselves, still struggle to keep up with the Legislator. Added to this are the multiple rulings of the Administrative Courts that - in an attempt to fill legislative gaps and the lack of organicity of the *Testo Unico dell'Edilizia* - often provide interpretations that are disharmonious. Everyone is aware of the difficulties encountered also by operators in the sector in identifying the correct procedure to follow when carrying out even modest building works.

All this reinforces the need for a complete amendment of the *Testo Unico dell'Edilizia*. From many sides, in fact, it is argued the need for an intervention by the Legislator on the current regulatory system, renouncing the continuous 'simplifications' - a term that is by now much overused - and opting instead for a complete revision that takes into account the evolutions, also in terms of fact, that have gradually taken place in the world of construction, today increasingly oriented towards the recovery and redevelopment of the existing building heritage.

To tell the truth, an attempt to reorganise the building discipline had been launched; the *Testo Unico delle Costruzioni* was expected by the end of 2021, which aimed to streamline procedures by introducing a specific chapter on building bonuses, with the goal of unifying them and clarifying all the bureaucratic steps.

In addition to this, Bill No. 1679 is currently under discussion - in the Public Works Commission in the Senate - delegating the Government to issue 'one or more legislative decrees for the reorganisation, coordination and integration of legislative provisions on construction', providing for the updating of building intervention categories and a streamlining of administrative proceedings.

However, these acts stand, to this day, merely as a proposal. And so, inevitably, all that remains is to proceed with continual retouching to ensure that an outdated text keeps up with the times.

Now, the recently approved amendment broadens, once again, the definition of 'building renovation works' - subject to a building permit - to include the complete demolition and reconstruction of buildings relating to the ones restricted pursuant to Article 136, paragraph 1, lett. c) and d) of Legislative Decree No. 42 of 22 January 2004 (*Codice dei beni culturali e del paesaggio*).

In the light of the amendment made, demolition and reconstruction works concerning *"complexes of immovable things that make up a characteristic appearance having aesthetic and traditional value, including historic centres and districts"* (lett. c) and *"panoramic beauties and also those viewpoints or belvederes, accessible to the public, from which the spectacle of those beauties can be enjoyed"* (lett. d) fall within the scope of the building renovation where **(i)** changes are envisaged to the outline, elevations, sedime or planovolumetric and typological characteristics of the pre-existing building or **(ii)** increases in volume are envisaged.

Thus, there is a new enlargement of the number of buildings that, even if are protected pursuant to Article 136, letters c) and d) of the *Codice dei beni culturali e del paesaggio*, are subject to the simplifications, provided that demolition and reconstruction work is carried out with changes to the outline or elevations or sedime or to the planovolumetric and typological characteristics of the buildings or increases in volume.

DISCLAIMER

The sole purpose of this Client Alert is to provide general information. Consequently, it does not represent a legal opinion nor can it in any way be considered as a substitute for specific legal advice.

Laura Sommaruga, Partner
Via Dante, 9
20123 Milano
Email: laura.sommaruga@grplex.com

Federico Ianeselli, Senior Associate
Via Dante, 9
20123 Milano
Email: federico.ianeselli@grplex.com