

SKI SLOPE AND ENVIRONMENTAL IMPACT

PREAMBLES

Few things are needed for a good descent on skis: only a good snowfall on a snowy slope and a pair of skis.

With sealskins and goodwill, the game is easily done! In the beginning, that is what skiing was like and only a short time has elapsed since then since we are talking only about the beginning of the twentieth century. Within a short time and thanks to skiing, the social and economic aspect of the mountain has changed, in fact where skiing stations were built remarkable human settlements have been developed, not only with respect to size, but also to the culture level of the populations and the economic interests that they can generate.

The progressive urbanisation of the territory created the need to develop in particular, the areas intended for cross-country and slope skiing, which constitute a useful incentive to develop various economic activities connected and compatible with each other.

The construction of cableways brings workers that must settle in the territory, second homes and hotels that tend to relate to the schedules of the installations.

In turn, the schedules of the installations require to be related with the slopes proper. These indeed, in case of cross-country skiing, must allow cross-country skiers to use their paths without being excessively obstructed by other skiers and must allow slope skiers to perform their activities with a sufficient level of freedom and safety.

AVAILABILITY OF LANDS

The need to dispose of suitable and adaptable slopes implies the solution of considerable problems.

Ski slopes are located in mountain territories of agro-woodland-pastoral nature which are slightly profitable, that is areas that could be easily reforested with a good return. It is true that skiing takes place during the winter and could not influence the exploitation of pasture, but not always owners are willing to easily grant passage on their lands and they expect an economic return to grant this right to third parties. These problems are mainly occur when large events take place in a station, as it occurred during the eighties in Courmayeur when, in view of a long-awaited world championship cup competition won by Valle d'Aosta, the owners of the lands located at the arrival areas of Checrouit, where the male giant slalom competition should have taken place, had the idea to plant a large plantation in the slope's final area.

The arrival area of a ski competition must be wide in order to allow athletes to stop safely and in order to install structures needed by the athletes, for timing operations and the press. In addition, the arrival area of an important competition, as prescribed by FIS and for advertising the event, must be located at the lower end of the facilities, as close as possible to the central part of the skiing station. Finally, the differences of level set forth by the technical regulation for each type of competition must be met.

The Judge's intervention was necessary to solve the Courmayeur case, and who, with an urgent provision on obvious indemnity, allowed obtaining the availability of the lands needed for the competition to take place, in the community's interest that in this case was in contrast with the interests of the individuals.

Events like this may happen. The interest of agriculture and grazing is not compatible with the use of lands as ski slopes. Fencing and the realisation of irrigation tanks are useful changes to agriculture, but in contrast with the need to offer vast spaces free of obstacles to skiers. The solution to render slopes available by acquiring passage servitudes during the winter period is an economically more favourable solution since the purchasing of the title is very burdensome on one hand and on the other, would imply long-term maintenance costs of the lands. The servitude is a right of exploiting the object that imposes

nevertheless compliance with the rights of the land's owner, and must therefore be very detailed in its contents since who has a servitude right can only exercise it to that extent of his/her title and property. In case of doubt regarding the extent and modalities on exercising the right, the servitude must be deemed constituted so as to satisfy the need of the dominant tenement, but with fewer burdens for the server land. Matters of servitude title will be resolved based on the practice of the last year when this right was exercised. In addition, while the server land, therefore the owner and on his behalf, the farmer that manages the lands, cannot perform actions that limit or render inconvenient the exercising of the servitude right, on the other hand the dominant tenement cannot carry out innovations that render the condition of the server land more burdensome. This condition is not suitable to the development needs of the winter station and the more and more sophisticated needs of slopes, which require the elimination of fixed obstacles and forced passages, stone removal, the realisation of fixed facilities for artificial snow falls.

Law No. 363 dated 24 December, 2003 (Regulations on safety in practicing winter cross-country and slope sports) defines the contents of "equipped areas" for carrying out various sports on snow such as skiing, snow board, sleight. In particular, it defines them as areas covered by snow, also of artificial type, equipped with facilities and slopes. With particular reference to the latter, article 7 of the aforementioned law mainly explains the safety requirement, paying particular attention to the elimination of atypical dangers, and the obligation for ordinary and extraordinary maintenance of the slope's manager, who is responsible for opening the slopes and close them in case of non-practicability. The law entrusts regional regulations the task to detect the areas dedicated to winter sports, also with the purpose to constitute title for the co-active institution of related servitudes, needed for the management of such areas, indeed it requires that the identification of the areas must be equivalent to a declaration of public utility, not deferrable and urgent, with the purpose to overcome the resistances of private subjects concerning the realisation of facilities and slopes deemed useful *ex lege* to the economic and social development of the community.

Nevertheless, this does not mean to overcome the difficulties related to the contents of the servitude right that, even if imposed, is in any case regulated in its contents by the provisions set forth by the civil code.

SAFETY IN RELATION TO SNOW SLIDES OR AVALANCHE HAZARDS

Regarding Valle d'Aosta, the current regulation defines Alpine skiing slopes (regional Law no. 9 dated 17 March 1992, with subsequent modifications, and at last with regional Law no. 27 dated 15 November 1994) as a "*path properly intended for the practice of slope skiing, generally accessible when prepared, indicated and controlled, for purposes of checking the existence of the danger of avalanches and other atypical dangers*", and Nordic ski slopes as a "*path properly intended for the practice of cross-country skiing, generally accessible when prepared, indicated and controlled, for purposes of checking the existence of the danger of avalanches and other atypical dangers*".

Attention towards the problem of avalanches offers an element for important considerations.

In fact ski slopes are areas free of obstacles; especially these constitute evident interruptions to visual impact in woodland areas, not uncommon in a mountain landscape, where there are natural gorges free from vegetation since regularly run through by avalanches.

The site displayed on the side is located on the slopes of Croix de Chaligne above Aosta where agro-wood-pastoral settlements are situated, and not ski slopes.

The woodland borders, visible on the slope, recall the aspect of ski slopes, but they are instead gorges subjected

to recurring avalanches. When areas of this type are located in areas intended for skiing, these cannot be used as ski slopes since they are exposed to danger of avalanches. Such use could be possible only provided that the area is protected with avalanche barriers or a periodical reclamation of the slope in case of snow excess is carried out, therefore it is not always convenient in economical terms to use these free areas rather than disforestation.

CHANGES TO TERRITORY AND ENVIRONMENT

Disforestation is also an activity compatible with the agro-wood-pastoral destination of the areas and pasture, that needs to be irrigated as any cultivation, and when this takes place through sprinkling irrigation tools, it has an aspect similar to that of a ground intended to be used as slope during the winter season.

Sprinkling irrigation has similar needs as those of artificial snowfall and the dynamics are very similar also in the realisation phase, indeed a water collection tank and pipes that connect nozzles are needed. To do this, temporary roads are needed, gorges must be excavated and then filled out and covered with turf, but which are necessary for laying pipes.

Use of water and supply constitute an important environmental aspect, also considering the "low" season, during which ski slopes required reservoirs to produce snow. The artificial snow fall activity must be taken in consideration in water protection plans envisaged by article 121 of Legislative Decree no. 152 dated 3 April, 2006. Moreover, regions are required to institute suitable data detection programs indicating the characteristics

of the watershed and to evaluate the human impact.

The collected data transmitted to the Ministry of the Environment and protection of territory and to the Department for the protection of internal and marine waters belonging to the Agency for the protection of the environment and technical services (*Agenzia per la protezione dell'ambiente e per i servizi tecnici - APAT*) will be used for the economic analysis of the use of waters in order to lay out a proper schedule for the use and reuse of the assessed water body.

EARTHWORKS AND GROUNDS ADAPTATION

In order to use better the skiing grounds, it is also necessary to eliminate the larger and visible rocks, by working the ground that presents an unpleasant aspect during the operational phase, but that is in any case intended to improve with time through the restoration of natural vegetation. Crevacol slopes, in the Valley of Gran S. Bernardo are an example: indeed in this very stony area, it was necessary to change the ground considerably and remove a lot of stony material in order to execute the ski slope. Restoring of vegetation is slower at high altitudes compared to plains, and despite sowing, it requires a lot of time. Regarding this, the Court of Cassation (sentence dated 23/02/2004, penal section III no. 21022), in a case that had as object the preservation of the state of the places for the realisation of a ski slope (connection between Adler and Cevedale slopes, Plaghera district, in Santa Caterina di Valfurva), had expressly criticised the decision of the first instance judge (Court of Sondrio) who excluded the remission order to restore the state of the areas, based on the fact that the ground had been covered with turf. The Cassation concluded that the fact that the area had been covered with turf mitigated the environmental impact, but did not restore the *quo ante* status, since the claim was based on the preservation of the territory.

It must also be stated that the same Court of Cassation excluded the remission order due to a violation of the procedure. In the case in object indeed, the remission order was imposed by the Court of Appeal as additional penalty, to correct the material mistake of the first instance sentence, but since the Public Prosecution did not intervene regarding this, the Court of Appeal could not intervene on a point of the sentence that had not been impugned. In practice, it must be observed that an opposite decision would have implied the destruction of the ski slope to restore, based on existing documents, the state of the areas before the intervention.

It must be pointed out that when examining a mountain landscape, the one indeed where ski slopes are located, one comes into contact with a rather complex reality, often wild and neglected at times, whose beauty derives from the fact that nature follows its natural course without the intervention of men. A remission to restore such a condition is practically impossible. In fact in many cases, quitting some activities which were at once traditional offers advantages and disadvantages that could be considered differently. For example, woods are progressively abandoned because nowadays there is no longer the need to gather fire wood and the wood supply is interrupted regarding this point.

Very often the undergrowth is left to itself, whereby while looking at the wood from outside one has a positive image, on the contrary, regarding details and undergrowth, their condition appears untidy and rather disastrous, with an increase of fire hazard caused by natural circumstances or due to the negligence and distraction of the passer-by.

The current situation of skiing areas, also due to climatic changes and current increases of average temperatures, together with the forsaking of the small stations at low altitude, brings us to consider territories which are at altitudes of 1,500 metres above sea level up to perennial snowy areas.

The earthworks interested with respect to the regulations are obviously those that influence the ground. We do not take into consideration works done to the snow cover, which are transitory since they only last for the winter season or the time needed for the events. Think about snow-parks, half pipes, border-cross slopes, and the necessary setups for free-style. Snow-cats and cumbersome machineries are needed for this type of interventions, very similar to those used in construction, but these works are not permanent.

When the snow melts, or even before, it is possible to discover that the natural condition of the areas was not subject to changes. The situation is different when in order to realize the ski slope, it is necessary to modify the ground structure or deforest.

Ski stations were built in areas that have, or that once had, limited urbanisation and where agriculture was not as frequent as pasture and grazing lands did not require seeding or cultivation. Those are nevertheless pleasant areas and very interesting in terms of landscape. Now, in addition to traditional agriculture, a tourist activity is being developed and it is expanding, which impact on the environment is of commercial or industrial type and aims at the economic development which is at times in contrast with the need of the environment, or transforms it.

REGULATIONS ON THE PROTECTION OF LANDSCAPE

The regulation on landscape protection (Law 29 dated June 1939, no. 1497) instituted a landscape restriction, such to require prior authorisation for interventions that modify the territory in such areas, granted by Bodies for the protection of cultural and environmental assets, of each province. These restrictions had to be set forth by ministerial decree. And this occurred regularly in many areas, also in Valle d'Aosta. In August 1985 instead, a vast reform took place which subverted the laws on environment,

indeed, with law no. 431 dated 8 August, 1985, decree-law no. 312 dated 27 June, 1985, was converted, which established that some territories analytically described herein under, had to be subjected to an *ex lege* landscape restriction, with no need of any declaratory judgement: rivers, torrents, public water streams and their sides or banks for a strip long one hundred and fifty metres, mountains starting from 1200 metres altitude in the Apennine region and 1600 metres in the Alps, therefore all woods and forests, including also those damaged by fire, glaciers and glacier snouts.

The rule assigned the regions the task to draw up relative landscape territorial plans and established the residual activities that could have been performed with no authorisations, such as: ordinary and extraordinary maintenance interventions, static consolidation and conservative renovation of existing buildings, with no modification to the exterior, performance of agro-wood-pastoral activity which does not imply permanent alteration of the state of the areas for constructions or other civil works, and provided that the territory. Any violation of the regulation was severely sanctioned as provided by urban and building law no. 47 dated 28 February, 1985, and according to art. 20 of the law on penal sanctions, also establishing that in addition to the penalty, the state of the areas had to be restored at the expenses of the offender.

It must be immediately clarified that penalty rule was rather incomplete since it was referring to another law, having as object the discipline of the building activity, which established three different hypotheses of crime (a- building activity not compliant with authorisation and regulations, b-lack of building activity or total non compliance, c – total non compliance or lack of authorisation in an area subject to restriction).

The creative intervention of the Court of Cassation was needed to interpret or rather complete the partial legislation, establishing that the normative reference shall be intended as “*quoad poenam*” (Court of Cassation, 20/1/1990, Lupini, in Italian Court, 1990, II, 684). Later on, the Court (penal Cassation section III 4/10/1995 Pres. Glicini, in Penal cassation 1996, page 1581) assigned the same importance to the authorisation released by the Authority and the “building permit” in effect then, in order to identify to which offence hypothesis the legislative reference refers, that is art. 20 letter a (building not in compliance with the released authorisations) or art. 20 letter c (lack of authorisation).

When emitting laws, the Cassation stated that “*the legislator did not give any precise statement regarding art. 20 and this silence has a clear and univocal meaning: he did not refer only to letter c), otherwise he would have said that*”. Meanwhile, also the Constitutional Court intervened on these points with different decisions in which it was extensively criticizing the rule’s structure and hoped for a proper legislative intervention.

URBAN CONSTRUCTION AND ENVIRONMENTAL REGULATIONS IN FORCE

Adequate legislative intervention never took place, instead legislative confusion increased.

Building construction laws were completely reviewed with the amalgamated text of legislative provisions on the subject of building construction (Presidential Decree No. 380 dated 6 June, 2001) which differentiated the structure of administrative provisions concerning the realisation of building works, from the building permit to the notice of beginning of activities, which does not need an express provision, and unified into the same text, the regulations on cement, construction in seismic areas, reinforced cement, elimination of architectural barriers, and that has also been expressly abrogated, regarding articles on abrogation, art. 20 of Law no. 47 dated 28 February, 1985 (sanctions), substituted by a different penalty system.

Despite this and despite the fact that the amalgamated text on building and planning could not be overlooked by operators and also by the legislator also due to the many delays (the date of validity was postponed many times, up to 30 June, 2003), during the issuing of the reform on cultural and environmental assets, Legislative Decree no. 42 dated 22 January, 2004, took in consideration the list of assets indicated in decree-law of 1985 and established the penal sanction for the execution of works of any type on restricted assets and the sanctions foreseen by the already abrogated art. 20, law no. 47 of 28 February, 1985, for lack of authorisation, and also confirmed the additional remission sanction to restore the state of the areas.

It must be reminded that penal sanctions are linked to a principle of strict legality with a prohibition to interpret the same rules according to similarity. On the other hand, it must be also pointed out that the Penal Code expressly foresees that nobody can be sanctioned for a fact that is not deemed as crime at the moment in which it was committed and that nobody can be punished for an offence that does not constitute a crime, according to a previous law. In case of the building regulation, the amalgamated text on building and planning (Presidential Decree no. 380 dated 6 June 2001) foresaw a date for its coming into effect and it also contained the abrogation of regulations that were previously in force. In extending the coming into effect with law no. 463 dated 31 December, 2001, the legislator, without considering the compulsory period of *vacation legis* caused by eventual publication delays of the norm on the Official Journal, created a gap in the law of nine days, between January 1st, date foreseen for the coming into effect of the new text, and 10 January, 2002, publication date of the delay provision on the Official Gazette.

The problem also arose in case of the maintenance of the ski slope of Santa Caterina S.p.a., located in a restricted area, inside Stelvio Park.

The Court of Cassation, third penal section, with sentence no. 1672 dated 20 November, 2002, had to deal with an interpretation of the rules' sequence, based on the continuity of regulations in time, without which the sentence of the Court of Sondrio, confirmed by the Court of Appeal of Milan, would have not been valid. In the same sentence, it was also indicated that works on the ski slope, which included the realisation of a road, disforestation and levelling works of a slope, need an authorisation for landscape purposes, and also a building permit; nevertheless, while the building permit can be released also later as act of indemnity, the landscape permit must be issued prior to commencing the works.

Therefore, the landscape permit released later on is useful to maintain the work, which otherwise should be demolished with the restoring of the *quo ante* condition, but it is not sufficient to settle the offence.

In order to give a more tangible meaning to these provisions, it must be remembered that article 40 of the current urban law foresees, in paragraph 1, letter c), imprisonment up to two years and a fine from 15,493.00 Euros to 51,645.00 Euros; it is obviously opened the discussion on the applicability of lighter sanctions foreseen by the same article, sub letter a) and whether this regulation shall be applied or the provisions expressly mentioned in the law on landscape, which are already abrogated.

SAFEGUARDING OF THE ENVIRONMENT AS AN INALIENABLE PRIMARY ASSET

By trying to sort out this subject, often there is the impression that the *corpus iuris* regarding environment is constituted "through accumulation", to use a term used by architects that deal with urban planning and that gives well the idea of scarcely or not at all programmed development.

Indeed, it must be pointed out that concern towards the environment arose very late, starting from the end of the last century, and the environment was not taken into consideration also in our constitution, where no specific protective measure is present. During the legislative path, the intervention of the Constitutional Court was fundamental which, with various sentences, has dealt with the problem of restrictions of citizens' rights set forth by different juridical regulations, inspired at the safeguarding of landscape values (Constitutional Court, sentence 12/4/1990 no. 195; sentence 20/12/1996 no. 399), parks and natural oasis (Constitutional Court, sentence 30/12 1987 no. 617; sentence 11/7/1989 no. 391), restrictions in general (Constitutional Court, sentence 22/7/1998 no. 316). The Court indeed introduced a principle according to which, in the fundamental right to health and well-being set forth by art. 32 of the Constitution, it is included the right to live in a healthy environment, therefore the binomial well-being/environment represents an indispensable and inalienable primary asset, and must be therefore safeguarded also by sacrificing subjective rights, for example that to build, which are important but they cannot be in contrast with everybody's primary right to protect common assets.

Further still, upon giving an opinion on the subject of urban and landscaping regulations, in addition to that of the violation of art. 734 of the Penal Code, which safeguards natural assets, the Court of Cassation, third penal section, ordered with sentence No. 13440 dated 3 February, 2004: "...mentioned the vast existing science and jurisprudence regarding environmental damage as provided for by art. 18 law no. 349 of 1986, it must be pointed out that the concept of environment, according to the definition given by this Court, consists of an intangible asset legally recognized and protected in its whole, but which can be divided into territory's asset, wealth of natural resources, aesthetic and cultural value of landscape, and also environment as condition for a healthy life (ex Cassation sanction 18/12/1990). In the aforesaid sanction, and having said this, the Court annulled with no adjournment and due to prescription of crime, a sentence rendered by the Court of appeal of Venice, as partial reform of the first instance sentence of the Court of Belluno, which was pronounced regarding a case concerning the modification of the territory's structure in a woody area, to realize a ski slope. The sentence also confirmed the refund of damages in favour of the Ministry of the environment and protection of the territory who appeared as plaintiff, legally represented by a State attorney.

VALLE D'AOSTA AND THE SKI SLOPES

Regarding Valle d'Aosta, there are no previous important legal cases on ski slopes and environmental damage. A small problem of non compliance with the permit during the realisation of the artificial snow fall system in Valle d'Ayas, district of Monterosasky S.p.a., ended with a modest fine according to art. 20 letter a) of law no. 47 dated 28 February, 1985.

Most likely the lack of previous important cases is due to the fact that Valle d'Aosta did not hold any longer, since the eighties, world competitions of skiing, Alpine skiing or in any case events at world wide level for which it was necessary to set up new ski slopes or wide spaces.

The Olympic event of Valle d'Aosta, candidate for the organisation of winter Olympic games in 1998, began with a great enthusiasm and was regulated with regional law no. 68 dated 12 November, 1990, but less than two years after the event, the population abrogated the aforesaid regional law on financing with the referendum dated 19 June, 1992, and the result of the referendum was proclaimed with Decree of the Council's President No. 647 dated 24 June, 1992. The regulation was not substituted and therefore the nomination was abandoned.

When the winter Olympics in Lillehammer took place in 1994, Valle d'Aosta had already forsaken its Olympic nomination.

Regarding regional legislation on ski slopes, it proved moreover to be rather effective. The basic standard is Regional Law Valle d'Aosta no. 9 dated 17/03/1992, B.U.R. 24/3/1992 no. 13 – (Standards on the public use of ski slopes). This was promulgated as a consequence of the accident occurred in Courmayeur on Papillon ski slope, on the slopes of Monte Bianco, where thirteen tourists died. The aim of the rule is mainly safety. The law in any case is also important regarding the environment issue, since it has regulated the slopes' authorisation system. Among its scopes, the rule underlines the purpose to ensure proper conditions of practicability regarding areas intended for public use for the practice of cross country and slope skiing.

The rule concerns slopes for descent and cross-country skiing, both intended for tourism or temporarily intended for agonistic competitions, in this case also subject to the compliance with current provisions set forth by the Italian Federation of winter sports (FISI) and the International Federation of skiing (FIS).

In case of competitions, the rule foresees as safety measure, the closing of the slope to the public for the entire duration of the competition and eventually, suitable preparatory training.

Having the objective of skier's safety, the law subordinates the opening of ski slopes to the public based on a check of their practicability, also for existing slopes with retro-active effect, on the date it was issued. Therefore in Valle d'Aosta, the opening of slopes to the public is subordinated to a classification provision. Classification applications must be supported by suitable documents including plans of the area, route, the necessary systems and infrastructures needed for the evaluation of the "*Technical-consulting Committee for ski slopes*" duly instituted at the regional council office for tourism, sports and cultural assets.

The outcome of the evaluation assigns an evaluation to the slope.

Regarding slopes for descent, evaluation takes place according to its level of difficulty, from easy slopes with longitudinal and transversal inclination not higher than 25%, marked in blue, average slope, with inclination not higher than 40%, marked in red and difficult slope, with inclinations higher than previous ones, marked in black.

Regarding cross-country slopes, there are also three degrees of difficulty which are evaluated based on the average skills of the tourist, from amateur or occasional skier, to expert skier, provided that the text, even if it mainly aims at safety, it does not overlook completely the environmental aspect indeed, in regards to slopes realized after the coming into effect of regional law no. 6 dated 4 March, 1991, concerning "the Discipline of the evaluation procedure of the environmental impact" establishes that these must be compatible with such regulation.

The aforementioned law included the interventions in the annex, for which it was requested the prior evaluation of the impact of the work on the environment. Ski slopes were included in the attached list, with obligation of simplified procedure for shorter ones and ordinary procedure for those long more than two kilometres.

With the regulation on environmental impact, the autonomous Valle d'Aosta Region adapted to directive 85/337/EEC of the Council, dated 27 June, 1985, as modified by directive 97/11/EC of the Council, dated 3 March, 1997.

The objective of the regulation on the evaluation of the environmental impact aims at the preventive safeguard of the environment in order to protect and improve the life quality, protect nature, and preserve human and natural reserves. The procedure aims at guaranteeing and promote the information and participation of citizens to decisional processes, thus coordinating the administrative procedures relative to plans and projects.

The evaluation of the environmental impact indeed foresees a study of direct and indirect effects, of short and long term, permanent and temporary, single and cumulative, positive and negative, that plans and designs have on the environment, intended as a complex system of natural and human resources, and their interactions.

The preventive study is entrusted to a private subject or to the Body which intends to realize the work, administration is entrusted to formulate an opinion after the initial and consultation phases with competent public administrations and associations, and citizens involved. The final decision is taken by the regional Council which emits a deliberation on environmental compatibility regarding the plan or design.

Regarding the consulting of administrations involved in the work, the evolution of the environmental impact also foresees the acquisition of the favourable opinion of the Authority, also for compatibility purposes of the work with landscape restrictions.

The building permit is not necessary instead in Valle d'Aosta for setting up ski slopes. Indeed, regional urban law no. 11 dated 6 April, 1998, article 61 letter d) expressly foresees that also planning works on areas intended for sports activities with no volume concept are not subordinated to building permit and are subject to notification of beginning of activity or execution of variations on a work in progress.

Ski slopes do not create volumes and are therefore excluded from the sphere of building permit. Instead the environments intended to service the same slopes such as for example *foyer* or refreshment places, systems' arrival and departure stations, and also the cabins needed to distribute power and in any case all constructions that involve volume fall within this sphere. The obligation to prior evaluate the

environmental impact for ski slopes is not foreseen in all Italian regions, and the violation to the regulation on such evaluation is subject to sanctions of administrative and not penal nature. In Valle d'Aosta, the sanctions foreseen for the various behaviour of "execution of work with no permit" or "non compliant with provisions" go from 2,065.83 Euro up to 6,197.48 Euros, but they can be added to penal sanctions in case the Authority's opinion was disregarded regarding landscape restrictions.

EUROPE'S INTERVENTIONS ON THE ENVIRONMENT

In Europe the subject is treated differently.

Regarding this, it must be pointed out that the Court of Justice of European Communications in Grand Chamber, made up by thirteen judges presided by the President of the Court, completely annulled the frame decision of the Council dated 27 January, 2003 (n.2003/80 GAI-*Giustizia e Affari Interni*) which had as object, the protection of the environment through penal laws.

This decision was the final one, after the Council was proposed the opportunity, within the sphere of first pillar, upon solicitation of the Kingdom of Denmark, of a frame decision on the sanctioning of serious offences related to the environment, as set forth by articles 31 and 34 of the Treaty on European Union. The subject was nevertheless object of discussions with various solutions also suggested by the Parliament and by the Committee, and no agreement was reached inside community bodies, therefore the Council emitted the decision which contained the definitions of intentional and negligence crimes and the sanctions to apply, regarding physical and legal persons, in addition to the rules on the subject and on extradition. The Commission impugned the frame decision before the Court of Justice in Grand Chamber. In expressing the reason for the annulment, the Court of Justice which operates within the sphere of the third pillar, if on one hand nullifies the frame decision that appeared to be a suitable instrument to impose the obligation to foreseen standard penal sanctions to member States, on the other even if not accepting this instruments, it underscores the relevance of the problem, explicitly stating that the environment topic is relevant to the Community and the protection of the environment constitutes one of the essential objectives of it.

Community laws are different compared to the regulations of the single states. Community order is based on inter-government collaboration, treaties and directives that need to be ratified by the states of the Union to acquire legal validity. Even when directives can be immediately applied for their precision and topic, this does not eliminate national laws, but they have more validity compared to national regulations. For this reason, we consider the Community's interventions as those of the pillars: these are based on national structures and create the support for an ordered plan which belongs to the community that does not eliminate or overlaps to national laws, but explains its effects on a higher sphere, as if it was a bridge where the life that takes place on a lower level does not interfere with that on the upper one and does not prevent its development. It is not by chance that Euros chose as symbol on bills, the images of portals and bridges that marked the evolution of our European civilisation.

CONCLUSIONS

To conclude: regarding ski slopes, there is a great diversity of views and opinions, and great uncertainty on the regulation to be applied. The penal sanctions foreseen for the lack of authorisation to perform works subjected to landscape restrictions concern ski slopes which are almost always located in restricted areas. There is no uniformity among regions regarding the obligation to evaluate the environmental impact, which lack or non compliance is sanctioned with administrative penalties. There is no uniformity regarding building permit or notice of start of activities. At European level, a common deliberation regarding environment protection is still awaited for.