

ANALYSIS OF THE CHANGES DERIVED FROM THE PROCESS OF RENEWAL AND SIMPLIFICATION OF ADMINISTRATIVE PROCEDURES IN THE NEW ITALIAN LEGISLATION ON FIRE PREVENTION AND SAFETY

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Abstract

With the enactment of the decree of the President of the Republic of August 1, 2011, n. 151, the administrative procedures related to the monitoring and verification activities for fire prevention have been simplified, in order to ensure a more rapid start of production uptime, without reducing the level of security, and have been renewed with the introduction of a new framework of technical regulations and of a new methodological approach that is closer to today's technological progress. The purpose of this article is to highlight the key aspects of the decree by analyzing the relapses in prevention activity.

Key words: Fire Prevention, Presidential Decree 151/2011, Law 818/1984, Safety

1. INTRODUCTION

Much progress has been done since the Law 818/1984, the provisional clearance, and the essential minimum standards required in the activities with regard to fire prevention.

Many professional categories have formed over the past thirty years, thus greatly increasing the level of culture and sensitivity in the field of fire prevention.

Previously, fire prevention appeared to be run by a few Fire Brigade officials and, as a consequence, the technicians were forced to passively fulfill the Command's requirements. Today we face a completely different context, made of openness, of participation in the procedures, of computerization and of periodic, mandatory professional refresher training courses. The highest level of this process of professional involvement and expansion of the culture of fire prevention, once only reserved to the Fire Department, from the fire department commands to the professional categories, was reached with the Presidential Decree 151/2011. This law has appropriately maintained the cornerstones of safety in place whilst ensuring, in the most significant activities, the requirement of a fire prevention protocol.

It is important to remember that the project is a contract between the fire department and the proprietor of the business activity. The project of fire prevention constitutes and establishes, especially for activities that are not regulated by a specific statute on fire prevention, a commitment and a prescription: it is a commitment for the proprietor of the enterprise, who signs the papers and the project report; thereby showing an awareness of having to carry out the project works, prior to any commencement of business activity. As for the Fire Department, which issues the authorization to perform the project works, the project constitutes an arrangement to do the work planned prior to any commencement of business activity; or, if you wish, an authorization to pursue the activity which is conditional upon the achievement of those works and those installations.

Finally, and this is certainly the most important aspect, the Presidential Decree 151/2011, through the use of asseveration, allows qualified technicians to ensure the business activities, by certifying their compliance in terms of fire prevention.

Nevertheless, despite the great progress made in the field, there are still some critical issues that require more effort and further detailed work, which will guarantee the achievement of more positive results.

Businesses still today do not perceive safety, and especially fire safety, as an added value but, rather, as a heavy bureaucratic burden, an obligation to comply with the least possible expenditure of time and money, not for the safety of their own activities, but mainly to avoid penalties.

2. MATERIALS AND METHODS

2.1 *The previous regulatory protocol*

In Italy, the regulatory protocol in existence before the new regulations on fire prevention presented as a complex system of rules, laws and decrees, which were not immediately approachable for the non-experts in this field.

The first observation to make is that the current rules of fire prevention came about in different periods, clearly reflecting the safety culture of the time of issuance. The numerous decrees issued have been deepened and dissected by an equally large number of ministerial memos, useful in providing interpretations and clarifications of the rules.

In addition to the rules on accident prevention, such as the Legislative Decree no. 81/2008, which contains numerous references and requirements for fire prevention, and other guidelines of a general nature, such as the Presidential Decree 151/201 with its implementing rule, the DM 7 August 2012, there are rules of fire prevention for different application contexts and, for each of them, it is necessary to refer to one or more main rules and memos of clarification issued by the Interior Ministry.

Within this context, it is certainly difficult for a non-specialized technician to face the project issues of fire prevention, which need to be considered in occasion of new construction or renovation. Unfortunately, the vast regulatory landscape does not facilitate the interpretation of the rules. As a result, different interpretations of the same technical provisions may occur. These different interpretations, in turn, push the most resourceful technician towards the simplest most economical solution, and thus towards the most favorable interpretation by part of Control Authority.

Furthermore, in view of the extensive regulatory landscape, the "certification" of a business in terms of fire prevention may be prove to be particularly difficult. The "certification" of the enterprise is the first operation that must be carried out when preparing a fire prevention project; it consists in the identification of the businesses within the complex or building surveyed, the identification its technical-legal framework and, consequently, the fire regulations that apply.

A well-done certification, of course, requires the full knowledge of fire prevention regulations and their exact scope of application.

2.2 *Specialization of professional groups*

The specialization in the fire prevention field basically stems from L. 818/1984, which specifies that, for the approval of a project or the certificate of fire prevention, the provincial fire command, in addition to the assessments and evaluations executed directly, may require certificates issued by institutions, laboratories or technicians listed in professional registries, who have been authorized and recorded in the registries of the Ministry of the Interior. Subsequently, the MD of 25 March 1985 specified them as "procedures and requirements for the authorization and registration of professionals in the registries of the Ministry of the Interior pursuant to Law 7 December 1984, n. 818".

This matter is regulated by the DM August 5, 2011, which establishes the criteria for inclusion in the registries and the minimum professional training required in order to keep qualified for the issuance of fire prevention certificates.

One cannot but notice that fire prevention courses are indeed an appropriate and consolidated method of training, which, however, require further practice and specialization in the field.

In addition, today's fire prevention professionals are required to have a specific specialization. This specialization can be achieved, once finished the required initial training course, only with the systematic and thorough dedication to the subject.

As result of a project started with the Presidential Decree 151/2011, part of the fire prevention inspections have been transferred from the Fire Department to the fire prevention professionals, allowing a more effective use of the resources for the follow up inspections once the business is active. The

project ensures the simplification of all the fire prevention regulations, developed by the Fire Department, and is designed to streamline the fire prevention rules and procedures.

The simplification process continues with the modernization of the regulatory principles, with a new methodological approach, more in line with the technological progress, which goes beyond the articulated and complex layers of regulations, in order to arrive at a single organic and systematic text, which is useful to regulate all the enterprises that are subject to inspections of by part of the Fire Department.

The new consolidated text of the fire prevention rules (**T.U.**), transforms the professionals into absolute protagonists, giving them the responsibility to choose the fire prevention measures to be taken. Everything is designed to revolutionize the bureaucracy and considerably simplify the process with regard to fire prevention.

The Ministry of Interior announced that the new consolidated text is based on the following principles:

- **generalities:** the design methodologies for fire prevention safety can be applied to all enterprises;
- **simplicity:** when and where there are several ways to reach the same result the solutions to favor are the simpler, workable, understandable ones, which are in turn easier to revise in the future;
- **flexibility:** for every level of fire prevention safety performance requested there are different design concepts, both prescriptive or of performance, and they are defined as recognized methods that enhance the fire prevention safety engineering;
- **standardization and integration:** the language on the subject of fire prevention is in accordance with international standards and the different provisions in existing documents of fire prevention at national level have been unified;
- **inclusion:** the people who patronize the businesses are considered a sensitive factor in the design planning of fire prevention safety, also in relation to the different skills (e.g. motor, sensory, cognitive, etc.), temporary or permanent.

This methodological approach will address the design planning of fire prevention with a single logical approach, and no longer with different approaches depending on the type of business.

The approach used in the **T.U.** gives the professional a lot of freedom with regard to the execution of the design choices, in fact, the various technical annexes regarding these choices will report the procedure in a logical-systematic way:

- **the horizontal technical rule (in Italian RTO):** the criteria and methods used to determine the fire prevention measures for all businesses are under the control of the National Fire Department;
- **the simplified vertical technical rules (in Italian RTV):** specific supplementary measures for certain civil and commercial activities, such as offices, garages etc., as well as for those applied as a result of laws passed for hospitals, schools and tourist facilities - existing reception facilities.

The **RTO's** contain new general rules, applicable to the fire prevention design planning of the business activities. The **RTV's** provide additional specific provisions, to be used together with the general rules, applicable to the business activities subject to inspections.

The **RTO's** and **RTV's** constitute the new, complete and comprehensive regulatory protocol, for the fire prevention design planning of all business activities subject to inspections.

In order to render the document into a single organic text for the entire subject of fire prevention, there is another section (**Methods**), which introduces innovative fire prevention design methodologies and alternatives to those given in other sections, aimed at solving specific technical problems with the systematic approach of the first three sections.

The **Methods** section is based on the use of the Fire Safety Engineering (**FSE**) techniques, and it contains the following three annexes:

1. Fire safety engineering
2. Fire scenarios for the performance based design planning
3. Safeguarding of lives with performance based design planning

Briefly summarizing, the T.U. establishes a method designed for determining the measures (defined as **fire prevention strategies**) capable to minimize the risk of fire, in terms of probability and consequences, within limits that are considered acceptable, to be adopted for the fire prevention design planning of a business activity that is subject to inspections, to ensure the primary objectives of safeguarding lives, personal safety, protection of property and the environment.

Measures of prevention, protection and management are grouped homogeneously in the following annexes defined **fire prevention strategies**:

- Reaction to fire
- Resistance to fire
- Compartmentalization
- Separation
- Exodus
- Fire safety management
- Extinguishing and managing
- Detection and alarm
- Management of smoke and heat
- Fire prevention operation
- Effectiveness of the technological and service systems

The procedure involves a risk assessment, from which the performance levels of fire prevention measures to be taken are established.

For the assessment of risk are introduced three types of risk profiles:

- **R-life**, risk profile relative to the safeguard of human lives
- **R-assets**, risk profile relative to the safeguard of economic goods
- **R-environment**, risk profile relative to the safeguard of the environment from the effects of the fire

The Annex of the T.U. called "Determining the risk profiles of the business activities" provides:

- the methodology used to quantitatively assess the **R-life** and **R-assets** risk profiles
- criteria for the assessment of the **R-environment** risk profile

Depending on the **R-life**, **R-assets** and **R-environment** risk profiles for the business activities, there are different **performance levels of fire prevention measures** belonging to individual **fire prevention strategies** to be adopted, according to the **objectives of security** to be achieved.

For each fire prevention measure, the designer can assign different performance levels that may differ from the ones indicated in the list. Although in that case, the project planner must demonstrate the achievement of the fire prevention objectives.

The new T.U. introduces "conventional measures" and "alternative measures" concepts, to be used at the discretion of the project planner, and they are defined as follows:

- **Compliant solution (deemed to satisfy provision)**: design solution for the immediate application in the specified circumstances, which guarantees the achievement of the related level of performance;

- **Alternative solution (*alternative solution*):** an alternative to the compliant solutions. The designer must demonstrate the achievement of the same level of performance using one of the of fire prevention design methods.

Ample space has been given to the application of performance methods for the design of fire prevention safety.

The performance methods can be used for:

- the verification of the **alternative solutions**, in order to demonstrate the attainment of the associated level of performance;
- the verification of **derogation solutions**, in order to demonstrate the attainment of the associated objective of fire prevention safety;
- the verification of the **level of performance attributed** to a fire measure in order to demonstrate the achievement of the associated objective of fire prevention safety.

The results must be subjected to the appropriate Provincial Command of the Fire Department through the administrative procedures allowed by current law.

The possibility of proposing **alternative solutions** without necessarily resorting to the derogation procedure appears to be quite interesting, for this reason the **T.U.** permits the use of fire safety engineering (**FSE**) that are outside the scope of the DM 9 May 2007 (later repealed) which, as noted, permits (art. 2) the following scopes for the application of said method:

- for the identification of measures to be taken for the release of the fire prevention certificate in the case of business activities that are not regulated by specific fire prevention provisions;
- for the identification of the security measures that are considered appropriate to offset the additional risk in the derogation procedure.

Much emphasis was given, during the presentation of the new simplification measures, to the use of the performance methods, which can then be applied to the routine project design of fire prevention safety.

The regulation does not apply to industrial activities at risk of a major accident, which are still governed by the provisions of Article 8 of the Legislative Decree n. 334/1999 (obligation of drafting up the "safety ratio" report).

2.3 Procedural path

Following the fire risk assessment, the fire prevention measures to be applied to the business activity must be acknowledged.

For each fire prevention measure, there are different levels of performance, which are calibrated according to the increasing complexity of the services provided, identifiable with a Roman numeral (e.g. I, II, III ...).

A proper selection of the fire prevention performance levels leads to a lower level of risk of fire activity, a level considered acceptable.

Ultimately, the fire prevention design projects should follow these steps:

- **Identification of fire prevention design through risk assessment**
- **Determination of the strategies through:**
 1. Fire prevention measures;
 2. Levels of performance;
 3. Choice of compliant or alternative solutions, where applicable.

Here is the whole concept in the following diagram:

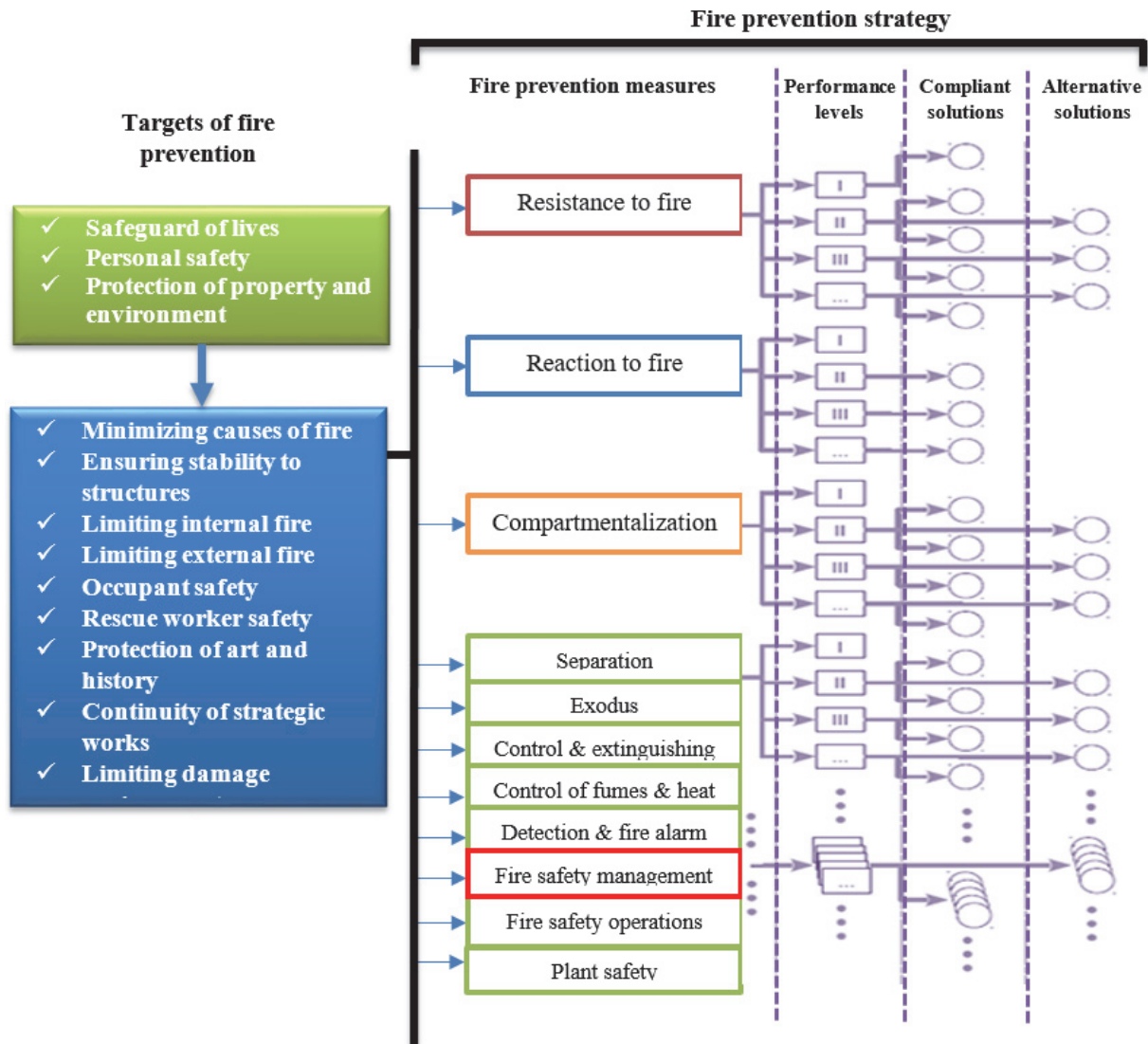


Figure 1. Schematic summary of the key points of the new rules of fire prevention/safety design.

The planning of the normed and non-normed activities will have to follow the following schematics:

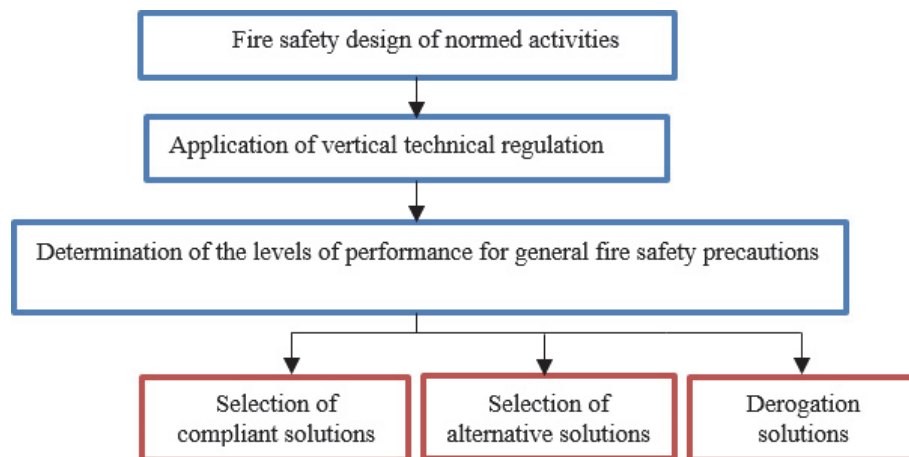


Figure 2. Schematic summary of the design to be followed in the case of normed activities.

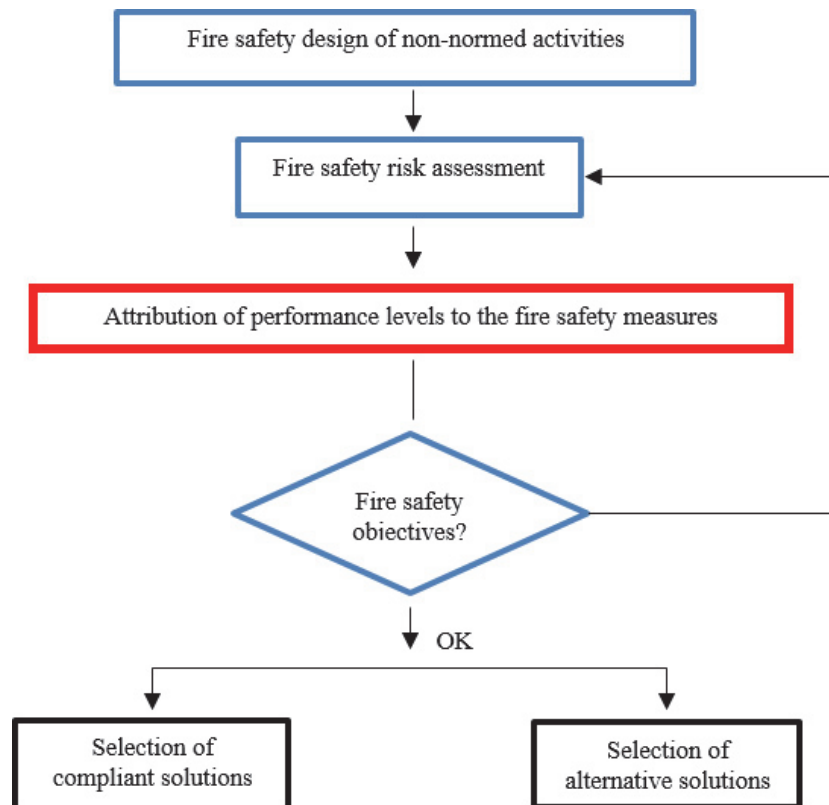


Figure 3. Schematic summary of the design to be followed in the case of non-normed activities.

2.4 What changes with the new decree

The new directive, the fire prevention procedures and, in particular, the arrival of the so-called SCIA (certified notice of commencement of business activity), all mark a real sea of change for Italy, increasingly empowers professionals and improve the inspections by part of the Fire Department, all this to better meet the needs of the market.

The new rules for the fire prevention procedures provide simplified measures depending on the type and severity of risk related to the business activity. The Presidential Decree 151/2011 came into force on the 7th of October 2011 and, for the first time in Italy, adopted the principle of proportionality; therefore, the administrative burden will be diversified based on the complexity of the risk.

It is structured in thirteen articles, containing the procedures for the various fire prevention measures: the presentation and examination of the projects, the technical visits, the approval of exemptions to specific regulations, two annexes: the first containing the business activities that are subject to fire safety inspections and the second that equates the pre-existing list of activities with the current one, for the application of the tariffs related to fire prevention services performed by the CNVVF (National Fire Command), pending the implementation of an appropriate ministerial decree.

The regulation identifies the activities subjected to fire safety inspections and regulates compliance with the fire prevention conditions for the presentation and examination of the projects, the technical visits and the approval of exemptions to specific regulations.

The activities subjected to fire safety inspections are divided into three categories A, B, and C, relative to the size of the business activity, the business sector, the existence of specific technical regulations and the need to protect public safety.

Before the implementation of the ministerial decree, issued by the Ministry of Interior to ensure a uniformity of the procedures, the provisions applied where from the Decree of the Minister of the Interior

of the 4th of May 1998, which regulates manner of presentation and content applications for the commencement of the fire prevention procedures.

The change can be seen in the request modality for the compliance judgement; in fact, with the new regulations, only institutions and individuals responsible for the activities covered by Annex I (category B or C) are still obliged to pursue them. The proprietors of these activities are required to apply, through the appropriate request forms with the Fire Department, for the examination of new installations or building projects, as well as the projects of variations to be carried out on existing ones, which may become an increased burden to the existing fire safety conditions.

Proprietors of activities that fall in category A no longer have to ask for a project review and, therefore, can start the construction work immediately after obtaining the permissions for its implementation, from the competent entities, without the preventive opinion of the Fire Department. After the construction works, it is compulsory to present a SCIA (in order to conclude the formalities). The Fire Department Command will verify the formal completeness of the request application, documentation and its annexes and, if the is outcome positive, issue a receipt. Following the presentation of the SCIA, fire safety inspections will begin; for the activities in category A and B they will be carried out, with spot checks, within 60 days, while inspection operations for the activities in category C will also be carried within the same time of 60 days, but in a systematic manner.

At the end of the inspection, the Provincial Fire Department will issue, by request of the interested party, a copy of the technical inspection report for the business activities in category A and B, and, while the CPI will be given within fifteen days from the inspection to the ones in category C, but only in case of a positive inspection outcome.

With the following we want to describe the main changes and the instructions for use of the new procedure. The new regulation simplifies the formalities ensuring, for all, time deadlines and different procedures based on risk. So, the activities subject to fire safety inspections are divided into three categories:

1. Category "A": low risk activities

The business activities that belong to Category A are the ones that are not likely to cause significant risks to public safety, characterized by a low complexity level and technical reference standards.

2. Category "B": medium-risk activities

The business activities that belong to Category B are the ones with an average complexity level and medium risk, as well as activities that have no technical rules of reference and are not considered at high risk.

3. Category "C": activities at high risk

Category C covers all high-risk activities, with high technical and managerial complexity.

Outline of the procedures

A. Category "A"

- a) The business entrepreneur begins the works;
- b) once the works are completed, the entrepreneur shall provide the documentation demonstrating the compliance with the applicable requirements of the activity undertaken in the field of fire safety;
- c) the entrepreneur then submits the documents through an online procedure to SUAP (One Stop Shop for Productive Activities), including the fire safety related SCIA;

- d) the entrepreneur immediately begins his/her business activity, with spot checks by part of the Fire Department within 60 days.

B. Category "B"

- a) The entrepreneur, before starting the work and, with an online procedure through the SUAP, submits a request to the Fire Department for the examination of the project. Within 60 days of complete documentation submission, the Fire Department issues the judgement;
- b) once the work is completed, the entrepreneur collects the documentation showing compliance with the requirements in force in the field of fire safety;
- c) the entrepreneur then submits the documents with an online procedure through the SUAP (One Stop Shop for Productive Activities), including the fire safety related SCIA;
- d) the entrepreneur immediately begins his/her business activity, with spot checks by part of the Fire Department within 60 days.

C. Category "C"

- a) Before starting the works, the entrepreneur submits an application to the Fire Department for the examination of the project with an online procedure through the SUAP;
- b) the Fire Department issues judgement within 60 days of submission of complete documentation;
- c) once the work is completed, the entrepreneur collects the documentation showing compliance with the requirements in force in the field of fire safety;
- d) the entrepreneur then submits the documents with an online procedure through the SUAP (One Stop Shop for Productive Activities), including the fire safety related SCIA;
- e) the entrepreneur begins immediately his/her business activity, with inspections by part of the Fire Department within 60 days.

The table below reports, in an essential way, the amendment of the procedures concerning the review of projects and monitoring before and after the new legislation:

	Prior to DPR 151/2011	Post DPR 151/2011
Examination of projects	Forecasted for all activities with a response within 90 days	Category A: not applicable Categories B - C: expected response times within 60 days
Fire safety inspections	Forecasted for all activities within 135 days	Categories A - B: expected spot checks Category C: expected within 60 days

Figure 4. Table simplifying the amendment of certain procedures before and after the new decree.

Other new features of the regulation are:

1. Online fire prevention

The project allows the user to:

- send requests regarding fire prevention procedures and related technical documentation electronically;
- to verify the status of the request online;
- to receive, by certified e-mail, all communications from the Provincial Fire Department;
- to access a variety of additional services, such as online reservations with Fire Department officials, the guided compilation of the technical report for the most popular business activities and the pre-compilation of the sections of the forms regarding the personal data, retrieved automatically by the Chamber register.

2. Abolition of repeated inspections by part of the Registry for inspection

the Registry for inspection, maintenance, information and staff training, which duplicates the obligations already put in place by the safety regulations within the workplace.

3. Simplification of the renewals and the elimination of the sworn appraisal

The request for the CPI renewal has been replaced by a statement certifying the absence of variations to the fire safety conditions, which must be sent to the Fire Department Command, compulsory for all of the activities, every 5 years.

In addition, the sworn appraisal attesting to the efficiency of the fire prevention and safety devices, systems and implants has been eliminated, and has replaced with a statement by part of the certified technician; the latter no longer has to go to court to provide a sworn testament.

4. PFA – Preliminary Feasibility Authorization

In the case of complex projects, the proprietors of high and medium risk business activities have the opportunity to request, in advance, the release of a preliminary feasibility authorization from the Provincial Command of the Fire Department.

The preliminary feasibility authorization is substantiated by an evaluation, which is issued for one or more relevant aspects in terms of fire safety, carried out on the basis of the evaluation of a project's feasibility.

The aspects of the works, relevant in terms of fire safety, which can be submitted to the Provincial Command of the Fire Department, on which they will pass judgement after an appropriate evaluation, may concern the following:

- location;
- communications and separations;
- Access to the area and approachability of the emergency vehicles;
- construction characteristics and layout (spacing, separation, isolation);
- resistance to fire;
- reactions to fire;
- partitioning;
- escape routes;
- natural or mechanical smoke detector system;
- areas and installations at particular risk;
- electrical security systems;
- emergency lighting;

- fire extinguishing means and systems;
- systems for fire detection, warning and alarm.

The preliminary feasibility authorization is granted and issued by the Fire Department within a maximum period of 30 days from the request by part of the business proprietor.

5. Inspections during construction

Proprietors of business activities that are subject to the regulations, and that are particularly complex, may request for technical inspections to be carried out by part of the Provincial Command of the Fire Department, even during the project works, in order to ensure compliance with the fire safety provisions.

So as not to suspend the project works, during the evaluation period and while waiting for the pending inspections, an agreed upon timetable with the inspection times is drawn; the proceedings will end, at most, within 30 days.

Here is a summarized diagram:

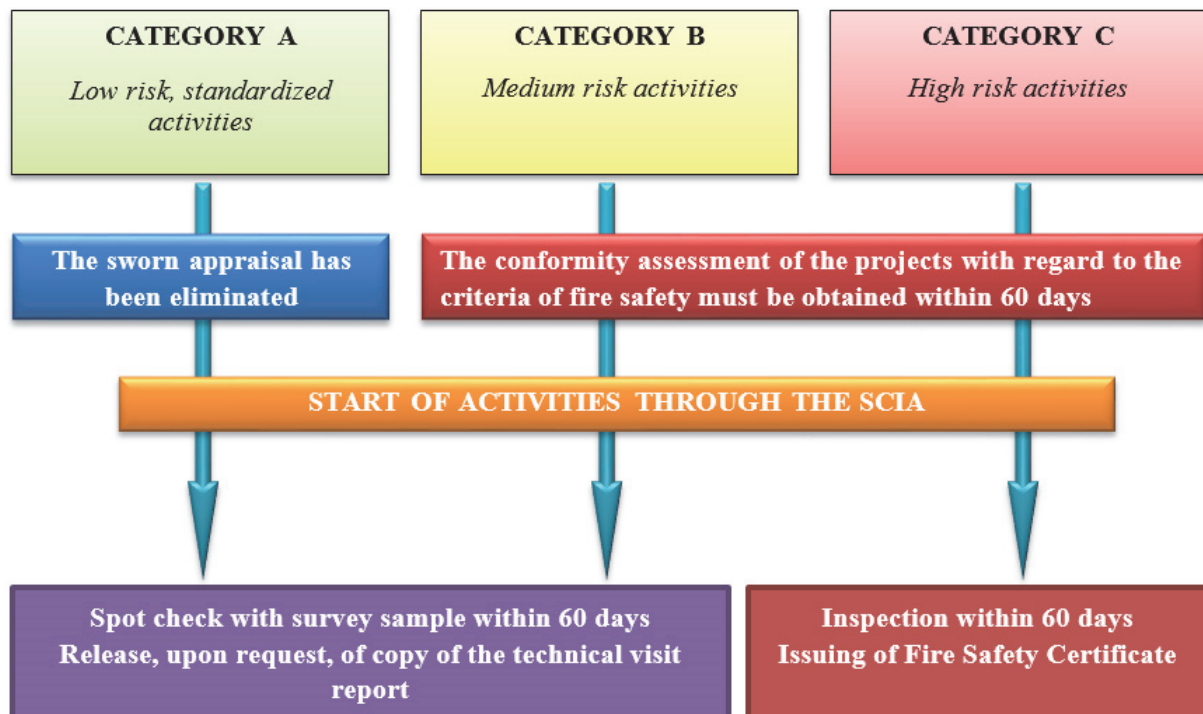


Figure 5. Table summarizing the variations of the procedures relative to the various categories.

3. RESULTS AND DISCUSSIONS

It should be noted that, the fire safety certification, covered in the above-mentioned DM 5 August 2011, is not necessary during two important moments: the examination of the project and the asseveration.

To examine the ordinary project design, covered in Article. 3 of Presidential Decree 151/2011, and for the fire safety asseveration, covered by Article. 4 of DM 7 August 2012, no additional specific skills are required from the professional technician except the registration in a professional register.

This situation is certainly a paradox, as it does not require specific expertise from those who must ensure the compliance of the entire approved project works, by issuing a fire safety asseveration, which is the most important SCIA document and actually replaces, with the technician assuming the responsibility, what was the fire safety certificate.

The fire safety asseveration, signed by a registered professional technician, has effectively replaced the Fire Department's fire safety/prevention authorizations, in both the issuing of fire safety certificates and their renewal, and represents a fulfillment that is as important as it is delicate; in the event that the actual de facto state of the locations does not correspond with the project for which the SCIA was issued, this could constitute a crime of forgery, according to art. 20 of Legislative Decree no. 139/2006.

In addition, as part of the fire prevention procedures practice, a particularly delicate operational aspect has been encountered, which is the complete absence of a "fire prevention works supervisor".

As is known, the fire safety consultancy carried out by the technicians of this sector, with exception of the inspections related to the interventions of ordinary and extraordinary maintenance and the related certificates of periodic renewals, are substantially related to the following three steps:

1. examination of the fire prevention project design
2. execution of the works on new constructions, or works of modifications and/or adjustments
3. grouping of the certifications and presentation of the SCIA

In particular, we encountered that the examination of the project is a *definite fulfillment* for fire prevention professional: the customer specifies what the activity requirements are and the technician, once the risk assessment is done, identifies the necessary fire prevention/safety characteristics, and will proceed to submit the approval of the provincial Command. With the exceptions of the project designs for the business activities in category A of the Presidential Decree 151/2011, the fire prevention project is approved by the provincial Command, with or without additional requirements, and the papers and technical reports are stamped by the provincial Command, and constitute a product that can be delivered to customer.

Similarly, the presentation of SCIA is also a *definite fulfillment*: it is, essentially, the acquisition of all necessary certifications (plant engineering, structural, etc.), and the verification of their correctness, in the accuracy of the approved project design to the corresponding business activity, the signing of the asseveration, and the presentation of fire safety SCIA.

Unlike previous situations, the execution phase of the project works represents a less defined moment in the roles and skills, at least in the substance of things.

While for the examination of the project and for the SCIA there are forms to fill out that must be underwritten by the fire safety technician, the actual presence of a fire safety specialist during the execution of the works seems sometimes less necessary. In fact, if the construction company will construct the building or carry out modifications to it in the case of restructuring or variations, the certified technician will place the fire hydrants systems, sprinklers and whatever else, the electrician will place the electrical systems, etc., the presence of a fire safety technician seems almost superfluous, especially when one has a project to follow.

The responsibility, also with regard to adapting a building to a fire safety protocol, is of the project supervisor. On paper, the mechanism is perfect and the responsibilities are well defined.

What could happen though, and in fact it happens often, is that the project supervisor is not a fire safety specialist, resulting in a lack of necessary coordination among the various laborers during the execution of the works; even the purchasing department is not supported in the contract specifications to be sent to suppliers.

Proper fire safety coordination leads to the attainment of the appropriate, duly completed, certifications, by part of the suppliers and installers. Otherwise, in later times, there could be a problem in obtaining the necessary information, which are required by law, of the various operators who intervened on the works.

What often happens is that, following the approval of the project, there is no coordination in terms of fire safety during the execution of the works.

Once the works are completed, and generally within a very short time, the customer will ask a fire safety technician to submit papers to the fire department to have his/her activity deemed ready for business.

The difficulties that can occur when having to verify and test project works that have not been personally followed, and that one is unfamiliar with, seem very clear, and so do the problems that may arise in having to certify, without even having seen them, structures that were segregated behind plasterboard panels, or panels of which the supplier never even produced the necessary documentation with regard to their reactivity to fire.

Of course, as mentioned above, the responsibility to verify such matters falls on the work supervisor, who, on paper, should also be a fire safety expert. At times the supervisor is not a fire safety expert, and is he/she is not accompanied by an actual fire safety expert, the results are those mentioned earlier.

As for the fire regulations for business activities that are not subject to administrative fire safety inspections by part of the Fire Department, these represent another critical element, because there is very little attention paid to fire safety when it comes to business activities that are not subject to administrative fire safety inspections. These, as we know, are represented by the activities that are not listed in Annex I of the Presidential Decree 151/2011.

What often happens, and in the past happened with high frequency, is the belief that if an activity does not have the obligation to have a fire safety certificate or a SCIA, that it does not have any obligation to implement any fire prevention/safety protocols.

This way of thinking, often facilitated by the superficial and complacent attitudes of some operators, can create sometimes substantial situations of non-compliance in business activities that could still, at any moment, be subject to fire safety inspections by part of the Fire Department, just as the business activities that are regulated by specific fire safety protocols.

This thus requires a further effort by part of the operators of this sector, as they will have to make risk assessments, fire safety compliance verifications and check the minimum safety criteria needed for every type of activity, including those not subjected to fire safety SCIA.

3.1 The installation of fire prevention systems

Still today, the setting the fire prevention/safety market, starting from the simple sale of fire extinguishers all the way up to the installation of complex fire prevention systems, often seems dictated by a commercial logic rather than by the desire to respect the rules of product or plant designs.

As seen, the DM 37 of 22.01.2008 requires that the businesses be authorized to begin activity once the individual entrepreneur, a legal representative or the technical supervisor is in possession of the professional requirements under art. 4 of the Ministerial Decree 37/2008. Depending on the job requirements, businesses can achieve the authorization to install various types of systems as per art. 1 of Decree 37/2008.

For the fire prevention systems, the letter “g” is the letter of reference. It should not be possible, therefore, for an installer who lacks the qualification to install fire prevention system with said letter, as that could constitute an offense of unlawful practice of the profession in accordance with art. 348 of the Criminal Code. However, still today there are technicians who proceed with the installation of smoke detectors and/or fire hydrants without the authorization for the letter “g” as per the Ministerial Decree 37/2008.

This problem also affects the proprietor of the business activity who commissioned the installation; pursuant to art. 8 of the DM, the proprietor must compulsorily entrust the work of installation, transformation, extension and maintenance of installations to companies that have been authorized by law, otherwise they could incur in administrative sanctions.

3.2 The maintenance of fire prevention systems and training

According to paragraph 6.4 of the Ministerial Decree of 10 March 1998, "periodic maintenance must be performed by qualified and competent staff", on all equipment and fire prevention systems.

Fire safety maintenance can, therefore, be carried out by those who have (or deem to have) specific expertise.

Fire prevention/safety training is in the same situation: to date there are no specific requirements needed in order to perform fire prevention/safety training courses required by the DM 10 March 1998 for emergency fire responders; the only exclusive law that exists is in favor of the National Fire Department, and it is pertaining to the tests required for the obtainment of the technical competence certification (art. 3 of Law 28.11.1996, n. 609), for the business activities listed in Annex X of the DM 10 March 1998.

The regulatory framework, regarding firefighter qualifications, therefore seems not yet fully defined.

In conclusion, with the exception of the lists of fire safety system installers with the Chambers of Commerce and the lists of fire safety certifiers under art. 16 of Legislative Decree no. 139/2006, there are no specific registers for the fire prevention industry operators.

Currently, in order to carry out fire safety maintenance, one just needs to register at the desk of the Chamber of Commerce.

It goes without saying that maintenance workers operate on fire safety equipment that is there to protect the public, therefore they must know the laws that govern the sector and be familiar with the applicable technical standards for construction, performance and maintenance of the various products and systems on which they must intervene.

4. CONCLUSIONS

The Presidential Decree 151/2011 was a significant example of simplification of administrative procedures while safeguarding the security of citizens.

Today, two years after its entry into force, it is legitimate and necessary to ask whether the simplification has been really effective, and to suggest some possible modifications.

The CNI (National Council of Engineers) has actually moved in this direction, by preparing a thick document with various proposals to update the Presidential Decree 151/2011. It is the result of the synthesized research by part of the CNI workers themselves, thanks to the contributions from the Provincial Registers.

The comparative survey on the subject of "subsidiarity and simplification of administrative procedures", presented by the Research Center of the CNI at the 58th National Congress of Engineers, also gave positive signals, highlighting a predilection for fire safety and fire code procedures by part of the professional versus the many other technical tasks (construction, environmental, hydraulic, etc.).

The hope is that we continue in the direction of always increasing simplification, because there are still a lot of room for improvement and also because real simplification cannot stop with just the administrative aspects.

In conclusion, this new set of technical regulations for fire prevention represents the anticipation of what is now called the "new fire prevention", a modern approach to the discipline that gradually wants to move towards performance methods, abandoning the strict impositions and the limits of the prescriptive method that inspired most of the Italian fire safety regulations.

This change of pace, which is innovative, modern and, most of all, revolutionary for the technicians who grew up with a traditional criteria of engineering, is the challenge of the coming years and will require collaboration and sharing among the firemen, the fire safety professionals and/or entrepreneurs.

The CNI, by involving engineers in a round table discussion on the characteristics of the new approach and any problems that arise in the management of the transitional stage, predicts that the new fire

prevention protocols will be the prerogative of technicians who work guaranteeing quality, professionalism and constant updated qualifications.

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