

**Italian Guidelines and Procedures for approving Art.6 Projects,
including the consideration of stakeholders' comments
(Joint Implementation activities)**

This document, named *Italian Guidelines and Procedures for Approving Art.6 Projects, including the consideration of stakeholders comments*, details the guidelines for fulfilling the requirements for Joint Implementation (JI) projects in order to obtain the necessary formal approval as set out by the Italian Government in accordance with international rules and as far as JI project activities implemented by Italian enterprises are concerned.

When an Italian entity wishes to become a Project Participant in a given JI project, and to transfer Emission Reduction Units resulting from that JI project, the role of the Italian Designated Focal Point is to approve the JI project and to authorise the participation of the project participant in it.

The Italian Designated Focal Point only issues Letters of Approval for Italian individuals and/or legal entities either domiciled on the Italian territory or legally established there.

Such approval and authorisation is granted through the issuance of a Letter of Approval. An application should be made by filling in the format "Application for Letter of Approval" (See Annex I of the present document) accompanied by the additional documents detailed in this Italian Guidelines.

The application shall be sent to the following e-mail address:

PIA-SDG@minambiente.it

A signed copy of the Application for Letter of approval and hard copies of the documents shall be sent to:

Mr. Corrado Clini
Director General
Department for Environmental Research and Development
Ministry for the Environment, Land and Sea
Via Cristoforo Colombo 44
00147 Rome
Italy

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1 Glossary

The primary purpose for this Glossary is to identify common terminology used in Joint Implementation documentation, and to clarify the meaning of the words and terms used hereinunder. It is intended that this Glossary be used as an integral part of the *Italian Guidelines and Procedures for Approving Art.6 Projects, including the consideration of stakeholder comments*.

- a) "UNFCCC" means the United Nations Framework Convention on Climate Change;
- b) "Annex I" means Annex I of the UNFCCC;
- c) "Annex I Countries" means the countries listed in Annex I of the UNFCCC and, when appropriate, in Annex B of the Kyoto Protocol;
- d) "COP/MOP" means the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol;
- e) "Joint Implementation" or "JI" means the mechanism referred to in Article 6 of the Kyoto Protocol;
- f) An "emission reduction unit" or "ERU" is a unit issued pursuant to the relevant provisions in the annex to decision 13/CMP.1 and is equal to one metric tonne of carbon dioxide equivalent, calculated using global warming potentials defined by decision 2/CP.3 or as subsequently revised in accordance with Article 5;
- g) An "assigned amount unit" or "AAU" is a unit issued pursuant to the relevant provisions in the annex to decision 13/CMP.1 and is equal to one metric tonne of carbon dioxide equivalent, calculated using global warming potentials defined by decision 2/CP.3 or as subsequently revised in accordance with Article 5;
- h) A "removal unit" or "RMU" is a unit issued pursuant to the relevant provisions in the annex to decision 13/CMP.1 and is equal to one metric tonne of carbon dioxide equivalent, calculated using global warming potentials defined by decision 2/CP.3 or as subsequently revised in accordance with Article 5;
- i) "Joint Implementation Supervisory Committee" or "JISC" is the committee established by decision 10/CMP.1 and the name given by that decision to the Article 6 Supervisory Committee as defined in the Joint Implementation guidelines adopted by decision 9/CMP.1. Throughout these Rules, "{Joint Implementation} Supervisory Committee" has replaced "Article 6 Supervisory Committee" when the Joint Implementation guidelines are cited;
- j) "Stakeholders" means the public, including individuals, groups or communities affected, or likely to be affected, by the project.
- k) "Joint Implementation Guidelines" or "JI Guidelines" means guidelines for the implementation of Article 6 of the Kyoto Protocol contained in the annexes to decisions 16/CP.7 and 9/CMP.1;

- l) “Accredited independent Entity” or “AIE” means an independent entity accredited by the JI Supervisory Committee in accordance with standards and procedures contained in appendix A of the JI guidelines. Under the verification procedure under the JISC, defined in paragraphs 30–45 of the JI guidelines, an AIE is responsible for the determination of whether a project and the ensuing reductions of anthropogenic emissions by sources or enhancements of anthropogenic removals by sinks meet the relevant requirements of Article 6 of the Kyoto Protocol and the JI guidelines.
- m) “International Rules” means the UNFCCC, Kyoto Protocol, the Marrakech Accords, any relevant decisions, guidelines, modalities and procedures made pursuant to them and of successor international agreements as amended from time to time and which include those rules specifically required to be met for the issuing and transferring of ERUs under the JI Supervisory Committee in case of Track 2 verification procedure and any other rules agreed upon among Parties;
- n) “Monitoring” means activities pursuant to which the Project Entity or another person collects and records data which assess the GHG Reductions resulting from a Project pursuant to the terms of the Monitoring Plan for that Project;
- o) “Monitoring Plan” means a set of requirements for Monitoring and Verification of the GHG Reductions achieved by a Project, in accordance with the International Rules;
- p) “Project Participant”, in accordance with the use of the term in the JI, is (a) a Party involved or (b) a legal entity authorized by a Party involved to participate in the JI project;
- q) “Host Party” means a Party on the territory of which the JI project is physically located. A project located in several countries has several host Parties;
- r) “Project approval” means, in accordance with the use of the term in the *Guidelines for users of JI PDD form*, unconditional written approvals by the Parties involved that should be attached to the JI PDD.
- s) “Determination”, under the verification procedure under the JISC, defined in paragraphs 30–45 of the JI guidelines, an AIE is responsible for the determination of whether a project and the ensuing reductions of anthropogenic emissions by sources or enhancements of anthropogenic removals by sinks meet the relevant requirements of Article 6 of the Kyoto Protocol and the Joint Implementation Guidelines.
- t) “Pre-determination report” means a report regarding reductions in anthropogenic emissions by sources or enhancements of anthropogenic removals by sinks which is going to be submitted by an accredited independent entity to the secretariat in accordance with paragraph 33 of the Joint Implementation Guidelines. It is named Pre-determination report as it does not yet contain the approval by all Parties involved.

2 Summary

Joint Implementation is, by definition, a flexibility mechanism which allows for transfer or acquisition of emission reduction units (ERUs) resulting from climate change mitigation projects under Art. 6 of the Kyoto Protocol. The mechanism assists Annex I countries in meeting their Kyoto targets by participating in projects with other Annex I countries. Entities may participate in Joint Implementation (JI) projects to generate emissions credits, known as Emission Reduction Units (ERU), in order to use them for compliance with their targets or to sell on the international emissions trading market.

There are different levels of responsibility in developing, implementing and approving JI projects. The Conference of the Parties serving as the Meeting of the Parties (CoP/MoP), the JI Supervisory Committee, the Accredited Independent Entities (AIEs), and the Parties involved (Designated Focal Points) are the key players in the governance of such projects.

Since JI activities are limited to Annex I Parties with quantitative GHG emissions reduction targets, and the ERUs generated by JI activities are issued from the host Party's assigned amount, there is an incentive for the host Party to ensure that emission reductions are real. For this reason and given the fulfilment of some requirements that will be described hereunder, the involvement of the JI Supervisory Committee and the Accredited Independent Entities, as independent supervisory bodies, are not always needed.

Unconditional formal written approval by each of the Parties involved should be granted to those entities wishing to participate in the given JI project and indeed attached to JI PDDs. Such written formal approval constitutes the authorization by a designated focal point of/to a specific individual and/or legal entity to participate in a specific JI project. When an Italian entity wishes to become a Project Participant in a given JI project, and to transfer Emission Reduction Units resulting from that JI project, the role of the Italian Designated Focal Point is to approve the JI project and to authorise the participation of the project participant in it.

The approval covers the requirements of paragraphs 29 and 31 (a) of the JI guidelines ([Guidelines for the implementation of Article 6 of the Kyoto Protocol](#)). A written approval by a Party may cover more than one project provided that all projects are clearly listed in the approval.

The international rules for JI (as set out in the "Marrakech Accords") provide two sets of JI procedures for JI project emission reductions verification, commonly referred to as "Track 1" and "Track 2". Nowadays, Track 1 and Track 2 are the common terms used to describe the conditions under which Article 6 operates.

3 Objective

In accordance with paragraph 20 of Decision 9/CMP1 ([Guidelines for the implementation of Article 6 of the Kyoto Protocol](#)), “a Party involved in an Article 6 project shall inform the UNFCCC Secretariat of:

- (a) Its designated focal point for approving projects pursuant to Article 6, paragraph 1(a);
- (b) Its national guidelines and procedures for approving Article 6 projects, including the consideration of stakeholders' comments, as well as monitoring and verification”.

Therefore, to comply with the above requirements:

1. The Italian Ministry for Environment Land and Sea, Department for Environmental Research and Development, in the person of the Director General Mr. Corrado Clini, has been appointed as the Designated Focal Point (DFP) for Joint Implementation projects (please refer to the following address http://ji.unfccc.int/JI_Parties/Parties/index.html#Italy for further information on the Italian DFP), and
2. The Italian Designated Focal Point has published the present document detailing the Italian national guidelines and procedures for approving Article 6 projects, including the consideration of stakeholders' comments, as well as monitoring and verification.

This document applies to the approval and authorization of JI projects which occur in countries included in Annex I with a commitment inscribed in Annex B other than Italy. Thus, it means that the Government of Italy is not currently approving JI projects implemented in Italy.

3.1 Verification Procedures for JI Projects: Track 1 and Track 2

As stated in the Background paragraph, the Two Tracks refer to alternative emission reduction verification procedures and project cycles for JI projects depending on the status of the host country with regard to meeting relevant eligibility requirements. Generally speaking, Track 1 is subject to supervision of the host country, whilst Track 2 is subject to the international supervision of the Supervisory Committee for JI (commonly referred to as JISC).

These relevant eligibility requirements are listed in Paragraph 21 of Decision 9/CMP1. It is specified "that a Party included in Annex I with a commitment inscribed in Annex B is eligible to transfer and/or acquire ERUs issued in accordance with the relevant provisions, if it is in compliance with the following requirements:

- a) It is a Party to the Kyoto Protocol;
- b) Its assigned amount pursuant to Article 3, paragraphs 7 and 8, has been calculated and recorded in accordance with decision 13/CMP.1;
- c) It has in place a national system for the estimation of anthropogenic emissions by sources and anthropogenic removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, in accordance with Article 5, paragraph 1, and the requirements in the guidelines decided in Decision 9/CMP1;
- d) It has in place a national registry in accordance with Article 7, paragraph 4, and the requirements in the guidelines decided in Decision 9/CMP1;
- e) It has submitted annually the most recent required inventory, in accordance with Article 5, paragraph 2, and Article 7, paragraph 1, and the requirements in the guidelines decided in Decision 9/CMP1, including the national inventory report and the common reporting format. For the first commitment period, the quality assessment needed for the purpose of determining eligibility to use the mechanisms shall be limited to the parts of the inventory pertaining to emissions of greenhouse gases from sources/sector categories from Annex A to the Kyoto Protocol and the submission of the annual inventory on sinks;
- f) It submits the supplementary information on assigned amount in accordance with Article 7, paragraph 1, and the requirements in the guidelines decided in Decision 9/CMP.1 and makes any additions to, and subtractions from, assigned amount pursuant to Article 3, paragraphs 7 and 8, including for the activities under Article 3, paragraphs 3 and 4, in accordance with Article 7, paragraph 4, and the requirements in the in Decision 9/CMP1".

If a host Party fulfils all the eligibility requirements the "simplified" JI procedure ("**Track 1**") may be applied, i.e. "a host Party may verify reductions in anthropogenic emissions by sources or enhancements of anthropogenic removals by sinks from an

Article 6 project as being additional to any that would otherwise occur, in accordance with Article 6, paragraph 1 (b). Upon such verification, the host Party may issue the appropriate quantity of ERUs in accordance with the relevant provisions of decision 13/CMP.1" (paragraph 23 of the [Guidelines for the implementation of Article 6 of the Kyoto Protocol](#)). "Where a host Party does not meet the eligibility requirements, the verification of reductions in anthropogenic emissions by sources or enhancements of anthropogenic removals by sinks from an Article 6 project as being additional to any that would otherwise occur, in accordance with Article 6, paragraph 1 (b), shall occur through the verification procedure under the Article 6 Supervisory Committee. The host Party may, however, only issue and transfer ERUs upon meeting the requirements in paragraphs 21 (a), (b) and (d)" (paragraph 24 of the [Guidelines for the implementation of Article 6 of the Kyoto Protocol](#)).

The [verification procedure under the JI Supervisory Committee](#) is the one previously referred to as "Track 2" procedure.

Hence, where a host Party does not meet all of the eligibility requirements, "Track 2" has to be applied. Otherwise it has the choice between "Track 1" and "Track 2", i.e. it "may at any time elect to use the verification procedure under the Article 6 Supervisory Committee" (paragraph 25 of the [Guidelines for the implementation of Article 6 of the Kyoto Protocol](#)).

The **Track 2** procedure is the determination by an independent entity, accredited pursuant to appendix A of the JI guidelines, of whether a project and the ensuing reductions of anthropogenic emissions by sources or enhancements of anthropogenic removals by sinks meet the relevant requirements of Article 6 of the Kyoto Protocol and the JI guidelines. Under the Track 2 procedure, according to paragraphs 31 (c), 33 (b) and (c) and 37 of the JI guidelines, the accredited independent entity (AIE) shall:

(a) Receive from the project participants a project design document (PDD) that contains all information needed for the determination of whether the project has an appropriate baseline and monitoring plan in accordance with the criteria set out in appendix B of the JI guidelines;

(b) Determine whether the project would result in a reduction of anthropogenic emissions by sources or an enhancement of anthropogenic removals by sinks that is additional to any that would otherwise occur and has an appropriate baseline and monitoring plan in accordance with the criteria set out in appendix B of the JI guidelines;

(c) Make, upon receipt of a report referred to under paragraph 36 of the JI guidelines, a determination of the reductions in anthropogenic emissions by sources or enhancements of anthropogenic removals by sinks reported by project participants in accordance with appendix B of the JI guidelines, provided that they were monitored and calculated in accordance with paragraph 33 of the JI guidelines.

4 Requirements to obtain a Letter of Approval from the Italian Designated Focal Point

4.1 Scenarios

In accordance with Article 6 of the Kyoto Protocol, “any Party included in the Annex I may transfer to, or acquire from, any such Party emission reduction units resulting from projects (...), provided that:

- a) any such project has the approval of the Parties involved;
- b) any such project provides a reduction in emissions (...).”

In addition to the paragraphs above, a written formal project approval by each of the Parties involved has to be provided and two different verification procedures (Track 1 and Track 2) can be used to verify that a given project generates reduction in emissions. Therefore, as Italy does not currently host JI projects, two different scenarios may occur:

1. Italy is not the Host Party (non HP) and the Host Party has chosen the verification procedure known as Track 1;
2. Italy is not the Host Party (non HP) and the Host Party has chosen the verification procedure known as Track 2.

4.2 Overall requirements

Regardless of the different scenarios described above and based on the relevant international rules (refer to the following grey tables for applicable international rules), the hereunder listed requirements always need to be fulfilled to obtain the Letter of Approval from the Italian Designated Focal Point.

Approval:

(Paragraph 12 of the Linking Directive) “Any Member State that authorises private or public entities to participate in project activities remains responsible for the fulfilment of its obligations under the UNFCCC and the Kyoto Protocol and should therefore ensure that such participation is consistent with the relevant guidelines, modalities and procedures adopted pursuant to the UNFCCC or the Kyoto Protocol”.

(Paragraph 29 of the JI Guidelines) “A Party that authorizes legal entities to participate in Article 6 projects shall remain responsible for the fulfilment of its obligations under the Kyoto Protocol and shall ensure that such participation is consistent with the present annex. Legal entities may only transfer or acquire ERUs if the authorizing Party is eligible to do so at that time”.

Requirement: A self-certification by the Project participant that participation in the given project activity meets the requirements imposed on such participation under the terms of the Kyoto Protocol and the JI Guidelines (please fill in Paragraph 3 of the standard format contained in the Annex I to the present document).

Hydroelectric Projects with a generating capacity greater than 20 MW

(Paragraph 11 b. 6 of the Linking Directive) “In the case of hydroelectric power production project activities with a generating capacity exceeding 20 MW, Member States shall, when approving such project activities, ensure that relevant international criteria and guidelines, including those contained in the World Commission on Dams November 2000 Report “Dams and Development . A New Framework for Decision-Making”, will be respected during the development of such project activities”.

Requirement: A self-certification by the Project participant that participation in the given project activity meets the criteria prescribed in the Guidelines by the World Commission on Dams. (Please, fill in Paragraph 6 of the standard format contained in the Annex I to the present document). Additional supporting documentation is also to be provided, as well

as the proof of the fulfilment of Host Country's explicit requirement and related approval on the matter.

Baselines of Projects

(Paragraph 11 of the Linking Directive) "In accordance with the relevant treaties of accession, the *acquis communautaire* should be taken into account in the establishment of baselines for project activities undertaken in countries acceding to the Union".

Requirement (only for Host Party that has already signed the Treaty of Accession): In order to provide the Italian Designated Focal Point with evidence that the *acquis communautaire* has been taken into account in the definition of project baseline, a self certification on the matter is required (Please fill in Paragraph 5 of the standard format contained in the Annex I to the present document).

Transparency:

(Paragraph 28 of the JI Guidelines) "A Party hosting an Article 6 project shall make publicly available, directly or through the secretariat, information on the project in accordance with the reporting guidelines set out in appendix B below and the requirements contained in decision 13/CMP.1".

(Paragraph 17 of the Linking Directive) "... Information on project activities in which a Member State participates or authorises private or public entities to participate should be made available to the public in accordance with Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (1)".

Requirement: Communication to the Italian Designated Focal Point of the web site where the information has been posted. (Please, fill in Paragraph 7 of the of the standard format contained in the Annex I to the present document)

4.3 Scenario 1: Italy acting as the non-Host Party and the Host Party decides for Track 1 verification procedure

Scenario 1 is the case in which Italy is non-HP and, provided that HP itself meets eligibility requirements, HP chooses to verify emission reductions applying the Track 1 procedure.

Approval requirement:

(Paragraph 31 of the JI Guidelines) "Project participants shall submit to an accredited independent entity a project design document that contains all information needed for the determination of whether the project:

- (a) Has been approved by the Parties involved;
- (b) Would result in a reduction of anthropogenic emissions by sources or an enhancement of anthropogenic removals by sinks that is additional to any that would otherwise occur;
- (c) Has an appropriate baseline and monitoring plan in accordance with the criteria set out in appendix B below".

Requirement: To issue the Letter of Approval, Italy as involved Party requires the fulfilment of the overall requirements (please refer to the paragraphs above) and the submission of the standard format contained in the Annex I to the present document. In addition, Italy requests the following supporting documents:

1. A copy of the Letter of Approval from the host country's Designated Focal Point;
2. A copy of the Project Design Document (PDD) in the format approved by the COP/MOP 2 both for Small Scale and regular projects. With Decision 2/CPM 2 Para 3., COP/MOP2 adopted the joint implementation project design document forms, "elaborated by the Committee in accordance with paragraph 3 (e) of the joint implementation guidelines and paragraph 2 (d) of decision 10/CMP.1, as contained in annex II of document FCCC/KP/CMP/2006/5 and annexes I and II of document FCCC/KP/CMP/2006/5/Add.1 (Adopted with the addition of the following footnote on each page of the forms: "This template shall not be altered. It shall be completed without modifying/adding headings or logo, format or font.")".

4.4 Scenario 2: Italy acting as the non-Host Party and the Host Party decides for Track 2 verification procedure

The approval procedure for Track 2 JI follows similar requirements as to the approval process for CDM project activities, also being subject to international supervision from the JI Supervisory Committee. These rules of procedures of the Joint Implementation Supervisory Committee have been adopted by the COP/MOP2 as "developed by the Committee in accordance with paragraph 3 (g) of the joint implementation guidelines and paragraph 2 (a) of decision 10/CMP.1, as contained in annex I of document FCCC/KP/CMP/2006/5".

In order to grant a Letter of Approval in respect of Track 2 project activities, Italy as involved Party requires the fulfilment of the overall requirements (please refer to the

paragraphs above) and the submission of the standard format contained in the Annex I to the present document. In addition, Italy requests the following supporting documents:

- 1 A copy of the Letter of Approval from the host country's Designated Focal Point;
2. A copy of the Project Design Document (PDD) in the format approved by the COP12/MOP2 both for Small Scale and regular projects. With Decision 2/CPM 2 Para 3., COP12/MOP2 adopted the joint implementation project design document forms, "elaborated by the Committee in accordance with paragraph 3 (e) of the joint implementation guidelines and paragraph 2 (d) of decision 10/CMP.1, as contained in annex II of document FCCC/KP/CMP/2006/5 and annexes I and II of document FCCC/KP/CMP/2006/5/Add.1 (Adopted with the addition of the following footnote on each page of the forms: "This template shall not be altered. It shall be completed without modifying/adding headings or logo, format or font.")";
3. A copy of a pre-determination (validation) report by the Accredited Independent Entity as to be sent to the JISC.

Annex I – Application for the issuance of the Letter of Approval

C.a. Dott. Corrado Clini
Direzione per la Ricerca Ambientale e Sviluppo - RAS
Ministero dell'Ambiente e della Tutela del Territorio e del Mare
Via Cristoforo Colombo 44
00147 Roma

Il sottoscritto (NOME E COGNOME), [applicabile solo nel caso di società] in qualità di legale rappresentante della (NOME SOCIETA' E RAGIONE SOCIALE), ai sensi degli articoli 47 del D.P.R. 28 dicembre 2000, n. 445, consapevole delle sanzioni penali previste dall'art. 76 della medesima legge e dall'art. 496 del codice penale in caso di falsità in atti e di dichiarazioni mendaci e consapevole che la non veridicità della presente dichiarazione comporta la decadenza dai benefici eventualmente emanato sulla base della stessa (art. 75 D.P.R. 445/2000), dichiara:

- Di essere [applicabile solo nel caso di partecipazione individuale]/ che la società (NOME SOCIETA' E RAGIONE SOCIALE, N. REGISTRO DI APPARTENENZA) [nel caso di partecipazione da parte di una società] è un partecipante al progetto (NOME PROGETTO COME INDICATO NEL PROJET DESIGN DOCUMENT), eseguito in (NOME PAESE OSPITANTE), intendendo per partecipante al progetto la figura di "Project Participant" così come definita dal documento "JI Guidelines for users of JI PDD" predisposto dal Joint Implementation Supervisory Committee;
- **(Paragraph 1)** la lettera di approvazione del Designated Focal Point di (NOME PAESE OSPITANTE) è allegata;
- **(Paragraph 2)** il documento di progetto denominato Project Design Document è allegato come da formato approvato dalla COP12/MOP2 in Dec. 2/CPM 2 Para 3.;

- **(Paragraph 3)** [solo nel caso in cui il progetto segua la procedure di verifica di abbattimento delle emissioni nota come Track 2] il documento di progetto denominato “Pre-determination Report” come predisposto dalla Accredited Independent Entity per essere inviato al Joint Implementation Supervisory Committee in accordo al Paragrafo 33 del documento JI Guidelines;
- **(Paragraph 4)** tutte le informazioni contenute nel Project Design Document sono corrette e sono conformi alle rilevanti ed applicabili regole internazionali;
- **(Paragraph 5)** [solo nel caso di Paesi Ospitanti che abbiano già firmato il trattato di adesione all'Unione Europea] Nella definizione della baseline del progetto è stata tenuta piena considerazione degli elementi rilevanti per il progetto e relativi al raggiungimento dell'acquis communautaire, così come è stabilito nel documento “JI Guidelines for users of JI PDD” predisposto dal Joint Implementation Supervisory Committee;
- **(Paragraph 6)** [solo nel caso in cui il progetto sia un progetto idroelettrico con capacità superiore a 20 MW] il progetto rispetta tutti i criteri e le linee guida identificati nella relazione della World Commission on Dams “Dams and Development – A new framework for Decision-Making”;
- **(Paragraph 7)** Tutte le informazioni relative al progetto (NOME PROGETTO COME INDICATO NEL PROJET DESIGN DOCUMENT) sono state rese pubbliche tramite il sito web (INDIRIZZO WWW DEL SITO DI RIFERIMENTO).

Firma, data, luogo.

La firma del dichiarante, in relazione alle dichiarazioni di cui all'articolo 47 del DPR 445/00, deve essere corredata da copia fotostatica leggibile di un documento di identità dello stesso dichiarante. L'Amministrazione si riserva di compiere accertamenti relativi alla predette dichiarazioni.