

RIVISTAGIURIDICA
DELL'
AMBIENTE

diretta da

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Abstract

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Fauna and Flora – EONG - International conventions and Treaties

The article focuses on bullfighting in Spain and analyzes the recent decisions of the Tribunal Constitucional which has declared the unconstitutionality of some anti-taurine provisions adopted by Cataluña and Islas Baleares because of their prohibitive nature.

The basis of these controversies lies on a conflict of cultures between the Central Government and the Local Governments: on one hand, the State considers bull fights as part of the intangible cultural heritage and aims to guarantee their preservation; on the other hand, some local authorities support the environmentalist-animalist culture and oppose the use of violence, the suffering of the bulls and their death. The article takes in consideration both sides of this conflict and concludes by criticizing the decisions adopted by the Tribunal Constitucional. In fact, the defense of the intangible cultural heritage cannot suppress the power of the territorial autonomies to express their identity and, at the same time, it cannot fail to consider the needs related to the protection and welfare of the animals.

Abstract

MASSIMILIANO MEZZANOTTE

Mountain professions – Italian legislation – regional legislation

The legal order of the mountain professions presents profiles of undoubted peculiarity. The first activity that was regulated was that of mountain guides. The l. n. 6/1989 in fact established the relative order, going to regulate a profession that was carried out without a “formal qualification”. But this legislation also includes another figure, namely the mid-mountain guide (AMM) who, unlike the mountain guide, carries out accompanying activities “with the exception of rocky areas, glaciers, snow-covered grounds and those that require however, due to the progression, use of rope, ice axes and crampons”, illustrating the characteristics of the mountain route to the people accompanying them.

Next to these two categories, there is another: the Environmental Hiking Guide (GAE). Unlike the other two, the latter carries out its activity not limiting itself to the mountain environment, but accompanying tourists in visits to areas of environmental interest, without the use of the so called means of mountaineering progression. The places of interest can be mountain, lake, sea and the means used can be multiple (from kayaking to cycling, just to name a few). The discipline is given by the l. n. 4/2013 (“Provisions regarding unorganized professions”).

The problem arises from the fact that the two figures, the mid-mountain guides and the environmental hiking guides, can share the mountain territory and this creates a dispute regarding the possibility that the exercise is exclusive lyre served for a specific figure, i.e. AMM. The result was an interpretative and jurisprudential contrast, aggravated by some regional laws, such as the Abruzzo law, which contributed to increase doubts and concerns.

Since it is not possible to remedy this conflict, the only way out can be the complete revision of the discipline, in order to allow, once and for all, to clarify the contradictions currently present.