



## Exceptions to the ordinary rules for awarding public contracts: the volcanic risk paradigm

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The topic of exceptions to the ordinary rules of public contracts in the management of risks and emergencies resulting from volcanological phenomena allows for numerous considerations on the aspects of public contracts and administrative law. The topic must obviously be analysed through an interdisciplinary approach focusing on the relationship between technology and law. For example, to verify the legitimacy of the application of derogatory regulations, it is necessary to consider the three-phase structure of volcanic risk: risk assessment, hazard assessment and mitigation of the event. The centrality of the technical issues requires, first of all, an examination of the legal profiles: the first aspect concerns the delimitation of both the concept of "paramount urgency" - a prerequisite for derogating from the ordinary rules - and of which events (whether they have already occurred or have not yet occurred) are susceptible to fall within the scope of the provision. In this context, this research focuses on the practices of individual local authorities from which a significant interpretative and methodological distance emerges.

A further profile of interest concerns organisational issues: this work aims to examine the benefits of a centralisation of competences in the hands of the regions, from two points of view. The first concerns the attempt to reduce potential corruption phenomena that could occur in territories where unpredictable maintenance events frequently occur. The second is based on the consideration that leaving the choice to individual local administrations could lead to different assessments of 'extreme urgency' conditions between neighbouring authorities. Centralisation would therefore go in the direction of uniformity of decisions.

There are, in conclusion, two other aspects that deserve further study. The first concerns the need for ex-post controls, linked to the centrality of the assessment of the conditions of extreme urgency, which risks being ineffective given the extremely tight timeframe. The second seeks to understand whether the derogation to the procurement regime also drags on the regime of landscape authorisations or environmental impact assessments: if this were not the case, and if therefore ex ante intervention were still necessary, the process of simplifying the activities of economic operators would inevitably be thwarted. In addition to the theoretical reflections carried out on the derogation to the ordinary regime of contracting in cases of volcanic risk, this work will also analyse the so-called Campi Flegrei Decree, which allows recourse to the derogatory techniques mainly for two reasons: to provide for the acquisition of instrumental resources

necessary to ensure the effective management of civil protection activities; and to provide for the setting up of temporary areas and services for the reception of the population.