

21 May 2020

Covid-19: Decree Law no. 33 of 16 May 2020 and PMD of 17 May 2020

After the start of Phase 2 (which began on 4 May 2020) the Italian government adopted on 16 May Law Decree no. 33 concerning, *inter alia*, "Further urgent measures to deal with the COVID-19 outbreak" (the "DL 16 May 2020").

Moreover, on 17 May 2020, in implementation of the aforementioned DL 16 May 2020, the Prime Minister issued a new decree with specific implementing provisions (the "PMD 17 May 2020").

With these new decrees, which further ease the lockdown restrictions previously adopted, Italy has definitively entered into the so-called "phase two".

The new measures under the DL 16 May 2020 and the PMD 17 May will apply from **18 May 2020** onwards.

1. Which movements are allowed and which movements remain prohibited in Italy?

From 18 May 2020 onwards, **all the restrictive measures on movements within the same Region cease to apply**. It will therefore be possible to move freely within the Region in which a person is located.

Until 2 June 2020, **interregional movements remain prohibited**, except for proven working needs of absolute urgency or for health reasons.

In any case, persons may return (even across Regions) to their domicile, home or residence.

2. What changes apply to movements in Italy from 3 June 2020 onwards?

From 3 June 2020 onwards, interregional movements will be free and may only be restricted:

- with regard to **specific areas**; and
- **in accordance with the principles of adequacy and proportionality** considering the epidemiological risk actually present in those areas.

3. Which provisions apply in relation to movements to and from other countries?

Until 2 June 2020, movements to and from foreign countries, whether through public or private transport, are prohibited.

These limitations do not apply, *inter alia*:

- in case of **proven working needs of absolute urgency**; or
- for **health reasons**.

In any case, persons may return to their domicile, home or residence in Italy.

4. Which restrictive measures are imposed on persons entering in Italy?

Persons entering in Italy, even if asymptomatic:

- are obliged to immediately notify the Prevention Department of the competent health company for the relevant territory; and
- are subject to health surveillance and fiduciary isolation for a period of fourteen days (14 days) at the domicile, home or residence indicated in advance.

Except in cases where there are symptoms of COVID-19, during the period of health surveillance and fiduciary isolation, it is always permitted for persons subject to such measures to start calculating a new period of health surveillance and fiduciary isolation in another domicile, home or residence, different from the one previously indicated to the Health Authority, upon notification.

5. What changes apply to movements to and from Italy from 3 June 2020 onwards?

As of 3 June 2020 - except for the limitations imposed on specific areas of the national territory in accordance with Article 1, comma 3, of DL no. 33 of 2020, and any limitations imposed on persons entering Italy from specific states and territories - **no restrictions shall apply to travel to and from the following states:**

- the **European Union member states;**
- the **states party to the Schengen Agreement;** and
- the **United Kingdom, the Northern Ireland, Andorra, the Principality of Monaco, the Republic of San Marino and the Vatican City State,**

(jointly, the "**Unrestricted States**").

From 3 June 2020 to 15 June 2020, travels to and from states other than the Unrestricted States remain prohibited (except for proven working needs of absolute urgency or for health reasons).

In any case, persons may return to their domicile, home or residence.

6. Short stays in Italy (from three to five days)

Article 5 of the PMD 17 May 2020 allows short stays in the Italian territory for a period not exceeding 72 hours (three days), which can be extended for proven needs up to 120 hours (five days), *inter alia*:

- in case of **proven working needs of absolute urgency;** or
- for **health reasons.**

In these circumstances, persons who intend to enter the national territory, through, *inter alia*, air, sea, rail or land transport, are required to deliver to the carrier (or to the Prevention Department of the competent health company in the event of entry by private vehicles) a statement indicating:

- the **reason of the travel and its duration;**
- the **address of the place of stay** and the **vehicle that will be used to reach it;** and
- a **telephone number.**

7. Has the so called “interpersonal safety distance” been changed?

Yes, under DL 16 May 2020, the so-called "**interpersonal safety distance**" has been determined - unless otherwise provided - in **at least one meter (1 meter)**.

In case of sports activities, this "*interpersonal safety distance*" is extended to **at least two metres (2 metres)**.

8. Is retail business allowed?

Under Article 1, letter (dd), of the PMD 17 May 2020, retail business activities are always allowed provided that:

- **the "interpersonal distance" of at least one metre is ensured;**
- **access takes place on a deferred basis;** and
- **it is prohibited to stay inside the store for longer than the time necessary to purchase the goods.**

In any case, the retail activities must comply with the protocols and/or guidelines suitable to prevent or reduce the risk of contagion in the reference sector or similar areas, adopted by the relevant Regions or the Conference of Regions and autonomous provinces where the activity is conducted.

9. Is catering business allowed? Under which conditions?

Under Article 1, letters (ee) and (ff), of the PMD 17 May 2020:

- **catering service activities** (including bars, pubs, restaurants, ice-cream shops, bakeries) **are permitted** provided that the Regions and autonomous provinces have (i) first verified the compatibility of the above activities with the development of the epidemiological situation in their territories and (ii) identified applicable protocols or guidelines suitable to prevent or reduce the risk of infection;
- **canteen and permanent catering activities remain permitted**, provided that interpersonal safety distance of at least one metre is maintained;
- **home delivery and take-away activities remain permitted;**
- **food service activities located in hospitals and airports remain open**, provided that interpersonal distance of at least one metre is maintained.

10. Are personal-care activities allowed? Under which conditions?

Under Article 1, letter (gg), of the PMD 17 May 2020, **personal-care activities (i.e. estheticians, beauty farms, hairdressers etc.) are permitted under the application of the same requirements of Article 9 above.**

11. Are accommodation activities allowed? Under which conditions?

Under Article 1, letter (nn), of the PMD 17 May 2020, accommodation activities are permitted provided that:

- **social distancing is guaranteed, ensuring the interpersonal safety distance of one metre in common areas;** and
- **activities are carried out in compliance with the protocols and guidelines adopted by the Regions or the Conference of Regions and autonomous provinces,** appropriate to prevent or reduce the risk of contagion.

12. Is it possible that economic, productive and social activities are restricted again?

Yes, but only if these restrictions comply with the principles of adequacy and proportionality.

13. Is the gathering of persons allowed in public places or in spaces open to the public? Are public events or performances allowed?

No, **it is forbidden the gathering of people in public places or in places open to the public is strictly forbidden.**

Demonstrations, events and performances of any type with the presence of public, including events with a cultural, recreational, sporting and trade fair character, and any conference or congress activity, in a public place or in spaces open to the public, are allowed **only where deemed possible on the basis of the epidemiological data and, in any case, in accordance with the procedures adopted under Article 2 of Decree-Law no. 19 of 2020.**

In any case, each Mayor may order the temporary closure of specific public areas or areas open to the public in which it is not possible to ensure **the interpersonal safety distance of at least one metre.**

14. Are religious ceremonies with the presence of persons allowed?

Yes, provided they are carried out in accordance with the protocols signed by the Government and the respective confessions.

Gianni, Origoni, Grippo, Cappelli & Partners has set up an in-house **Task Force** to constantly monitor the evolution of legislation in the regions affected by the Coronavirus and is at your entire disposal to support you in defining, drafting and implementing the most advisable strategies to limit the impact of the spread of the Coronavirus on the operations of your business and the management of your existing commercial relations.

For any questions, please send a mail to coronavirus@gop.it.

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