

LAWS AND OTHER REGULATORY ACTS

DECREE-LAW of 25 March 2020, No. 19.

Urgent measures to deal with the COVID-19 epidemiological emergency

THE PRESIDENT OF THE REPUBLIC

In view of Articles 77 and 87 of the Constitution;

In view of Article 16 of the Constitution, which allows restricting freedom of movement for health reasons;

Given that the World Health Organization declared the COVID-19 pandemic;

Noting the developing epidemiological situation, the particularly widespread nature of the epidemic and the increased number of cases and deaths indicated to the World Health Organization;

Considering the extraordinary urgency and need for issuing new measures to combat the COVID-19 epidemiological emergency, while adopting appropriate and proportionate means to counteract and contain the spread of the said virus;

In view of the decisions adopted by the Council of Ministers during its meeting on 24 March 2020;

Taking into account the proposal by the President of the Council of Ministers and the Minister of Health made in consultation with the Minister of Justice and Minister of Economic Affairs and Finance;

The following decree-law
IS ISSUED:

Art. 1.

Urgent measures to prevent the spread of COVID-19

1. As provided for in the current decree, one or more measures amongst those referred to in paragraph 2 may be adopted in specific parts or, if necessary, all of the national territory in order to contain and counteract the health risks arising from the spread of the COVID-19 virus. These measures may last for predetermined periods lasting no longer than thirty days. These periods may be modified or repeated several times up until 31 July 2020, which is the end date of the state of emergency declared by the Council of Ministers via resolution on 31 January 2020. The implementation of these measures may be adjusted, increased or decreased according to the epidemiological trends experienced in relation to the COVID-19 virus.

2. For and Pursuant to the purposes referred to in paragraph 1, one or more of the following measures may be adopted in specific parts or all of the national territory in accordance with, and in proportion to, the risk present therein:

a) the limitation of personal movements, including restrictions on the possibility of leaving one's residence, domicile or dwelling. Exceptions to this include individual

movements which are limited in space and time or motivated by work needs, necessary or emergency circumstances, health reasons or other specified reasons;

b) the closing of urban roads, parks, playgrounds, villas and public gardens or other areas open to the public;

c) restrictions or prohibitions on leaving or entering communal, provincial or regional territories as well as the national territory;

d) the implementation of precautionary quarantine measures for subjects who have had close contact with confirmed cases of the currently widespread infectious disease or who may be re-entering the Italian territory from abroad;

e) entirely prohibiting persons who are positive carriers of the virus, and thus subject to quarantine measures, from leaving their dwelling or domicile;

f) the limitation or prohibition of meetings or assemblies in public or open areas;

g) the limitation or suspension of public spectacles or initiatives of any kind, other events and any other type of meetings in public or private areas, including activities of a cultural, entertainment, sporting, recreational or religious nature;

h) the suspension of civil and religious ceremonies and limitations on entering places of worship;

i) the closing of cinemas, theatres, concert halls, discos, and game, betting or bingo halls as well as cultural, social and recreational centres or other similar venues;

l) the suspension of congresses, any kind of meeting or large assembly and any other type of convention or congress activity unless it is held using distance methods;

m) the limitation or suspension of sporting events and competitions of any type or discipline in public or private places. This may include the possible temporary closing of gyms, spas, sports centres, swimming pools and centres and other sports facilities, even if privately owned. It may also include regulating the procedures for carrying out sports activities within the aforementioned places;

n) the limitation or suspension of recreational, sports and motor vehicle activities taking place outdoors or in areas open to the public;

o) the possibility of having, or entrusting to the competent state and regional authorities, the ability to limit, reduce, suspend or stop the transport of persons and goods as well as auto, rail, air, maritime and inland-water transportation, whether it involve scheduled or local public services.

p) the suspension of child education services as referred to in Article 2 of the Legislative Decree of 13 April 2017, No. 65, and all other levels and grades of educational activities. This includes: higher education institutions, such as universities and higher-level training centres in musical arts and dance; vocational, master's and health-professional courses; universities for the elderly; professional courses and training activities carried out by public entities, territorial and local ones

or private persons; other similar courses; and other training activities or exams. Educational activities which are carried out via distance-learning modes are exempt.

q) the suspension of educational trips, exchange or twinning initiatives, guided tours and educational outings, however named, that are programmed by educational institutions of any level or type for travel within the national territory or abroad;

r) the limitation or suspension of opening to the public or the closure of museums, other cultural institutions and cultural sites referred to in Article 101 of the Cultural Heritage and Landscape Code (codici dei beni culturali e del paesaggio), pursuant to the Legislative Decree of 22 January 2004, No. 42, as well as the limitation or suspension of provisions allowing free access to such establishments and places;

s) the limitation of public administration work for which one must be physically present. Exceptions to this are non-deferrable activities and essential services, with priority given to carrying out these activities via agile work modes;

t) the limitation or suspension of competitive and selective staff recruitment procedures by public and private employers. The following procedures are exempt: instances in which the evaluation of candidates is exclusively based on their curriculum vitae or done via remote procedures; when the initiating acts for these procedures have deadlines set by law; or to conclude procedures for which the candidate evaluation has already taken place and for which it is possible to undertake the steps needed to assign specific posts;

u) the limitation or suspension of retail trade, with the exception of that necessary to ensure the availability of agricultural products, food and basic necessities. These allowed activities are to be carried out in a manner which avoids the congregating of persons and the operator is required to assure conditions that maintain the established interpersonal safety distance needed to prevent and reduce infection risk;

v) the limitation or suspension of activities that provide food and beverages to the public, as well as on-site consumption of food and beverages, including in bars and restaurants;

z) the limitation or suspension of other employment or professional activities, even when they involve public functions or self-employment. Necessary public services may be exempt following the adoption of anti-infection safety protocols. Personal protection equipment should be used when it is not possible to undertake the main containment measure of respecting the established interpersonal safety distance required to prevent and reduce infection risk.

aa) limiting the holding of trade fairs and markets, except those necessary to ensure the availability of agricultural products, food and basic necessities;

bb) specific prohibitions or limitations on persons accompanying patients in the waiting rooms of hospital emergency and reception departments (Dipartimento di Emergenza e Accettazione/DEA) or first aid areas (Pronto Soccorso/PS);

cc) restriction of access by relatives and visitors to

hospitality and long-stay facilities, assisted health residences (residenze sanitarie assistenziali/RSA), hospices, rehabilitation and residential facilities for the elderly, whether self-sufficient or not, prison institutions and residential institutions for minors in conflict with the law;

dd) required reporting to the national health service by those who have travelled or stayed in areas of epidemiological risk as identified by the World Health Organization or the Minister of Health;

ee) the adoption of information and prevention measures with respect to epidemiological risk;

ff) the provision of agile work arrangements, even if this requires making an exception to in-force rules;

gg) provisions that allowed activities may be carried out only after an owner or manager undertakes suitable measures to avoid the congregating of persons and ensures conditions in compliance with maintaining the appropriate interpersonal safety distance to prevent or reduce the risk of infection. With regard to necessary public services, if it is not possible to comply with the interpersonal distance rule as an anti-infection safety measure in carrying these out, personal protective equipment must be adopted;

hh) the evaluation of potential exceptions to the limits on economic activities referred to in this subparagraph may be entrusted to a specifically designated public authority for case-by-case verification.

3. The carrying out of activities which may be absolutely necessary on the basis of public utility and effects, and which are not subject to suspension due to the implementation of this Article's measures, may be instituted for the duration of the emergency referred to in paragraph 1. This action will be taken by the prefect after informally consulting with the social partners concerned.

Art. 2.

Implementation of containment measures

1. The measures referred to in Article 1 shall be adopted through one or more decrees made by the President of the Council of Ministers. These decrees will be based on a proposal by the Minister of Health and consultations with responsible ministers, including the Ministers of the Interior, Defence and Economic Affairs and Finance. The presidents of concerned regions will be consulted when measures relate exclusively to one or more specific regions. The President of the Conference of Regions and Autonomous Provinces will be consulted when the measures address the entire national territory. The decrees referred to in this sub-paragraph may also be adopted based on proposals by the Presidents of the concerned regions, when these decrees relate exclusively to one or more specific regions, or by the President of the Conference of Regions and Autonomous Provinces when they address the entire national territory. Consultation with responsible ministers, including the Ministers of Health, Interior, Defence, and Economic Affairs and Finance will also be undertaken. For technical and scientific aspects, as well as to assess adequacy and proportionality, the

procedures referred to in this subparagraph will be generally adopted only after consultation with the Scientific Technical Committee (il comitato tecnico scientifico) referred to in the ordinance by the Head of the Civil Protection Department of 3 February 2020, No. 630.

2. Pending the adoption of the decrees by the President of the Council of Ministers referred to in paragraph 1, and effective only up until that point, the Minister of Health may undertake the measures referred to in Article 1 in the event of extreme necessity or an emergency, pursuant to Article 32 of the Law of 23 December 1978, No. 833.

3. The results or acts adopted based on the decrees and orders issued pursuant to the Decree-Law of 23 February 2020, No. 6, which was converted into law with some modifications by the Law of 5 March 2020, No. 13, and the actions pursuant to Article 32 of the Law of 23 December 1978, No. 833, are not affected. The measures already adopted under the decrees made by the President of the Council of Ministers on 8 March 2020, 9 March 2020, 11 March 2020 and 22 March 2020 continue to apply since they were still in effect on the date the present decree entered into force. The other measures in effect on the date the current decree entered into force also continue to apply for the limited time of 10 further days.

4. Regarding the actions adopted pursuant to this decree, the timeframe for the preventative review by the Court of Auditors, referred to in Article 27, paragraph 1, of Law of 24 November 2000, No. 340, has been reduced by half. In any event, the measures adopted pursuant to this decree shall be provisionally effective, executable and enforceable during the course of the preventative review by the Court of Auditors pursuant to Articles 21a, 21b and 21c of the Law of August 1990, No. 241.

5. The measures adopted pursuant to this Article shall be published in the *Official Gazette* of the Republic of Italy and communicated to the Parliament within a day of publication. The President of the Council of Ministers, or a Minister delegated by the President, shall report to the Parliament every fifteen days on the measures taken under this decree.

Art. 3.

Urgent regional or intra-regional measures

1. Pending the adoption of the decrees by the President of the Council of Ministers referred to in Article 2, paragraph 1, and effective only up to that point, regions may introduce further restrictive measures, including those referred to in Article 1, paragraph 2, in response to specific deteriorating health-risk conditions within part or all of their territory. Regions can do this only in sectors over which they have authority and without impacting on productive activities or those of strategic importance to the national economy.

2. Under penalty of nullification, Mayors may not adopt extraordinary or urgent ordinances to address the emergency which run contrary to national measures nor which exceed the limits referred to in paragraph 1.

3. The provisions of this Article will also apply to acts put in place for health reasons by virtue of powers conferred by any provisions of previously in-force laws.

Art. 4.

Sanctions and controls

1. Unless the fact constitutes a criminal offence, failure to comply with the containment measures referred to in Article 1, paragraph 2, and identified and applied through the measures adopted pursuant to Article 2, paragraph 1, or Article 3, is punishable by a financial penalty ranging from 400 euros to 3,000 euros. Penalties provided for in Article 650 of the Criminal Code, or any other legal provision attributing powers for health reasons as referred to in Article 3, paragraph 3, do not apply. If failure to comply with the above measures occurs through the use of a vehicle, the penalties shall be increased by a third.

2. In addition to a financial penalty, the cases referred to in Article 1, paragraph 2, letters *i), m), p), u), v), z) and aa)*, will also involve closing down the activity or entity involved for 5 to 30 days.

3. Violations are established in accordance with the Law of 24 November 1981, No. 689 and paragraphs 1, 2 and 2.1 of Article 202 of the Legislative Decree of 30 April 1992, No. 285, are applicable with respect to any reduced payment. The sanctions for violating the measures referred to in Article 2, paragraph 1, are imposed by the Prefect. Penalties for infringements of the measures referred to in Article 3 shall be imposed by the authorities which ordered them. Article 103 of the Decree-Law of 17 March 2020, No. 18, shall apply to the relevant procedures.

4. When establishing the violations referred to in paragraph 2, and when necessary to prevent the continuation or repetition of the violation, the implementing authority may order the provisional closure of an activity or entity for a duration of not more than 5 days. The provisional closure period shall be discounted from the corresponding additional penalty finally imposed.

5. In the event of repeated infringement of the same provision, the financial penalty shall be doubled and the additional penalty shall be applied to the maximum extent.

6. Unless the fact constitutes a violation of Article 452 of the Criminal Code or, in any case, a more serious offence, violating the measures referred to in Article 1, paragraph 2, letter *e)*, is punishable pursuant to Article 260 of the Royal Decree of 27 July 1934, No. 1265 and the Consolidated text of the health laws as amended by paragraph 7.

7. In paragraph 1, Article 260 of the Royal Decree of 27 July 1934, No. 1265 and the Consolidated text of the Health Laws, the words "with the arrest of up to six months and with a fine of from 40,000 to 800,000 lire" are to be replaced by the following: "with arrest of from 3 to 18 months and with a fine of from 500 to 5,000 euros".

8. The provisions of this Article, which replace criminal sanctions with financial penalties, will also apply to infringements committed before the date of entry into force of this Decree. However, in these cases the financial penalties applied are half the amount of the minimum penalty. The provisions of Articles 101 and 102 of the Legislative Decree of 30 December 1999, No. 507, are to be applied to the extent they are compatible.

9. The Prefect, after informing the Minister of the Interior in advance, is to ensure the execution of these measures using the Police or, if necessary, Armed Forces, after consulting with the competent territorial command units. Upon receiving orders from the competent Prefect, the Armed Forces personnel involved may ensure the execution of the containment measures referred to in Articles 1 and 2 and shall be assigned the status of public security officers.

Art. 5.

Final provisions

1. The following shall be repealed:

a) the Decree-Law of 23 February 2020, No. 6, which was converted into law with some modifications by the Law of 5 March 2020, No. 13, with the exception of Articles 3, paragraph 6a and 4;

b) Article 35 of the Decree-Law of 2 March 2020, No. 9.

2. The provisions of this current decree are applicable to special status Regions and the autonomous Provinces of Trento and Bolzano when in accordance with their respective statutes and related implementation standards.

3. The implementation of this decree does not entail new or greater costs in terms of public financing. The administrations involved will undertake the activities

herein by using the human resources and financial instruments available under current legislation.

Art. 6.

Entry into force

1. This decree shall enter into force on the day following its publication in the *Official Gazette* of the Republic of Italy and shall be presented to the Parliament for conversion into law.

This decree bears the seal of State and will be included in the Official Collection of Legislative Acts of the Republic of Italy. All are required to observe it and to ensure it is observed by others.

Delivered in Rome on this day of 25 March 2020

MATTARELLA

Conte, *President of the
Council of Ministers*

Speranza, *Minister of Health*

Bonafede, *Minister of Justice*

Gualtieri, *Minister of
Economic Affairs and
Finance*

Endorsed, *Holder of the Seals*: BONAFEDE

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