

COVID-19

Law no. 27 of 24 April 2020 (converting Decree-Law no. 18 of 17 March 2020)

Additional provisions

Decree-Law no. 18 of 17/03/2020 (First Decree-Law), which introduced measures strengthening the national healthcare service and providing financial support to families, workers and companies in connection with the COVID-19 emergency, as well as an extension of the deadlines for the enactment of Legislative Decrees, was converted into Law no. 27 of 24 April 2020 (the Law), published in the Italian Official Journal no. 110 of 29 April 2020.

Following our earlier notes, we outline below other changes made to the Decree in the conversion process.

SUSPENSION OF UTILITY PAYMENTS (article 72-bis)

This article was added when converting the First Decree-Law.

The Regulatory Authority for energy, networks and the environment has decreed the suspension, until 30 April 2020, of the payment of invoices and other notices of payment, issued or to be issued, for the Municipalities listed in Annex 1 to the Italian Prime Ministry Decree of 1 March 2020, in respect of electricity, water and gas, including gas other than natural gas, delivered through distribution networks, and the integrated waste management cycle.

NOTA BENE

The Municipalities listed in Annex 1 to the Italian Prime Ministry Decree of 1 March 2020 are:

- 1) in Lombardy:**
 - a) Bertonico;**
 - b) Casalpusterlengo;**
 - c) Castelgerundo;**
 - d) Castiglione D'Adda;**
 - e) Codogno;**
 - f) Fombio;**
 - g) Maleo;**
 - h) San Fiorano;**
 - i) Somaglia;**

1) Terranova dei Passerini.

2) in Veneto:

a) Vo'.

Within one hundred and twenty days from 2 March 2020, the Regulatory Authority for energy, networks and the environment will enact measures regarding the payment by instalments of the suspended amounts.

NEW URGENT MEASURES TO COMBAT AND CONTAIN THE COVID-19 OUTBREAK IN CIVIL, CRIMINAL, TAX AND MILITARY PROCEEDINGS (article 83)

This article was amended at the time of the conversion.

Until 30 June 2020, all judicial documents will have to be submitted online, in accordance with the rules and regulations concerning the signature, delivery and receipt of IT documents (paragraph 11-*bis*). The standard court fees ("*Contributo Unificato*") referred to in article 14 of Presidential Decree no. 115 of 30 May 2002 and the lump-sum advance in connection with the online filing of documents for entry of appearance before the Italian Supreme Court, are to be paid using online payment systems, including a technological platform.

NOTA BENE

Between 9 March 2020 and 30 June 2020, decisions in non-suspended civil and criminal proceedings may be made via conference calls, using the remote connections identified and regulated by enactment of the Ministry of Justice's director general of the IT and automated systems.

(paragraph 12-*quinquies*)

The limitation periods for activities in:

- ◆ **mediation proceedings, pursuant to Legislative Decree no. 28 of 4 March 2010;**
- ◆ **assisted negotiation proceedings, pursuant to Decree-Law no. 132 of 12 September 2014, converted with amendments into Law no. 162 of 10 November 2014, and**
- ◆ **out-of-court dispute resolution proceedings, which started, or were already in progress between 9 March 2020 and 15 April 2020, have been suspended between 9 March 2020 and 15 April 2020.**

(paragraph 20)

The maximum length of such proceedings has therefore been extended.

In any case, mediation proceedings between 9 March and 30 June 2020 can be held online with the prior consent of the parties involved. Thereafter, proceedings may be held via conference call, with the consent of the parties involved in the online proceedings.

(paragraph 20-*bis*)

IMPORTANT!

Until the end of the social distancing orders in connection with the COVID-19 public health emergency, powers of attorney in civil proceedings may be signed and sent by post, or scanned and sent by email, to the defense counsel, together with a copy of one's valid ID.

(article 20-ter)

These provisions apply, insofar as compatible, to proceedings in the **special jurisdictions not contemplated by the First Decree-Law**, in Tax Courts and military courts.
(paragraph 21)

REFUND OF TICKETS TO SHOWS, MUSEUMS AND OTHER CULTURAL INSTITUTIONS (article 88)

This article has been replaced at the time of the conversion of the Decree.

Starting from the date of entry into force of the Italian Prime Ministry Decree of 8 March 2020 (i.e. 8 March 2020), tickets to shows (including cinema and theater shows), to museums and other cultural institutions, are no longer valid due to the impossibility to provide the related service within the meaning and for the purposes of article 1463 of the Italian Civil Code.

Article 1463 of the Italian Civil Code: Absolute impossibility. In bilateral contracts, the party which finds itself unable to fulfil its contractual obligations cannot claim payment of the consideration and must refund the consideration already received, pursuant to the rules on the repayment of amounts not due.

NOTA BENE

Within thirty days from 17 March 2020 (i.e., date of entry into force of the First Decree-Law) or from the date of entry into force of any subsequent measures, the purchaser of the ticket must submit a refund claim to the organizer of the event, including through the sales channels used by such organizer, enclosing the ticket.

Once the organizer of the event makes sure that the service cannot be rendered, and consequently that the ticket may no longer be used, it will issue a voucher of an equal amount to be used within one year of issue.

These provisions apply until the effective date of the measures introduced by the Italian Prime Minister Decree of 8 March 2020 and by any additional implementation Decrees which may be issued on the matter; if any such additional implementation Decrees are issued, the limitation period for filing the refund claim will start as of the date of their entry into force.

REFUND OF TRAVEL TICKETS, HOTEL ACCOMMODATION AND PACKAGE HOLIDAYS (article 88-bis)

This article was added at the time of the conversion of the First Decree-Law.

Within the meaning and for the purposes of article 1463 of the Italian Civil Code, contracts for air, railway, maritime and inland waterway or land transportation, or contracts for hotel accommodation and package holidays entered into by the following persons, become non-performable:

- ◆ persons under quarantine or self-quarantine with health surveillance by the competent healthcare authority;
- ◆ anyone who is a resident of or has been issued an order not to leave the areas affected by the outbreak;
- ◆ anyone who tested positive for COVID-19 and put under quarantine or self-quarantine with health surveillance by the competent healthcare authority, or hospitalized, with regard to the contracts to be performed during such quarantine or hospitalization period;
- ◆ anyone who has scheduled holidays or trips starting from or arriving in any of the areas affected by the outbreak;
- ◆ anyone who had planned to attend public selection procedures, shows, initiatives, events and any gathering in a public or private space, including cultural, gaming, sport and religious events, whether or not carried out in closed spaces open to the public, which have been cancelled, suspended or deferred by the competent authorities;
- ◆ anyone who purchased a travel ticket or a package holiday in Italy, having as their destination a foreign country where landing or arrival is prohibited by reason of the COVID-19 emergency.

IMPORTANT!

The above provisions apply even if the ticket, hotel accommodation or package holiday were purchased or booked through a travel agency or a booking platform.
(paragraph 10)

NOTA BENE

The persons concerned shall:

- ◆ inform (within thirty days) the carrier or the accommodation facility or the package holiday organizer of the occurrence of any of the above circumstances;
- ◆ enclose the relevant documentation (ticket, reservation, package holiday contract, or ticket to shows, initiatives or events).

Within thirty days from the notification, the carrier (or accommodation facility):

- ◆ will refund the consideration received for the travel and hotel reservation, OR
- ◆ issue a voucher of a corresponding amount, to be used within one year of issue.

The carrier may exercise the right to withdraw, subject to prior notification to the purchaser, when the services cannot be rendered by reason of measures adopted by domestic, international or foreign state authorities in connection with the COVID-19 emergency.

In this case, the carrier will promptly inform the purchaser and, within the next thirty days:

- ◆ refund the consideration received for the ticket, OR
- ◆ issue a voucher of a corresponding amount, to be used within one year of issue.

Package holiday organizers may exercise their right to withdraw from contracts entered into with any of the above persons or from package holidays having as their destination a foreign state where landing or arrival is not allowed owing to the COVID-19 emergency, and in any event when performance of the contract is wholly or partly prevented by measures adopted by national, international or foreign state authorities because of the emergency.

As an alternative to the refund, the organizer:

- ◆ may offer the traveler a replacement package holiday of equivalent, higher or lower standard, refunding any price difference;
- ◆ may carry out the refund;
- ◆ may issue a voucher, including through the agency which sold the package, to be used within one year of issue, in an amount corresponding to the refund due.

The refund is made, and the voucher is issued, as soon as the individual service providers in turn make the refunds or issue the vouchers, and in any case not later than sixty days after the scheduled start date of the holiday.

(paragraph 7)

Except for the above cases, as regards all arrangements under the contracts in question entered into between 11 March and 30 September 2020 throughout Italy, including services to be rendered abroad or to parties coming from abroad, if the services cannot be rendered because of the COVID-19 emergency, any payments already received may be returned in the form of a voucher of an equivalent amount to be used within one year of issue.

(paragraph 11)

URGENT EXCEPTIONAL MEASURES IN SUPPORT OF THE PRINTING AND PUBLISHING BUSINESS

(article 98)

This article was not amended at the time of conversion.

DONATIONS IN SUPPORT OF THE MEASURES TO COMBAT THE COVID-19 EMERGENCY


(article 99)

This article was not amended at the time of the conversion into Law of the First Decree-Law.

PROCEEDINGS OF GENERAL MEETINGS OF COMPANIES AND OTHER BODIES

(article 106)

This article was amended at the time of the conversion into Law of the First Decree-Law by adding paragraph 8-*bis*, pursuant to which the provisions of article 106 also apply to the associations and foundations other than the entities referred to in article 104(1) of the Third Sector Code (Legislative Decree no. 117 of 3 July 2017), i.e., registered nonprofit associations providing socially useful



services (ONLUS), volunteer work associations registered in accordance with Law no. 266 of 11 August 1991 and associations engaged in social promotion work registered in the national and regional registers and the registers of the autonomous provinces of Trento and Bozen pursuant to article 7 of Law no. 383 of 7 December 2000.

For additional information, please contact:

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