

# COVID-19

## Italian Prime Minister Decree of 10 April 2020

### **“New” rules for productive industrial and commercial activities**

The Italian Prime Minister signed the 10 April 2020 Decree<sup>1</sup> (the “New Italian Prime Minister Decree”) providing “Additional rules implementing Decree-Law no. 19 of 25 March 2020 containing urgent measures to deal with the COVID-19 emergency, applicable on the entire national territory.

The New Italian Prime Minister Decree, which entered into force on 14 April 2020, has extended the containment measures to 3 May 2020 and regulates the safe conduct of productive industrial and commercial activities.

The New Italian Prime Minister Decree has rearranged the rules so far adopted on the matter. Therefore, at the date of its enactment (14 April 2020), the following decrees have ceased to be in force:

- ◆ The 8 March 2020 Italian Prime Minister Decree;
- ◆ The 9 March 2020 Italian Prime Minister Decree;
- ◆ The 11 March 2020 Italian Prime Minister Decree;
- ◆ The 22 March 2020 Italian Prime Minister Decree;
- ◆ The 1 April 2020 Italian Prime Minister Decree.

(article 8 of the New Italian Prime Minister Decree)

Article 8 also provides that the more restrictive measures enforced by the Regional Governments – with the Ministry of Health’s agreement – in their respective territory shall continue to apply.

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<sup>1</sup> The New Italian Prime Minister Decree was published on Italian Official Journal no. 97 of 11 April 2020.

**Article 2 of the New Italian Prime Minister Decree provides that all productive industrial and commercial activities, except those listed in Annex 3 thereof, shall be suspended (see attached list – the few additions compared to the earlier list have been marked in boldface).**

The list of the codes under Annex 3 of the decree may be amended by decree of the Ministry for Economic Developments after hearing the Ministry of Economy and Finance<sup>2</sup>.

The New Italian Prime Minister Decree has confirmed that the following activities and services may continue to be provided (subject to notifying the *Prefetto* – chief of police):

- ◆ public utility and essential services;
- ◆ activities of the aerospace and defense industry, including the processes, equipment, materials, services and basic infrastructure essential for national security and public rescue services;
- ◆ activities necessary to ensure the continued performance of the activities under annex 3, of the aerospace, defense and other activities playing a strategic role in national economy - which have been authorized to continue – and of the public utility and essential services;
- ◆ the manufacture, transportation, sale and delivery of pharmaceutical drugs, healthcare technology and medical/surgical equipment, as well as of agricultural and food products;
- ◆ continuous production activities, which if interrupted could cause severe damage to the equipment or risk of accidents<sup>3</sup>.

Businesses whose activities have not been suspended will have to comply with the rules of the protocol signed on 14 March 2020 between the Government and the social partners (see our earlier messages).

**The New Italian Prime Minister Decree has confirmed that productive activities carried out remotely or in smart working mode may continue.**

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<sup>2</sup> If the list of suspended activities were amended by a Decree of the Ministry for Economic Development, companies will have 3 days from the date of the enactment of the amending decree to complete the activities required for suspension, including the dispatch of goods in storage (article 2, comma 10 of the New Italian Prime Minister Decree).

<sup>3</sup> Notifying the *Prefetto* will not be necessary if the equipment is intended to supply an essential public service.

**NEW:**

The New Italian Prime Minister Decree provides that the following actions are allowed for businesses whose activities have been suspended, after notifying the *Prefetto* (chief of police):

- ◆ employees or authorized third parties in charge of security, conservation, maintenance, payment management, cleaning and sanitization activities may enter company premises;
- ◆ goods in storage may be dispatched to third parties, and goods and supplies originating from third parties may be received into storage.

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**ANNEX (ANY CHANGES FROM THE PREVIOUS LIST HAVE BEEN MARKED IN BOLDFACE)**

Annex to the 25 March 2020 Decree (replacing the Annex to the Italian Prime Minister Decree of 22 March 2020)	Annex to the New Italian Prime Minister Decree
<p>1 - Crop and animal production</p> <p>3 - Fishing and aquaculture</p> <p>5 - Mining of hard coal</p> <p>6 - Extraction of crude petroleum and natural gas</p> <p>9.1 - Support activities for petroleum and natural gas extraction</p> <p>10 - Manufacture of food products</p> <p>11 - Manufacture of beverages</p> <p>13.95 - Manufacture of non-woven fabrics and articles made from non-woven fabrics (except garments)</p> <p>13.96.20 - Manufacture of other technical and industrial textiles</p> <p>14.12.00 - Manufacture of workwear</p> <p><b>16.24 - Manufacture of wooden containers</b></p> <p>17 - Manufacture of paper (except codes 17.23 - 17.24)</p> <p>18 - Printing and reproduction of recorded media</p> <p>19 – Manufacture of coke and refined petroleum products</p> <p>20 - Manufacture of chemicals (except codes 20.12 - 20.51.01 - 20.51.02 - 20.59.50 - 20.59.60)</p> <p>21 - Manufacture of basic pharmaceutical products and pharmaceutical preparations</p> <p>22.2 - Manufacture of plastics products (except codes 22.29.01 - 22.29.02)</p> <p>23.13 - Manufacture of hollow glass</p> <p>23.19.10 - Manufacture of laboratory, hygienic and pharmaceutical glassware</p> <p>25.21 - Manufacture of central heating radiators and boilers</p> <p>25.92 - Manufacture of light metal packaging</p> <p>26.6 - Manufacture of irradiation, electromedical and electrotherapeutic equipment</p> <p>27.1 - Manufacture of electric motors, generators, transformers and electricity distribution and control apparatus</p> <p>27.2 - Manufacture of batteries and accumulators</p> <p>28.29.30 - Manufacture of automatic dosing, wrapping and packaging machinery</p> <p>28.95.00 - Manufacture of machinery for paper and paperboard production (including parts and accessories)</p> <p>28.96 - Manufacture of machinery for the plastics and rubber industries (including parts and accessories)</p>	<p>1 - Crop and animal production</p> <p><b>2 - Forestry and use of forest areas</b></p> <p>3 - Fishing and aquaculture</p> <p>5 - Mining of hard coal</p> <p>6 - Extraction of crude petroleum and natural gas</p> <p>9.1 - Support activities for petroleum and natural gas extraction</p> <p>10 - Manufacture of food products</p> <p>11 - Manufacture of beverages</p> <p>13.96.20 - Manufacture of other technical and industrial textiles</p> <p>13.95 - Manufacture of non-woven fabrics and articles made from non-woven fabrics (except garments)</p> <p>14.12.00 - Manufacture of workwear</p> <p><b>16 – Woodworking, wood products and cork products industry (not including furniture); manufacture of articles made of straw and other plaiting material;</b></p> <p>17 - Manufacture of paper (except codes 17.23 - 17.24)</p> <p>18 - Printing and reproduction of recorded media</p> <p>19 – Manufacture of coke and refined petroleum products</p> <p>20 - Manufacture of chemicals (except codes 20.12 - 20.51.01 - 20.51.02 - 20.59.50 - 20.59.60)</p> <p>21 - Manufacture of basic pharmaceutical products and pharmaceutical preparations</p> <p>22.2 - Manufacture of plastics products (except codes 22.29.01 - 22.29.02)</p> <p>23.13 - Manufacture of hollow glass</p> <p>23.19.10 - Manufacture of laboratory, hygienic and pharmaceutical glassware</p> <p>25.21 - Manufacture of central heating radiators and boilers</p> <p><b>25.73.1 – Manufacture of hand-operated tools; interchangeable machine tool parts</b></p> <p>25.92 - Manufacture of light metal packaging</p> <p><b>26.1 – Manufacture of electronic components and electronic cards</b></p> <p><b>26.2 – Manufacture of computers and peripherals</b></p> <p>26.6 - Manufacture of irradiation, electromedical and electrotherapeutic equipment</p> <p>27.1 - Manufacture of electric motors, generators, transformers and electricity distribution and control apparatus</p> <p>27.2 - Manufacture of batteries and accumulators</p> <p>28.29.30 - Manufacture of automatic dosing, wrapping and packaging machinery</p> <p>28.95.00 - Manufacture of machinery for paper and paperboard production (including parts and accessories)</p> <p>28.96 - Manufacture of machinery for the plastics and rubber industries (including parts and accessories)</p>

32.50 - 50 Manufacture of medical and dental instruments and supplies  
 32.99.1 - Manufacture of protective safety equipment and protective safety clothing  
 32.99.4 - Manufacture of coffins  
 33 - Repair and installation of machinery and equipment (**except codes** 33.11.01, 33.11.02, 33.11.03, 33.11.04, 33.11.05, 33.11.07, 33.11.09, 33.12.92, **33.16, 33.17**)  
 35 - Supply of electricity, gas, steam and air conditioning  
 36 - Water collection, treatment and supply  
 37 – Sewers management  
 38 - Waste collection, treatment and disposal activities; recovery of materials  
 39 - Remediation activities and other waste management services  
 42 - Civil engineering (**except codes** **42.91**, 42.99.09 and 42.99.10)  
 43.2 – Installation of electrical and plumbing systems and other construction and installation activities  
 45.2 - Maintenance and repair of motor vehicles  
 45.3 - 3 Sale of motor vehicle parts and accessories  
 45.4 – Limited to the maintenance and repair of motorcycles and sale of related parts and accessories  
 46.2 - Wholesale of agricultural raw materials and live animals  
 46.3 - Wholesale of food, beverages and tobacco products  
 46.46 - Wholesale of pharmaceutical products  
  
 46.49.2 - Wholesale of books, magazines and newspapers  
 46.61 - Wholesale of agricultural machinery, equipment, accessories, supplies and tools, including tractors  
 46.69.91 - Wholesale of other machinery and equipment for scientific purposes  
 46.69.94 - Wholesale of fire and accident prevention products  
 46.71 - 71 Wholesale of petroleum products and lubricants for the transport sector, and of heating fuels  
  
 49 - Transport by land and by pipelines  
 50 – Maritime and waterways transport  
 51 – Air transport  
 52 - Warehousing and storage and transportation support activities  
 53 - Postal and courier activities\  
 55.1 – Hotels and similar facilities  
 J (from 58 to 63) - Information and communication services  
 K (da 64 a 66) - Financial and insurance activities  
 69 Legal and accounting activities  
 70 – Head office, and management consulting activities

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<p>71 – Architect and engineering firms’ activities; technical testing and analysis  72 - Scientific research and development  74 - Other professional, scientific and technical activities  75 – Veterinary services  78.2 - Temporary employment agency activities</p> <p>80.1 - Private security activities  80.2 - Security systems service activities  81.2 - Cleaning and disinfestation activities</p> <p>82.20 - Call center activities <b>(except outbound calls and recreational telephone services)</b></p> <p>82.92 - Packaging activities for third parties  82.99.2 – Agency for the distribution of books, magazines and newspapers  82.99.99 - Other business support services</p> <p>84 - Public administration and defense; compulsory social security  85 - Education  86 - Human health activities  87 - Residential care activities  88 – Non-residential care activities  94 - Activities of economic organizations, employers’ and professional associations  95.11.00 - Repair of computers and peripherals  95.12.01 - Repair and maintenance of landline, cordless and mobile phones  95.12.09 - Repair and maintenance of other communication equipment  95.22.01 - Repair of household appliances and household products  97 - Activities of households as employers of domestic personnel</p>	<p>71 – Architect and engineering firms’ activities; technical testing and analyses  72 - Scientific research and development  74 - Other professional, scientific and technical activities  75 – Veterinary services  78.2 - Temporary employment agency activities <b>insofar as they are carried out in relation to the activities referred to in annexes 1, 2 and 3 of this decree</b></p> <p>80.1 - Private security activities  80.2 - Security systems service activities  81.2 - Cleaning and disinfestation activities  <b>81.3 – Landscape care and maintenance, except landscape gardening</b></p> <p>82.20 - Call centers <b>answering users’ calls through operators, by automatic distribution of calls, through computer-phone integration, interactive voice answering systems or similar systems, capable of receiving orders, providing product information, providing assistance to customers or dealing with customers’ complaints, insofar as the activities referred to in the annexes to this decree are carried out</b></p> <p>82.92 - Packaging activities for third parties  82.99.2 – Agency for the distribution of books, magazines and newspapers  82.99.99 - Other business support services, <b>limited to home delivery of products</b></p> <p>84 - Public administration and defense; compulsory social security  85 - Education  86 - Human health activities  87 - Residential care activities  88 - Non-residential care activities  94 - Activities of economic organizations, employers’ and professional associations  95.11.00 - Repair of computers and peripherals  95.12.01 - Repair and maintenance of landline, cordless and mobile phones  95.12.09 - Repair and maintenance of other communication equipment  95.22.01 - Repair of household appliances and household products  97 - Activities of households as employers of domestic personnel  <b>99 – Extraterritorial organizations and bodies</b></p>
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**NOTA BENE**

The allowed activities shall be identified on the basis of the ATECO Codes recorded in the Companies Registry or, for unregistered entities, in the Revenue Agency’s central tax record (*anagrafe tributaria*) as the taxpayer’s primary, core or secondary activity.

(Government FAQs: <http://www.governo.it/it/faq-iorestoacasa>).