

May 18, 2020

Ahead of the publication of the Relaunch Decree (Decreto Rilancio), the Decree-Law of **May 16, 2020, no. 33** (available here), containing "further urgent measures to face the COVID-19 epidemiological emergency", was published in the Official Journal no. 125 of May 16, 2020.

The Decree-Law outlines the **national regulatory framework for the reopening of the country** within which, from May 18 to July 31, 2020, by means of specific decrees and (national, regional or municipal) orders, it will be possible to regulate the movement of individuals and the ways of carrying out economic, productive and social activities.

In this context, on Sunday, **May 17, 2020**, the President of the Council of Ministers also signed a new Decree published in the Official Journal no. 126 of May 17, 2020, (available here) containing the implementing provisions of the aforementioned Decree-Law for the **reopening of the country**.

The provisions of the Prime Ministerial Decree are applicable from **May 18, 2020**, replacing those of the Prime Ministerial Decree of April 26, 2020, and are **effective until June 14, 2020**.

However, any more restrictive containment measures adopted by the regions will continue to apply, also in agreement with the Ministry of Health, for specific Italian areas.

Restrictions on the movement of persons

The Decree-Law provides, as of May 18, 2020, a relaxation of restrictions on the freedom of movement and mobility of persons. **Any movement within the same region** will be allowed –a self-declaration will no longer be required – while movements, by public or private transport, **between one region and another** will remain allowed until June 2, 2020, only for **proven working needs**, absolute urgency or for health reasons, without prejudice to the possibility of returning to one's domicile, home or residence.

In any case, people with respiratory symptoms and fever higher than 37.5°C are forbidden to circulate and are required to stay at home, limiting social contacts as much as possible, and must contact their doctor.

In addition, persons under quarantine by order of the health authority who have tested positive for the COVID-19 virus are forbidden to move from their home or residence until they have recovered or are admitted to a health facility or other facility for that purpose.

Until June 2, 2020, **it is forbidden to travel to and from foreign countries**, by public and private transport, **except for proven working needs, absolute urgency or for health reasons**; in any case, the return to one's domicile, home or residence is allowed.

Persons who enter the national territory for such reasons, even if asymptomatic, are still required to immediately notify

their entry into Italy to the prevention department of the health authority with jurisdiction over the territory and undergo health surveillance and precautionary isolation for a period of 14 days.

However, the Prime Ministerial Decree introduces new exemptions from the 14-day reporting and quarantine obligations for certain categories of workers. In principle, these obligations do not apply to:

- citizens and residents of the European Union, the Schengen states, Andorra, the Principality of Monaco, the Republic of San Marino, the Vatican City State and the United Kingdom of Great Britain and Northern Ireland, who **enter Italy for proven working needs**;
- **cross-border workers** entering and leaving the national territory for proven working needs and returning to their place of residence, domicile or stay;
- the staff of **companies with registered or secondary offices in Italy** for travel abroad for **proven working needs not exceeding 72 hours**, unless they have a justified extension for specific needs of a further 48 hours.

In addition, precautionary isolation is not mandatory for anyone who enters Italy for the above reasons for transit or short stays (a period not exceeding 72 hours, unless justified for specific needs of an additional 48 hours). In this case, the obligation to immediately inform the prevention department of the competent health authority of the territory remains unchanged.

Reopening of activities and safety management in the workplace

The Prime Ministerial Decree of May 17, 2020, lays down the national regulatory framework for the **final reopening of economic, productive and social activities**. While gyms, swimming pools, cinemas and theatres are still closed, from May 18, 2020, the main economic activities (retail trade, catering, tourist activities, accommodation facilities, personal services, etc.) may reopen throughout Italy, without prejudice to any more restrictive measures adopted at regional level.

In order to reopen, the economic activities shall be carried out **in compliance with the protocols or guidelines to prevent or reduce the risk of contagion in the individual reference sectors or in similar areas**, adopted by the regions or the Conference of Regions and Autonomous Provinces in accordance with the principles contained in the protocols or national guidelines.

The "**Guidelines for the reopening of Economic, Productive and Recreational Activities**" approved by the Conference of Regions and Autonomous Provinces on May 15, 2020, and contained in Annex 17 of the Decree (available here) are part of this context.

These guidelines, annexed to the new Decree, contain **technical data sheets and specific operational guidelines valid for the main activity sectors** and aim at providing a synthetic and immediate tool for the application of prevention and containment measures of a general nature, in order to support a model for recovery of economic activities compatible with the protection of the users' and workers' health.

In particular, each sheet includes the many prevention and containment measures acknowledged at a scientific level to counter the spread of COVID-19 contagion, including **rules of conduct, social distancing and contact tracing**.

The indications contained in the individual sheets are in line with the national level indications, as well as with the general guiding criteria set out in the technical documents issued by INAIL and the Istituto Superiore di Sanità, and have the main objective of reducing the risk of contagion for individuals and the community in all productive and

economic sectors.

Furthermore, the guidelines developed by the Conference of Regions and Autonomous Provinces point out the importance of risk prevention in the specific business context. In fact, according to the guidelines, **prevention measures should be adapted to each individual organization**, identifying the most effective measures in relation to each local context and the procedures/operational instructions to implement these measures. These operational indications may also coincide with the measures already adopted by the companies, provided they are properly integrated, and they may also represent an addendum associated with the emergency context of the Risk Assessment Document drawn up pursuant to Legislative Decree no. 81 of April 9, 2008 ("Consolidated Text on the protection of health and safety in the workplace").

It is understood that the measures outlined can be adjusted by the Conference of Regions and Autonomous Provinces as well as by the individual regions on the basis of the development of the epidemiological scenario, even in a more restrictive sense, and possibly supplemented with information sheets relating to further activity sectors.

For the safe performance of **industrial and commercial production activities** on the other hand, the Prime Ministerial Decree refers to the "**Shared Protocol for regulating measures to counter and contain the spread of COVID-19 in the workplace**" (Annex 12), signed on April 24, 2020, between the government and the social partners, as well as the "Shared Protocol for regulating measures to counter and contain the COVID-19 in construction sites", signed on April 24, 2020, (Annex 13), and the "Shared Protocol for regulating measures to counter and contain the COVID-19 in the transport and logistics sector", signed on March 20, 2020 (Annex 14).

Failure to comply with the protocols or guidelines will result in the suspension of the activity until safety conditions are restored.

Lastly, with regard to professional activities, the recommendations already set out in the previous measures remain unchanged, namely that:

- a) **smart working arrangements are implemented to the maximum extent possible** for activities that can be carried out at home or remotely;
- b) **paid holidays and paid leave for employees are encouraged**, as well as other instruments provided for by collective bargaining;
- c) **anti-accounting safety protocols are adopted** and, where it is not possible to respect the interpersonal distance of at least one metre as the main containment measure, individual protection instruments are adopted;
- d) **workplace sanitation measures are encouraged**, including the use of face masks.

In order to ensure that economic, productive and social activities are carried out in safe conditions, regions are entrusted with the task of monitoring the epidemiological situation in their territories on a daily basis and communicating this data to the Ministry of Health, the Istituto Superiore di Sanità and the technical-scientific committee. Should the monitoring reveal a worsening of the health risk, regions may introduce more restrictive measures.

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