

COVID-19: Prime Minister Decree dated 26 April 2020 The start of phase 2

As the contagion rate and death toll caused by the Covid-19 emergency (“**Covid-19**”) continues to decrease, on 26 April 2020 the Prime Minister announced in a press conference the measures adopted to ease the lockdown during the so-called “**phase 2**”. The new measures are reflected in the Prime Minister Decree dated 26 April 2020¹ (the “**26 April 2020 Decree**”).

During the press conference, the Prime Minister explained that the reopening and resumption of the activities will be staggered and announced that the next step is scheduled for 18 May 2020, with the progressive reopening of retail shops, food & beverage activities, musea, exhibitions and libraries.

The measures adopted under the 26 April 2020 Decree apply from **4 May 2020** and replace those provided under the Prime Minister Decree dated 10 April 2020 (see our Newsletter dated 11 April 2020 at the following [link](#)), and remain in force until **17 May 2020**. However, the Italian Regions maintain their autonomy and, therefore, in consultation with the Minister of Health, may apply more restrictive measures limited to their local territory, if needed.

1. Which movements shall be allowed under the 26 April 2020 Decree?

Under the 26 April 2020 Decree, in the whole Italian territory movements of persons are restricted as follows:

- **within each Region**, movements are allowed exclusively for proven work requirements, situations of need or health reasons. The 26 April 2020 Decree specifies that any **visits to relatives** is considered a reason of need and is therefore allowed, as long as any gatherings are avoided.
- **Movements from one Region to the other** are not allowed except for work or health reasons or as a matter of **utmost urgency**.

In addition, persons are allowed to move (even across Regions) in order to return to their own **domicile, home or residence**.

Inside public places, including inside **public transports**, or in all circumstances where it is not possible to maintain the security distance, the use of **protective face masks** is mandatory². In this regard, the Extraordinary Commissioner Mr. Domenico Arcuri adopted an ordinance providing for a cap on the purchase price of face masks of EUR 0.50 per each unit.

No gatherings are allowed in public or private spaces and the mayor of each town may close on a temporary basis certain municipal areas. Access to parks, villas and public gardens shall be rationed and

¹ Prime Minister Decree dated 26 April 2020 “Additional measures implementing the law-decree dated 23 February 2020, no. 6, providing for urgent measures with regard to the containment and management of the COVID-19 emergency, applicable on the whole Italian territory”, published on the Official Gazette on 27 April 2020, no. 108.

² Children aged less than 6 years old, as well as individuals with disabilities inconsistent with the use of masks or individuals interacting with the same shall not be subject to such obligation.

all recreational activities shall be prohibited. On the other hand, individual sports activities or motor activities are allowed and, in particular, in order to ensure a progressive resumption of all sports activities, starting from 4 May 2020 **all training sessions of athletes of individual sports shall be allowed behind closed doors.**

2. Which industrial and commercial activities may be resumed starting from 4 May 2020?

Starting from 4 May 2020 a number of industrial and commercial activities will be resumed – including **the manufacturing, construction, real estate intermediation, wholesale and accommodation facilities activities** – listed under **Annex 3** of the 26 April 2020 Decree (attached hereto) (the “**Permitted Activities**”).

Starting from 27 April 2020 all preparatory works instrumental to the reopening of the Permitted Activities are allowed, such as the sanitization of the work environment and the adoption of the safety measures for the employees included in the protocols (which were featured in our Alert dated 27 April 2020 at the following [link](#)).

In addition, the production, transport, commercialization and delivery of drugs, health technology and medical devices, as well as agricultural and food products is always allowed.

3. The list of permitted activities may be updated?

Yes, the list of the ATECO codes identifying the Permitted Activities may be updated by decree of the Minister of the Economic Development, after consultation with the Minister of the Economy and Finance.

4. Professional activities: what changes in respect to the previous decrees?

Nothing changes compared to the previous Prime Minister Decrees for **professional activities**, in relation to which the following rules apply:

- maximum use of smart working for the activities that may be carried out from the worker’s domicile;
- recourse to holidays or remunerated leave for the employees;
- adoption of the required Protocols and obligation to use the measures of individual protection where it is not possible to maintain a security distance of at least one meter among people; and
- sanitization of the work places, also by taking recourse to social shock absorbers.

5. Are the accommodation facilities allowed to reopen?

Accommodation facilities are considered Permitted Activities, given that “hotels and other similar accommodations” (where marked by the ATECO code no. 55.1) are included within **Annex 3** of the 26 April 2020 Decree.

In this regard, **Federalberghi**, the national hotel operators' association, created a *task force* to develop the procedures and remedies that the companies involved in the tourism-accommodation sector will be required to adopt in the so-called "phase 2" in view of resuming their ordinary activity.

These prescriptions are included in a national protocol, named "**Safe Reception**³", composed of: (a) schedules dedicated to specific areas of the corporate activity (related to the reception, cleaning of rooms and of common areas, supply of food and beverage, as well as holding of meetings, conferences and events); and (b) general schedules, including, among others, (i) information for guests and collaborators; (ii) individual protection devices; (iii) management of contagion risks; and (iv) specimens of communications addressed to the guests.

6. What provisions apply to travel from abroad to Italy?

Anyone wishing to enter Italy must, in any case, comply with the **obligation of health surveillance and fiduciary isolation** for 14 days. At the time of entry it will be necessary to draw up an appropriate declaration indicating: (a) the **reasons for the trip** (which can only be those referred to in article 1, paragraph 1, letter a) of the 26 April 2020 Decree, as better described in point 1 above – "*Which movements shall be allowed under the 26 April 2020 Decree?*"); (ii) the address of the home or residence in Italy where the period of health surveillance and fiduciary isolation will be carried out; and (iii) a telephone number to receive communications during this period.

Persons are also allowed to enter Italy for **short stays**: in this case, however, travel may be justified only for **proven working purposes** and for a period **not exceeding 72 hours**, unless justified for a further 48 hours. At the end of this period of stay, it is compulsory to leave the national territory immediately or, failing that, to start the period of health surveillance and fiduciary isolation.

The transport carriers and ship-owners must adopt the guidelines set out in the "Shared regulatory protocol for the control of the spread of Covid-19 in the transport and logistics sector" (referred to in our Alert of 27 April 2020 at the following [link](#)), and the provisions of the "Guidelines for information to users and organizational procedures for the control of the spread of Covid-19".

7. What can be expected from 18 May onwards for business activities?

As stated above, at the press conference of 26 April 2020, the Prime Minister anticipated that the **reopening will be gradual** and will take place in several stages. First, the essential business activities will be resumed, then the catering and sports activities and finally the personal care activities.

For the time being – except in case of possible increases in the number of infections – following the first reopening scheduled for 4 May, from 18 May it is expected that the following activities will be reopened:

- retail commercial activities⁴; and
- musea, exhibitions and libraries.

³ Additional information are available in the Circular of Federalberghi no. 184 dated 27 April 2020.

⁴ Cfr. Annex 1 "*Retail commercial activities*" to the 26 April 2020 Decree, available at the following [link](#) and Annex 5 "*Measures for commercial activities*" to the 26 April 2020 Decree, available at the following [link](#).

For the same date it is currently planned to **resume training sessions for team sports** recognized by CONI (including football). However, the Prime Minister stated that nothing has been decided yet by the Government regarding the possible resume of the **Serie A football championship**.

Finally, from **1 June** onwards, restaurants and bars and personal care activities⁵ (beauty centers, hairdressers, barbers and spas) may reopen, while schools at all levels will remain closed until September.

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 our previous newsletters on this subject, please click [here](#).

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

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⁵ Cfr. Annex 2 "Personal care services" to the 26 April 2020 Decree, available at the following [link](#).

ATECO Codes of Permitted Activities – Annex 3 to the 26 April 2020 Decree⁶

ATECO Codes	Description
01	AGRICULTURAL CROPS AND PRODUCTION OF ANIMAL PRODUCTS
02	FORESTRY AND USE OF FOREST AREAS
03	FISHING AND AQUACULTURE
05	CARBON MINING
06	EXTRACTION OF CRUDE OIL AND NATURAL GAS
07	MINING OF METAL ORES
08	EXTRACTION OF OTHER MINERALS FROM QUARRIES AND MINES
09	EXTRACTION SUPPORT SERVICES ACTIVITIES
10	FOOD INDUSTRY
11	BEVERAGE INDUSTRY
12	TOBACCO INDUSTRY
13	TEXTILE INDUSTRY
14	MANUFACTURE OF CLOTHING; MANUFACTURE OF LEATHER AND FUR ARTICLES
15	MANUFACTURE OF LEATHER GOODS AND THE LIKE
16	INDUSTRY OF WOOD AND WOOD AND CORK PRODUCTS (EXCEPT FURNITURE); MANUFACTURE OF ARTICLES OF STRAW AND PLAITING MATERIALS
17	PAPER MANUFACTURING
18	PRINTING AND REPRODUCTION OF RECORDED MEDIA
19	MANUFACTURE OF COKE AND REFINED PETROLEUM PRODUCTS
20	CHEMICAL MANUFACTURE
21	MANUFACTURE OF BASIC PHARMACEUTICAL PRODUCTS AND PHARMACEUTICAL PREPARATIONS
22	MANUFACTURE OF RUBBER AND PLASTIC PRODUCTS
23	MANUFACTURE OF OTHER NON-METALLIC MINERAL PRODUCTS
24	METALLURGY
25	MANUFACTURE OF METAL PRODUCTS (EXCEPT MACHINERY AND EQUIPMENT)

⁶ The Permitted Activities not included in the previous Prime Minister Decrees and newly included in the 26 April 2020 Decree are highlighted in red.

26	MANUFACTURE OF COMPUTERS, ELECTRONIC AND OPTICAL PRODUCTS; ELECTRO-MEDICAL EQUIPMENT, MEASURING INSTRUMENTS AND WATCHES
27	MANUFACTURE OF ELECTRICAL EQUIPMENT AND NON-ELECTRICAL HOME EQUIPMENT
28	MANUFACTURE OF MACHINERY AND OTHER EQUIPMENT
29	MANUFACTURE OF MOTOR VEHICLES, TRAILERS AND SEMI-TRAILERS
30	MANUFACTURE OF OTHER MEANS OF TRANSPORT
31	FURNITURE MANUFACTURE
32	OTHER MANUFACTURING INDUSTRIES
33	REPAIR, MAINTENANCE AND INSTALLATION OF MACHINES AND EQUIPMENT
35	ELECTRICITY, GAS, STEAM AND AIR CONDITIONING SUPPLY
36	COLLECTION, TREATMENT AND SUPPLY OF WATER
37	SEWERAGE MANAGEMENT
38	WASTE COLLECTION, TREATMENT AND DISPOSAL ACTIVITIES; RECOVERY OF MATERIALS
39	RECLAMATION ACTIVITIES AND OTHER WASTE MANAGEMENT SERVICES
41	BUILDING CONSTRUCTION
42	CIVIL ENGINEERING
43	SPECIALISED CONSTRUCTION WORK
45	WHOLESALE AND RETAIL TRADE AND REPAIR OF MOTOR VEHICLES AND MOTORCYCLES
46	WHOLESALE TRADE (EXCEPT FOR MOTOR VEHICLES AND MOTORCYCLES)
49	LAND TRANSPORT AND PIPELINE TRANSPORT
50	SEA AND WATER TRANSPORT
51	AIR TRANSPORT
52	WAREHOUSING AND TRANSPORT SUPPORT ACTIVITIES
53	POSTAL SERVICES AND COURIER ACTIVITIES
55.1	HOTELS AND SIMILAR FACILITIES
58	PUBLISHING ACTIVITIES
59	PRODUCTION, POST-PRODUCTION AND DISTRIBUTION OF FILMS, VIDEO AND TELEVISION PROGRAMMES, MUSIC AND SOUND RECORDINGS
60	PROGRAMMING AND BROADCASTING ACTIVITIES
61	TELECOMMUNICATIONS
62	SOFTWARE PRODUCTION, IT CONSULTING AND RELATED ACTIVITIES

63	INFORMATION SERVICES ACTIVITIES AND OTHER COMPUTER SERVICES
64	FINANCIAL SERVICES ACTIVITIES (EXCLUDING INSURANCE AND PENSION FUNDS)
65	INSURANCE, REINSURANCE AND PENSION FUNDS (EXCLUDING COMPULSORY SOCIAL SECURITY)
66	AUXILIARY ACTIVITIES OF FINANCIAL SERVICES AND INSURANCE ACTIVITIES
68	REAL ESTATE ACTIVITIES
69	LEGAL AND ACCOUNTING ACTIVITIES
70	BUSINESS MANAGEMENT AND MANAGEMENT CONSULTING ACTIVITIES
71	ACTIVITIES OF ARCHITECTURAL AND ENGINEERING FIRMS; TECHNICAL TESTING AND ANALYSIS
72	SCIENTIFIC RESEARCH AND DEVELOPMENT
73	ADVERTISING AND MARKET RESEARCH
74	OTHER PROFESSIONAL, SCIENTIFIC AND TECHNICAL ACTIVITIES
75	VETERINARY SERVICES
78	RESEARCH, SELECTION, PROVISION OF PERSONNEL
80	SURVEILLANCE AND INVESTIGATION SERVICES
81.2	CLEANING AND DISINFECTION ACTIVITIES
81.3	LANDSCAPE CARE AND MAINTENANCE (INCLUDING PARKS, GARDENS AND FLOWERBEDS)
82	SUPPORT ACTIVITIES FOR OFFICE FUNCTIONS AND OTHER BUSINESS SUPPORT SERVICES
84	PUBLIC ADMINISTRATION AND DEFENCE; COMPULSORY SOCIAL SECURITY INSURANCE
85	EDUCATION
86	HEALTHCARE
87	RESIDENTIAL SOCIAL WORK SERVICES
88	NON-RESIDENTIAL SOCIAL WORK SERVICES
94	ACTIVITIES OF ECONOMIC, EMPLOYERS' AND PROFESSIONAL ORGANIZATIONS
95	REPAIR OF COMPUTERS AND PERSONAL AND HOME GOODS
97	FAMILY AND COHABITATION ACTIVITIES AS EMPLOYERS FOR DOMESTIC STAFF
99	FOREIGN ORGANISATIONS AND BODIES