

## Liquidity decree - Measures on civil and administrative justice

### 1. The new measures adopted by the European Commission

With Law Decree no. 23 of 8 April 2020 (the "**Liquidity Decree**") published in the Official Gazette no. 94 of 8 April 2020, once again the Government amended the provisions on civil, criminal and administrative justice, and on administrative proceedings, extending the postponement of civil and criminal hearings and the suspension of procedural timing.

Set out below is a summary of the key provisions currently in force in light of the Liquidity Decree, in order to understand the current status of the lawsuits pending before Italian courts.

#### HEARINGS AND PROCEDURAL TIMING OF CIVIL, CRIMINAL AND ADMINISTRATIVE JUSTICE

<b>Postponement of hearings</b>	<ul style="list-style-type: none"><li>Hearings in all civil, criminal and administrative case, before every Italian judge which should have taken place between 9 March 2020 and 11 May 2020 are <b><u>postponed after 11 May 2020</u></b>.</li></ul>
<b>Suspension of procedural timing</b>	<ul style="list-style-type: none"><li><b><u>Every procedural deadline, and the procedural timing in general, is suspended from 9 March 2020 to 11 May 2020</u></b> in every civil and criminal proceedings.</li><li>In particular, the following deadlines and terms are suspended: those for commencing new proceedings, those for filing defensive briefs including challenges of decisions, those for courts to issue decisions.</li><li>The suspension operates like the holiday suspension of the procedural timing (see Law no. 742 of 7 October 1969): therefore, if the event triggering the time calculation falls within the period of suspension, the beginning of such time calculation is postponed to 12 May 2020. If, on the other hand, the relevant timing is counted backwards and falls within the period of suspension, the relevant activity is deferred;</li><li>The suspension of procedural timing applies, in particular, to the following proceedings:<ul style="list-style-type: none"><li><b><u>civil enforcement procedures</u></b>;</li><li><b><u>mediation proceedings</u></b> (Legislative Decree no. 28 of 4 March 2018);</li><li><b><u>assisted negotiation proceedings</u></b> (Decree-Law no. 132 of 12 September 2014);</li><li><b><u>proceedings before tax commissions</u></b>; and</li><li><b><u>all the proceedings and activities performed by the Court of Auditors</u></b>.</li></ul></li><li>With regard to proceedings carried out under the code of administrative procedure:<ul style="list-style-type: none"><li>the procedural timing is suspended from 8 March 2020 <b><u>to 15 April 2020</u></b>;</li><li>the deadline for filing new claims (except for urgent ones) is suspended from 8 March 2020 <b><u>to 3 May 2020</u></b>.</li></ul></li></ul>

<p><b>Exceptions to the postponement and suspension illustrated above</b></p>	<ul style="list-style-type: none"> <li>• Postponement of hearings and suspension of procedural timing do not operate in some specific cases identified by Article 83, paragraph 3, of the Cura Italia Decree.</li> <li>• These include, in particular, (i) proceedings relating to the suspension of the enforceability of first and second-degree civil decisions (see articles 283-351-373 of the Italian Code of Civil Procedure) and (ii) "<i>in general, all the proceedings whose delayed processing may cause serious prejudice to the parties</i>". In the latter case, however, a special declaration of urgency is required by the head of the relevant judicial office or the judge-rapporteur or the president of the panel if the case is pending.</li> </ul>
<p><b>Provisions for the period from May 12 2020 to June 30 2020</b></p>	<ul style="list-style-type: none"> <li>• During this period, following the postponement of the hearings and the end of the suspension of procedural timing, the heads of the judicial offices shall take the necessary measures to comply with the health and hygiene instructions issued by the competent authorities.</li> <li>• To this end, the heads of the judicial offices can: <ul style="list-style-type: none"> <li>○ limit public access to judicial offices;</li> <li>○ allow access to services also through telematic means;</li> <li>○ adopt binding guidelines for the setting and handling of hearings;</li> <li>○ allow the conduct of civil hearings via video call;</li> <li>○ postpone hearings until after 30 June 2020, except for hearings relating to cases excluded from the postponement during the period from 9 March, 2020 to 11 May 2020 (see above); and</li> <li>○ allow civil hearings that require only the presence of the parties' defendants to be carried out through the simple exchange and written briefs and the subsequent adoption of the judge's decision.</li> </ul> </li> <li>• The <i>Consiglio Superiore della Magistratura</i> (the National Organization of Judges) and the <i>Consiglio Nazionale Forense</i> (the National Organization of Lawyers) regulated the remote hearings, in civil and criminal cases, both for the current period (until 11 May 2020) and for the period between 12 May 2020 and 30 June 2020, by two separate regulations.</li> </ul>
<p><b>PROCEDURAL TIMING OF ADMINISTRATIVE PROCEEDINGS AND PERIOD OF EFFECTIVENESS OF ADMINISTRATIVE ACT ABOUT TO EXPIRE</b></p>	
<p><b>Procedural timing of administrative proceedings</b></p>	<ul style="list-style-type: none"> <li>• With regard to all "<b><u>authorizing or peremptory, preparatory, endoprocedural, final and enforceable deadlines and timing relating to the conduct of administrative proceedings</u></b> on application by a party or ex officio" the period between 23 February 2020 and 15 May 2020 shall not be taken into account.</li> <li>• The time limits for the formation of the consent of an authority in the form of "<b><u>significant silence</u></b>" shall also be extended for the same period.</li> <li>• On the other hand, the deadlines for the payment of <b><u>salaries, pensions, wages, emoluments, allowances, grants and benefits to companies</u></b>, as well as those relating to the special deadlines provided for in the decrees issued in connection with the COVID-19 emergency, are not extended.</li> <li>• The validity of all certificates, attestations, permits, concessions, authorizations and enabling acts expiring between 31 January 2020 and 15 April 2020 is extended until 15 June 2020.</li> <li>• Enforcement of the eviction measures is suspended until 30 June 2020.</li> </ul>

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](mailto:coronavirus@gop.it).

This document is delivered for informative purposes only.  
It does not constitute a reference for agreements and/or commitments of any nature.



**INFORMATION PURSUANT TO ARTICLE 13 OF EU REGULATION NO. 2016/679 (Data Protection Code)**

The law firm Gianni, Origoni, Grippo, Cappelli and Partners (hereafter "the Firm") only processes personal data that is freely provided during the course of professional relations or meetings, events, workshops, etc., which are also processed for informative/divulgence purposes. This newsletter is sent exclusively to those subjects who have expressed an interest in receiving information about the Firm's activities. If it has been sent you by mistake, or should you have decided that you are no longer interested in receiving the above information, you may request that no further information be sent to you by sending an email to: [relazioniesterne@gop.it](mailto:relazioniesterne@gop.it). The personal data processor is the Firm Gianni, Origoni, Grippo, Cappelli & Partners, whose administrative headquarters are located in Rome, at Via delle Quattro Fontane 20.