

4 May 2020

Approval by law of the “Cura Italia Decree”: Provisions on civil and administrative justice

By Law no. 27 of April 24, 2020 (the “**Approval Law**”), published in the Official Gazette no. 110 of April 29, 2020, the Parliament converted into Law the Law Decree no. 18 of March 17, 2020 (the “**Cura Italia Decree**”).

The Approval Law has been afterwards amended by art. 3 of the Law Decree n. 28 of April 30, 2020, published in the Official Gazette no. 111 of April 30, 2020.

The Cura Italia Decree provided, among other, for special provisions on civil, criminal and administrative justice (arts. 83-84). Such measures have been amended by the Law Decree no. 23 of April 8, 2020 (the “**Liquidity Decree**”).

The legal framework resulting from the Cura Italia Decree and from the Liquidity Decree was analyzed in GOP’s newsletter of April 14, 2020, available at the following [link](#).

Set out below is a summary to the key amendments of the Approval Law in relation to the abovementioned legal framework, with regards to civil justice.

Hearings and procedural timing of civil, criminal and administrative justice

Provisions for the period from May 12, 2020 to June 30, 2020	<ul style="list-style-type: none">• 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 instruction issued by the competent authorities.• To this end, the Approval Law added the following measure the heads of the judicial offices can adopt:<ul style="list-style-type: none">○ the possibility to allow the conduct of hearings relating to civil proceedings via video call, also when it is required the participation of experts appointed by the court:○ the performance of the court-appointed experts’ activity, even via video-call.
Civil proceedings before the Court of Cassation	<ul style="list-style-type: none">• Until June 30, 2020, briefs and documents relating to civil proceedings before the Court of Cassation can be uploaded by telematic means by lawyers.
Court decisions	<ul style="list-style-type: none">• Until June 30, 2020, the decisions by panels of judges in civil and criminal proceedings which are not suspended, can be taken by video-call, even when the law prescribes their physical presence in the same place.
Meetings in mediation proceedings	<ul style="list-style-type: none">• Meetings in mediation proceedings can take place by telematic means if all the parties involved agree.
Power of attorneys	<ul style="list-style-type: none">• Until the revocation of the distancing measures adopted in relation to COVID-19 (such measures have not been precisely identified by the Approval Law),

	<p>the power of attorney can be signed by the party in the absence of the lawyer and then transmitted (even by scan) to the same lawyer together with the party's ID. Subsequently, the lawyer can certify the party's signature, by its digital signature on the digital version of the power of attorney.</p> <ul style="list-style-type: none"> • The power of attorney certified according to this procedure is considered a valid power of attorney at the bottom of the brief ("<i>procura in calce</i>" pursuant to article 83 of the Italian Code of Civil Procedure) to which it relates, if it is linked to such brief by telematic means.
Arbitration	<ul style="list-style-type: none"> • The scope of all the provisions contained in article 83 of the Cura Italia Decree (the main ones being those relating to the suspension of hearings and of procedural timing) is extended also to ordinary arbitral proceedings ("<i>arbitrati rituali</i>") and to all the other special jurisdictions not expressly mentioned in the Cura Italia Decree.

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