

Italy - Additional emergency measures on Covid-19 (updated  
on the basis of the Prime Minister Decree dated 26 April  
2020)

27 April 2020



---

# Legal Report

---

## Background

On 26 April 2020 the Italian government passed a new set of rules aimed at managing the Covid-19 crisis in the context of the so-called Phase 2 (the “**26 April Decree**”).

Osborne Clarke prepared this memo in order to provide clients with a real-time update of the situation. As such, please note that this document (i) represents obviously a working draft only, (ii) should in no circumstance be considered as a formal opinion provided by Osborne Clarke and (iii) is subject to further update(s) as things will evolve.

---

## 1 Extension of the ‘lockdown’ and new exceptions

The main purpose of the 26 April Decree is that of providing the rules aimed at regulating from 4 May 2020<sup>1</sup> Phase 2 of the emergency linked to Covid-19.

Provisions do not substantially differ from those already in force pursuant to the Prime Minister dated 10 April 2020, but the list of the businesses exempted from the lockdown has been significantly extended.

Businesses exempted are listed in the **updated table** below (which shows changes since the previous decree):

ATECO CODE	DESCRIPTION
01	Agricultural cultivations and manufacturing of animal products.
02	Forestry and use of forest areas
03	Fishery and aquaculture
05	Coal Mining (excluding peat)
06	Crude oil and natural gas extraction
07	Mining of metal ores
08	Other mining and quarrying
09	Activities of mining support services
09.4	Crude oil and natural gas extraction support services
10	Food industries
11	Beverage industries

---

<sup>1</sup> Please that a very limited set of rules will enter into force from April 27, 2020 in addition to those rules already effective pursuant to the Prime Minister Decree dated April 8, 2020. In particular measures that apply from April 27 are those provided by article 2, paragraphs 7, 9 and 11.

By way of summary: (a) art. 2, para. 7, provides that businesses which activities are suspended by the amendment of annex 3 (i.e. the list of the exempted ATECO codes), must complete the activities necessary to the suspension, including shipping goods in stock, within three days from the adoption of the amendments (i.e. April 27); (b) art. 2, para. 9, provides that the businesses that are allowed to re-open from May 4, are authorised from April 27 to perform all actions necessary for the opening; art. 2, para. 11, provides that with 5 days from April the Italian Ministry of Health must indicate principles for monitoring the risk of expansion of the Covid-19. In case data on the outbreak, that Italian Regions must transfer to the government on a daily basis, show a breach of those principles, the government may reintroduce more severe restrictions.

# Legal Report

12	Tobacco Industries
13	Textile Industries
13.96.20	Manufacture of other textile articles for technical and industrial uses
13.95	Manufacture of non-woven fabrics and products made of that fabric (excluding clothing)
14	Manufacture of clothing; Manufacture of leather and fur articles
14.12.00	Manufacture of lab coats, uniform and other work wear.
15	Manufacture of leather and similar articles
16	Manufacture of wood and wood products and cork (excluding furniture); manufacture of straw articles and plaiting materials
17	Manufacture of paper
18	Printing and reproduction of recorded media
19	Manufacturing of coke and petroleum refining products.
20	Manufacturing of chemical products
21	Manufacture of basic pharmaceutical products and pharmaceutical preparations
22	Manufacture of rubber and plastics articles
22.2	Manufacture of products made of plastics (excluding codes 22.29.01 and 22.29.02)
23	Manufacture of other non-metallic mineral products
23.13	Manufacture of hollow glass
23.19.10	Manufacture of laboratory, hygienic and pharmaceutical glassware
24	Metallurgy
25	Manufacture of metal products (excluding machinery and tools)
25.24	Manufacture of radiators and metal containers for central heating boilers
25.73.1	Manufacture of manually operated tools; interchangeable parts for machine tools
25.92	Manufacture of lightweight metal packaging
26	Manufacture of computers and electronics and optical products; electromedical equipment, measuring equipment and clocks
26.1	Manufacture of electronic components and electronic boards
26.2	Manufacture of computers and peripheral equipment
26.6	Manufacture of irradiation equipment, electro-medical and electrotherapeutic equipment
27	Manufacture of electrical equipment and non-electric household equipment

# Legal Report

27.1	<del>Manufacture of electric motors, generators and transformers and equipment for electricity distribution and control</del>
27.2	<del>Manufacture of electric batteries and accumulators</del>
28	<b>Manufacture of other machinery and equipment.</b>
28.29.30	<del>Manufacture of automated metering and packaging machines</del>
28.95.00	<del>Manufacture of machinery for the paper and paperboard industry (including parts and accessories)</del>
28.96	<del>Manufacture of machinery for the rubber and plastics industry (including parts and accessories)</del>
29	<b>Manufacture of motor vehicles, trailers and semi-trailers</b>
30	<b>Manufacture of other means of transport</b>
31	<b>Manufacture of furniture</b>
32	<b>Other manufacturing</b>
32.50	<del>Manufacture of medical and dental equipment and supplies</del>
32.99.1	<del>Manufacture of protective clothing and equipment</del>
32.99.4	<del>Manufacture of coffins</del>
33	Repair, maintenance and installation of machinery and equipment
35	Supply of electricity, gas, steam and air conditioning
36	Collection, treatment and supply of water
37	Management of sewage networks
38	Waste collection, treatment and disposal activities; recovery of materials
39	Remediation activities and other waste management services
41	<b>Building construction</b>
42	Civil engineering
43	<b>Specialized construction works</b>
43.2	<del>Installation of electrical, hydraulic systems and other construction and installation works</del>
45	<b>Wholesale and retail trade and repair of motor vehicles and motorcycles</b>
45.2	<del>Repair and maintenance of cars</del>
45.3	<del>Trade in automotive parts and accessories</del>
45.4	<del>For the sole activity of repair and maintenance of motorbikes and trade in parts and accessories thereto</del>

# Legal Report

46	Wholesale (excluding motor vehicles and motorcycles).
46.2	<del>Wholesale of agricultural raw materials and live animals</del>
46.3	<del>Wholesale of food, beverage and tobacco products</del>
46.46	<del>Wholesale of pharmaceutical products</del>
46.49.1	<del>Wholesale of paper, cardboard and stationery</del>
46.49.2	<del>Wholesale of books magazines and newspapers</del>
46.61	<del>Wholesale of machinery, equipment, machinery, accessories, agricultural supplies and agricultural tools, including tractors</del>
46.69.91	<del>Wholesale of scientific instruments and equipment</del>
46.69.94	<del>Wholesale of firefighting and safety articles</del>
46.71	<del>Wholesale of petroleum products and automotive lubricants, heating fuels</del>
46.75.01	<del>Wholesale of fertilisers and other agricultural chemicals</del>
49	Land transport and pipeline transport
50	Sea and water transport
51	Air transport
52	Storage and transport support activities
53	Postal and courier services
55.1	Hotels and similar facilities
58	Publishing activities
59	Production, post-production and distribution of motion pictures, video, television shows, music and sound recordings.
60	Programming and transmission activities
61	Telecommunications
62	Software production, computer consulting and related activities
63	Information and other information technology services activities
64	Financial services (excluding insurance and pension funds)
65	Insurance, reinsurance, pension funds (excluding social security insurances)
66	Activities auxiliary to financial services and insurance activities
68	Real estate activities

# Legal Report

<del>j (from 58 to 63)</del>	<del>Information and communication services</del>
<del>K (from 64 to 66)</del>	<del>Financial and insurance activities</del>
69	Legal and accounting activities
70	Business management and management consulting activities
71	Architectural and engineering firms; testing and technical analysis
72	Scientific research and development
<b>73</b>	<b>Advertising and market research activities</b>
74	Scientific, technical and professional activities
75	Veterinary services
<b>78</b>	<b>Research, selection and provision of workforce</b>
<del>78.2</del>	<del>Activities of temporary work agencies, limiting to services performed in favour of the activities listed in annex 1, 2 and 3 of the Decree.</del>
<b>80</b>	<b>Surveillance and investigation services</b>
<del>80.1</del>	<del>Private security services</del>
<del>80.2</del>	<del>Services related to surveillance systems</del>
81.2	Cleaning and disinfection activities
81.3	Care and maintenance of the landscape, with exclusion of any building activity
<b>82</b>	<b>Office support activities and other business support services</b>
<del>82.20</del>	<del>Call centre activities, limiting to inbound call centre activities answering through personnel or automated devices and provided that are carried out in relation to the activities listed in annex 1, 2 and 3 of the Decree</del>
<del>82.92</del>	<del>Third party packaging activities</del>
<del>82.99.2</del>	<del>Distribution agencies for books, newspapers and magazines</del>
<del>82.99.99</del>	<del>Other business support services limited to home delivery of products</del>
84	Public administration and defence; compulsory social insurance
85	Education
86	Healthcare
87	Residential social care services

---

# Legal Report

---

88	Non-residential social care
94	Activities of membership organisations
95	Repair of computers and personal and household goods
95.11.00	Repair and maintenance of computers and peripherals
95.12.01	Repair and maintenance of landline phone, cordless and mobile phones, cellular
95.12.09	Repair and maintenance of other telecom equipment
95.22.01	Repair of household appliances and household articles
97	Activities of families and households as employers for home staff
99	Extraterritorial organizations and bodies

Please note that more severe restrictions may apply on a regional basis: we will be happy to provide you any support you need in connection thereto.

The businesses which activities are not suspended pursuant Decree 26 April must ensure to be compliant with the measures provided by the health protection protocol signed between the Italian government and "social parties" on 24 April 2020 and containing prescriptions to control and fight the Covid-19 outbreak in the workplaces (the "Protocol"). Our lawyers are available to provide you with any further information regarding the Protocol and the measures contained therein.

## 2 Suspended businesses: security, maintenance, cleaning and sanitizing, payments

Article 2, paragraph 8, of the 26 April Decree confirms the set of circumstances where businesses subject to the general lockdown are allowed to partially continue their activity.

More specifically, access to business premises is permitted:

- for security, maintenance or cleaning/sanitizing purposes;
- in order to make payments.

In addition it is now possible to ship goods in the warehouse and receive shipment of supplies.

As in the past, all these exceptions require a prior notice to be given to the Prefetto of the province where the business is located. Such prior notice shall be given by certified email (you can find [here](#) the form to be used to benefit from this new exception).

As a general rule all suspended businesses may continue their operations provided that they apply "smart working" solutions.

## 3 Provisions applicable to individuals travelling to Italy from abroad

The 26 April Decree confirms the provisions applicable to individuals travelling to Italy from abroad.

In general, the obligation to spend 14 days in quarantine remains in force, with certain exceptions for short business trips only.

In case you are planning a trip, including a business trip, to Italy, please contact us in order to get detailed information as to the rules applicable to your specific case.

---

# Legal Report

---

---

## Contacts

Your usual contact at Osborne Clarke will be happy to provide additional support.



---

The contents of this document are confidential and may be legally privileged. It has been issued by Osborne Clarke and has been addressed to . No person, other than , may use or rely on this document without our prior written consent. Accordingly, we accept no duty of care or other liability in respect of this document to any person other than . Graphics used in this document are intended to aid understanding of the analysis set out in this document. They should not be used as a substitute for reading this document in its entirety.