

## NEW ITALIAN DECREE “CURA ITALIA”: MAIN MEASURES REGARDING ITALIAN ADMINISTRATIVE PROCEEDINGS

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In a bid to contain the effects of the COVID-19 pandemic emergency, Italy's new “*Cura Italia*” Decree provides important new measures regarding administrative proceedings. This article outlines its main points.

**"The Italian government has moved quickly to adopt and enact several decrees/laws concerning urgent sanitary and economic containment measures to manage the emergency."**

In resolution no. 27/2020 of 31 January 2020, the Italian Ministers Council, following the declaration of an “*International Public Health Emergency*” issued by the World Health Organisation (“WHO”), announced:

- a state of national emergency for a period of six months regarding the COVID-19 pandemic, in order to allow the issue of the necessary orders of Civil Protection; and
- the allocation of the required funds to implement the precautionary measures advised by the WHO.

To further address the emergency resulting from the rapid spread of COVID-19, which has a significant impact on both the national and global economies, the Italian government has also moved quickly to adopt and enact several decrees/laws concerning urgent sanitary and economic containment measures to manage the emergency.

In order to prevent and counteract the further transmission of COVID-19, the D.L. n.18 of 17 March 2020 (*Decreto “Cura Italia”*), approved by the Italian Ministers Council and published in the Official Journal n.70 on 17 March 2020, introduces measures to address five areas of special concern:

- health service enhancement measures;
- labour support measures;
- liquidity support measures through the banking system;
- tax measures to support households and businesses; and
- arrangements impacting, *inter alia*, on the activities of the public authorities.

## NEW MEASURES IN THE FIELD OF PROCEEDINGS AND ADMINISTRATIVE ACTS

Regarding administrative procedures and the effects of administrative acts expiring, Article 103 of the “Cura Italia” Decree (subject to specific exceptions) provides for the following:

- **Time limits on administrative proceedings:** all the terms, authorising officers, prescribers, propaedeutic, endoprocedimental, final and executive, relating to administrative proceedings pending or started after 23 February 2020 shall be suspended until 15 April 2020; therefore the public authorities shall take all measures to ensure the reasonable duration and speedy conclusion of proceedings, with priority being given to those deemed to be urgent, including on the basis of reasoned requests from interested parties; and
- **effects of administrative acts:** the validity of all certificates, attestations, permits, concessions, authorisations and acts of authorisation, however named, expiring between 31 January and 15 April 2020, shall be extended until 15 June 2020. Such acts include, in particular, authorisations relating to building interventions, as well as, in the energy field, authorisations issued pursuant to art.12 of D.Lgs. n. 387/2003 and according to D.Lgs. n.152/2006 (Code of the Environment).

A mention should also be made of Article 125, paragraph 1 of the “Cura Italia” Decree, which provides for an extension of six months (starting from 15 May 2020) of the deadline for starting work on energy efficiency projects.

## NEW ADMINISTRATIVE JUSTICE MEASURES

Regarding administrative process, in order to contain the effects of the COVID-19 pandemic, Article 84 of the “Cura Italia” Decree provides for, in particular, the following measures:

- all terms relating to the administrative process are suspended from 8 March 2020 until 15 April 2020 (included);
- public and chamber hearings fixed between 8 March 2020 and 15 April 2020 are postponed;
- precautionary proceedings initiated or pending between 8 March 2020 and 15 April 2020 will be decided by a single precautionary decree and the collegiate procedure determined after 15 April 2020;
- by way of derogation from the above provisions, from 6 April to 15 April 2020, disputes settled for settlement shall be decided, without oral discussion, upon joint request by all the parties constituted. Specific time limits on negotiations are also provided for the precautionary procedures in which a single order has been issued to grant the precautionary application; and
- after 15 April 2020 and until 30 June 2020, by way of derogation from the Code of the Administrative Process, all disputes established for the purposes of the procedure shall be decided without oral discussion.

"All terms relating to the administrative process are suspended from 8 March 2020 until 15 April 2020 (included)."

## MEASURES ADOPTED BY THE ENERGY SERVICE MANAGER (GSE)

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In line with the forecasts of the “Cura Italia” Decree, GSE, the publicly-owned company promoting and supporting renewable energy in Italy, issued a press release on 16 March 2020, announcing the suspension until 30 April 2020 of all expiration dates and deadlines relating to renewable energy and energy efficiency processes. This measure was established fully taking into account the evolution of the measures to contain the spread of COVID-19 and of the indications received from the Ministry of Economic Development to address the possible difficulties businesses active in the renewables and energy efficiency sectors will face.

Most notably, the GSE has announced:

- the suspension of the terms of ongoing verification procedures on installations powered by renewable energy sources and on energy efficiency measures, including high-efficiency cogeneration; and
- the extension of the expiration dates and deadlines of all administrative procedures, in relation to the requests for document integration.

The GSE also specified that the above measures will not be taken in relation to administrative procedures that they conclude may be successful based on the documentation available.

## KEY CONTACTS



**TIZIANA MANENTI**  
PARTNER • ROME

T: +39 06 68 40 581  
M: +39 340 8216 697

[tmanenti@wfw.com](mailto:tmanenti@wfw.com)



**CRISTINA BETTI**  
SENIOR ASSOCIATE • ROME

T: +39 06 6840 851

[cbetti@wfw.com](mailto:cbetti@wfw.com)

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