

DECREE-LAW NO. 19 OF 25 MARCH 2020
(Official Gazette No. 69 of 25 March 2020)

Urgent measures to counter the COVID-19 epidemiological emergency.

THE PRESIDENT OF THE REPUBLIC

Given Articles 77 and 87 of the Constitution;

Given article 16 of the Constitution, which allows restrictions on freedom of movement for health reasons;

Considering that the World Health Organisation has declared the COVID-19 pandemic;

Given the evolution of the epidemiological situation, the particularly widespread nature of the outbreak and the increase in the number of cases and deaths notified to the World Health Organisation;

Given the extraordinary need and urgency to issue new provisions to counter the COVID-19 epidemiological emergency, by adopting appropriate and proportionate measures to combat and contain the spread of the aforementioned virus;

Given the deliberation of the Council of Ministers, adopted at its meeting of 24 March 2020;

Upon proposal of the President of the Council of Ministers and the Minister of Health, together with the Ministers of Justice and of Economy and Finance;

ISSUES

the following Decree-Law:

Article 1

Urgent measures to prevent the spread of COVID-19

1. In order to contain and combat the health risks deriving from the spread of the COVID-19 virus, in specific parts of the national territory or, if necessary, in its entirety, one or more of the measures referred to in paragraph 2 may be adopted, in accordance with the provisions set forth by this Decree, for predetermined periods, each not exceeding thirty days, which may be repeated and amended several times until 31 July 2020, as the end of the state of emergency declared by resolution of the Council of Ministers on 31 January

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2020, and with the possibility of modulating its application upwards or downwards according to the epidemiological trend of the aforementioned virus.

2. Pursuant to and for the purposes of paragraph 1, one or more of the following measures may be taken in accordance with the principles of adequacy and proportionality to the risk actually existing on specific parts of the national territory or on its entirety:

- a) restrictions on the movement of persons, including limitations on the possibility of moving away from one's residence, domicile or abode except for individual movements limited in time and space or motivated by work requirements, situations of need or urgency, health reasons or other specific reasons;
- b) closure to the public of urban roads, parks, playgrounds, public villas and gardens or other public spaces;
- c) limitations or prohibition of estrangement and entry into municipal, provincial or regional territories, as well as with respect to the national territory;
- d) application of the precautionary quarantine measure to persons who have had close contact with confirmed cases of contagious infectious disease or who have returned from areas outside the Italian territory;
- e) absolute prohibition for persons subject to quarantine for testing positive for the virus to leave their home or abode;
- f) limitation or prohibition of meetings or gatherings in public places or places open to the public;
- g) limitation or suspension of events or initiatives of any kind, events and any other form of meeting in public or private places, including those of a cultural, recreational, sporting, leisure and religious nature;
- h) suspension of civil and religious ceremonies, restriction of entry into worship places;
- i) closure of cinemas, theatres, concert halls, dance halls, discos, amusement arcades, betting and bingo halls, cultural centres, social and leisure centres or other similar gathering places;
- l) suspension of congresses, of any kind of meeting or social event and of any other convention or congress activity, except for the possibility of holding them remotely;
- m) limitation or suspension of sporting events and competitions of any order and discipline in public or private places, including the possibility of ordering the temporary closure of gyms, spas, sports centres, swimming pools, swimming centres and sports facilities, even if private, as well as regulating the way in which sports training is held in the same places;

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- n) limitation or suspension of leisure, recreational, sports and motor activities carried out outdoors or in places open to the public;
- o) possibility of ordering or entrusting to the competent State and regional authorities the limitation, reduction, suspension or withdrawal of passenger and freight transport services, whether by car, rail, air, sea, inland waterway or non-scheduled, as well as local public transport;
- p) suspension of the educational services for children referred to in article 2 of Legislative Decree No. 65 of 13 April 2017, and the educational activities of schools of all levels and degrees, as well as higher education institutions, including universities and institutions of higher artistic musical and choreutic training, professional courses, master's degrees, courses for health care professions and universities for the elderly, as well as professional courses and training activities carried out by other public bodies, including territorial and local and private entities, or other similar courses, training activities or examinations, without prejudice to the possibility of carrying out activities at a distance;
- q) suspension of educational trips, exchange or twinning initiatives, guided tours and educational outings however named, planned by educational institutions of all levels and degrees both in Italy and abroad;
- r) limitation or suspension of the services of opening to the public or closure of museums and other cultural institutions and places referred to in article 101 of the Code of Cultural Heritage and Landscape, referred to in Legislative Decree No. 42 of 22 January 2004, as well as of the effectiveness of the regulatory provisions on free or unrestricted access to such institutions and places;
- s) limitation of the physical presence of employees in public administration offices, without prejudice to activities that cannot be postponed and the provision of essential services, with priority being given to the use of smart working methods;
- t) limitation or suspension of competitive and selective procedures aimed at hiring personnel from public and private employers, with the possibility of exclusion in cases where the evaluation of candidates is carried out exclusively on a curriculum basis or remotely, without prejudice to the adoption of the deeds aimed at initiating such procedures within the time limits set by law, the conclusion of the procedures for which the evaluation of candidates has already been completed and the possibility of carrying out the procedures for the conferral of specific assignments;

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- u) limitation or suspension of retail sales commercial activities, with the exception of those necessary to ensure the availability of agricultural products, food and primary necessities, to be carried out in a manner suitable to avoid gatherings of people, with the obligation vested in the operator to provide the conditions to ensure compliance with a predetermined and adequate interpersonal safety distance in order to prevent or reduce the risk of contagion;
- v) limitation or suspension of the activities of serving food and drink to the general public, as well as on-site consumption of food and drink, including bars and restaurants;
- z) limitation or suspension of other business or professional activities, even where they involve the exercise of public functions, as well as self-employment, with the possibility of exclusion of public services prior to the assumption of anti-contagion safety protocols and, where it is not possible to respect the predetermined and adequate interpersonal safety distance aimed at preventing or reducing the risk of contagion as the main containment measure, with the adoption of adequate individual protection instruments;
- aa) limitation to the holding of fairs and markets, with the exception of those necessary to ensure the availability of agricultural, food and primary necessities;
- bb) specific prohibitions or restrictions for accompanying patients in the waiting rooms of emergency, admissions and first aid departments (DEA/PS);
- cc) limitation of access of relatives and visitors to hospitality and long-term care facilities, nursing home cares (RSAs), hospices, rehabilitation facilities and residential facilities for the elderly, both self-sustaining and non-self-sustaining, as well as prisons and prisons for minors;
- dd) obligations to report to the National Health Service with respect to those who have transited and stayed in epidemiological risk areas as identified by the World Health Organisation or the Ministry of Health;
- ee) adoption of information and prevention measures with regard to the epidemiological risk;
- ff) arrangement of smart working methods, also in derogation of the regulations in force;
- gg) provision that the permitted activities are carried out after the owner or manager has taken appropriate measures to avoid gatherings of people, with the obligation to provide the conditions to ensure compliance with the predetermined and adequate interpersonal safety distance aimed at preventing or reducing the risk of contagion; for public services, where it is not possible to comply with this interpersonal distance,

provision for anti-contagion safety protocols, with the adoption of individual protection instruments;

hh) possible exclusions from the restrictions on economic activities referred to in this paragraph, with verification on a case-by-case basis entrusted to specifically identified public authorities.

3. For the duration of the emergency referred to in paragraph 1, the carrying out of activities not subject to suspension as a result of the application of the measures referred to in this article may be imposed, where this is absolutely necessary to ensure their effectiveness and public utility, by order of the appointed Prefect upon consultation, without formalities, of the social partners concerned.

Article 2

Implementation of containment measures

1. The measures referred to in article 1 shall be adopted by means of one or more decrees of the President of the Council of Ministers, upon proposal from the Minister of Health, after consulting the Minister of the Interior, the Minister of Defence, the Minister of Economy and Finance and the other competent Ministers, as well as the Presidents of the regions concerned, insofar as they concern only one region or certain specific regions, or the President of the Conference of Regions and Autonomous Provinces, insofar as they concern the entire national territory. The decrees referred to in this paragraph may also be adopted either upon proposal from the Presidents of the regions concerned, insofar as they concern only one region or specific regions, or from the President of the Conference of Regions and Autonomous Provinces, insofar as they concern the whole national territory, after consulting the Minister of Health, the Minister of the Interior, the Minister of Defence, the Minister of Economy and Finance and the other competent ministers. For technical-scientific profiles and assessments of adequacy and proportionality, the measures referred to in this paragraph shall, as a general rule, be adopted after consultation of the Scientific Technical Committee referred to in Ordinance No. 630 of the Head of the Civil Protection Department of 3 February 2020.

2. Pending the adoption of the decrees of the President of the Council of Ministers referred to in paragraph 1 and with limited effectiveness until that moment, in cases of extreme necessity and urgency for situations that have arisen, the measures referred to in article 1

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may be adopted by the Minister of Health pursuant to article 32 of Law No. 833 of 23 December 1978.

3. This is without prejudice to the effects produced and acts adopted on the basis of decrees and ordinances issued pursuant to Decree-Law No. 6 of 23 February 2020, as converted, with amendments, by Law No. 13 of 5 March 2020, or pursuant to article 32 of Law No. 833 of 23 December 1978. The measures already adopted with the decrees of the President of the Council of Ministers adopted on 8 March 2020, 9 March 2020, 11 March 2020 and 22 March 2020, insofar as they are still in force on the date of entry into force of this decree, shall continue to apply within the terms originally provided for. The other measures, still in force on the same date, continue to apply for a further ten days.

4. For acts adopted pursuant to this Decree, the time limits for preventive control by the Court of Auditors, referred to in article 27, paragraph 1, of Law No. 340 of 24 November 2000, shall be halved. In any case, the measures adopted in implementation of this Decree, during the preventive control phase of the Court of Auditors, shall be provisionally effective, enforceable and executive, in accordance with articles 21-*bis*, 21-*ter* and 21-*quater* of Law No. 241 of 7 August 1990.

5. The measures adopted in implementation of this article shall be published in the Official Gazette of the Italian Republic and communicated to the Parliament within the day following their publication. The President of the Council of Ministers or a delegated Minister thereto shall report every fortnight to the Parliament on the measures adopted pursuant to this Decree.

Article 3

Urgent regional or inter-regional measures

1. Pending the adoption of the decrees of the President of the Council of Ministers referred to in article 2, paragraph 1, and with limited effectiveness until that moment, the regions, in relation to specific situations of worsening of the health risk occurring in their territory or in a part of it, may introduce further restrictive measures, among those referred to in article 1, paragraph 2, exclusively within the scope of the activities for which they are responsible and without affecting productive activities and those of strategic importance for the national economy.

2. Mayors may not adopt, under penalty of ineffectiveness, extraordinary emergency orders (“*ordinanze contingibili e urgenti*”) aimed at dealing with the emergency in conflict with government measures, nor exceeding the limits of the object referred to in paragraph 1.

3. The provisions set forth by this article shall also apply to acts carried out for health reasons by virtue of powers conferred by any previous mandatory legal provision.

Article 4

Sanctions and controls

1. Unless the act constitutes an offence, failure to comply with the containment measures referred to in article 1, paragraph 2, identified and applied with the measures adopted pursuant to article 2, paragraph 1, or article 3, shall be punished with the administrative sanction of the payment of a sum of between Euro 400 and Euro 3,000 and the fines referred to in article 650 of the Criminal Code or any other provision of applicable law conferring powers for health reasons, referred to in article 3, paragraph 3, shall not be applied. If the failure to comply with the aforesaid measures occurs through the use of a vehicle, the sanctions are increased by up to one third.

2. In the cases referred to in letters i), m), p), u), v), z) and aa) of article 1, paragraph 2, the additional administrative sanction of closure of the business or activity for 5 to 30 days shall also apply.

3. Violations are ascertained in accordance with Law No. 689 of 24 November 1981; paragraphs 1, 2 and 2.1 of article 202 of Legislative Decree No. 285 of 30 April 1992, concerning payment in reduced amounts, shall apply. The sanctions for violations of the measures referred to in article 2, paragraph 1, shall be imposed by the Prefect. The sanctions for violations of the measures referred to in article 3 shall be imposed by the ordering authorities. Article 103 of Decree-Law No. 18 of 17 March 2020 shall apply to the relevant proceedings.

4. Upon detection of the violations referred to in paragraph 2, in so far as necessary to prevent the continuation or repetition of the violation, the proceeding authority may order the provisional closure of the activity or business for a period not exceeding five days. The period of provisional closure shall be calculated on the basis of the corresponding additional sanction definitively imposed at the time of its enforcement.

5. In the event of repeated violation of the same provision, the administrative penalty shall be doubled and the additional penalty shall be applied to the maximum extent.

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6. Unless the fact constitutes a violation of article 452 of the Criminal Code or, in any case, a more serious offence, the violation of the measure referred to in article 1, paragraph 2, letter e) is punished in accordance with article 260 of Royal Decree No. 1265 of 27 July 1934, Consolidated text of health laws (“*Testo unico delle leggi sanitarie*”), as amended by paragraph 7.

7. In paragraph 1 of article 260 of Royal Decree No. 1265 of 27 July 1934, Consolidated text of health laws, the words «*with imprisonment for up to six months and a fine ranging from 40,000 to 800,000 lire*» are replaced by the following: «*with imprisonment from 3 months to 18 months and a fine ranging from 500 to 5,000 Euro*».

8. The provisions of this article replacing criminal sanctions with administrative sanctions shall also apply to violations committed before the date of entry into force of this Decree, but in such cases the administrative sanctions shall be applied to the minimum extent reduced by half. The provisions of articles 101 and 102 of Legislative Decree No. 507 of 30 December 1999 shall apply *mutatis mutandis*.

9. The Prefect, previously informing the Minister of the Interior, ensures the execution of the measures with the help of the Police Forces and, where necessary, of the Armed Forces, after hearing the competent territorial commands. The employed personnel of the Armed Forces, subject to the measure of the Prefect, is appointed, in order to ensure the execution of the measures of containment referred to in articles 1 and 2, as public security officer.

Article 5

Final provisions

1. Are hereby repealed:

- a) Decree-Law No. 6 of 23 February 2020, converted, with amendments, by Law No. 13 of 5 March 2020, with the sole exception of articles 3, paragraph 6-bis, and 4;
- b) article 35 of Decree-Law No. 9 of 2 March 2020.

2. The provisions of this Decree shall apply to the Special Statute Regions and the Autonomous Provinces of Trento and Bolzano in accordance with their respective statutes and implementing rules.

3. The implementation of this Decree shall not give rise to new or increased burdens on public finance and the administrations concerned shall provide for the activities provided for therein through the use of the human, instrumental and financial resources available under current legislation.

Article 6

Entry into force

1. This Decree shall enter into force on the day following its publication in the Official Gazette of the Italian Republic and shall be submitted to the Parliament for conversion into law.

2. This Decree, bearing the seal of the State, shall be included in the Official Collection of normative acts of the Italian Republic. The addressees of this Decree shall comply with and enforce it.

Rome, 25 March 2020

MATTARELLA

Conte, President of the Council of Ministers

Speranza, Minister of Health

Bonafede, Minister of Justice

Gualtieri, Minister for Economy and Finance

The Keeper of the Seals: Bonafede