



Gatti Pavesi Bianchi

COVID-19 Update

CIVIL JUSTICE AND ADMINISTRATIVE JUSTICE

9 April 2020

CIVIL JUSTICE

The new Government emergency decree has extended the stay of civil proceedings until 11 May 2020, which had already been provided for by Article 83, paragraphs 1 and 2, of Decree Law 18/2020 ("**Decreto Cura Italia**") until 15 April 2020. Such extension is set out under Article 36 of Decree Law no. 23 of 8 April 2020, which entered in force on 9 April 2020.

As a result of this further extension:

- (i) all the hearings in civil lawsuits currently pending before all national Courts are *ex officio* adjourned to a date after 11 May 2020;
- (ii) all the procedural time-limits of all the proceedings are suspended between 9 March 2020 and 11 May 2020 ⁽¹⁾. The provision applies also to Alternative Dispute Resolution pursuant to Decree Law no. 28, 4 March 2010 (*mediazione*) and Decree Law no. 132, 12 September 2014 (*negoziazione assistita*) as well as all out-of-court settlement proceedings of the disputes, when such proceedings were started before the 9 March 2020 and when it is a condition of admissibility to the court proceedings;
- (iii) the beginning of the period (so-called "phase 2", scheduled until 30 June 2020) in which the Heads of Judicial Offices shall undertake organisational measures in order to avoid the gathering and close contacts between people is adjourned to 12 May 2020.

All the further provisions of the *Decreto Cura Italia*, as acknowledged in our report of 25 March 2020, remain unchanged.

ADMINISTRATIVE JUSTICE

The extension of the deadlines provided for in Decree Law no. 23 of 8 April 2020 relating to civil justice does not apply in the area of administrative justice.

Therefore, the provisions of the *Decreto Cura Italia* remain unchanged, with the exception of what is provided for by art. 36, paragraph 3, of Decree Law no. 23 of 8 April 2020, according to which the time-limit for initiating proceedings is stayed until 3 May 2020.

⁽¹⁾ With the specification that: (i) if the procedural time-limit begins between 9 March 2020 and 11 May 2020 its commencement will be postponed until to the end of the period and (ii) if the time-limit is calculated backwards and all or part of it falls within the period of stay, the hearing or the activity from which the time limit commences shall be postponed so that the period of stay can be respected.

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We are highly experienced in litigation, before both the ordinary courts and arbitration courts, at a national and international level, in relation to commercial agreements, acquisitions of interests, shareholders' agreements, unfair competition, industrial and intellectual property rights and civil and product liability. We also assist our clients before the Italian administrative courts, in relation to disputes concerning public contracts and concessions, competition law and other regulated sectors, administrative procedures on town planning regulation, building permits and production activities, and environmental protection legislation.

The firm regularly deals with complex, high-profile litigation proceedings. Our aim is to provide clients with first-class legal advice that satisfies all of their needs and is tailored to each client's specific circumstances.

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