



Gatti Pavesi Bianchi

COVID-19 Update

SIMPLIFICATION OF ADMINISTRATIVE
PROCEEDINGS AND BUILDING WORKS

26 May 2020

LAW-DECREE NO. 34 OF 19 MAY 2020 (so-called “Decreto Rilancio”) - SIMPLIFICATION OF ADMINISTRATIVE PROCEEDINGS AND BUILDING WORKS

The Law-Decree No. 34 of 19 May 2020 (“Decree”) introduces new provisions aimed at simplifying the Covid-19-related administrative proceedings and the realization of building works.

You may find below a summary of the aforesaid provisions.

Simplification of administrative proceedings

Article 264 of the Decree provides for general provisions concerning the simplification of administrative proceedings in relation to the COVID-19 emergency. Such provisions shall prevail over any conflicting regional regulations or laws.

In particular, pursuant to mentioned Art. 264:

- (i) until 31 December 2020, the mere submission of self-certifications attesting the possession of all necessary requirements will be allowed throughout the proceedings aimed at obtaining economic benefits in relation to the COVID-19 emergency (e.g. social and welfare benefits, contributions, subsidies, financing, loans). In this regards, please note that sanctions in case of false declarations are strengthened (i.e. new sanctions include the revocation of benefits already granted, the ban on access to public contributions for a period of 2 years from the date of the forfeiture of the granted benefit, stiffer criminal penalties);
- (ii) the *ex officio* annulment of administrative acts or decisions adopted in relation to the COVID-19 emergency shall take place within three months from the adoption of the public act/decision. The *ex officio* annulment beyond the 3-month period is allowed only in case of false representations or false self-certifications, as result of ascertained criminal conducts;
- (iii) revocation by public administration of the measures adopted in relation to the COVID-19 emergency is allowed only in case of exceptional reasons of public interests.

Furthermore, pursuant to Art. 81 of the Decree, the DURCs (i.e. the documentation attesting the social security compliance), expiring between 31 January 2020 and 15 April 2020, shall remain valid and effective (only) until 15 June 2020.

Building works

Article 264, paragraph 1, letter f) of the Decree provides for measures aimed at simplifying the procedures to obtain authorizations for building works to be carried out to deal with the COVID-19 safety rules.

Such temporary works:

(i) can be commenced immediately upon submission with the Municipality of a “certified notification of commencement of works”;

(ii) shall turn into permanent structures where (a) they comply with the town planning and building regulations in force, (b) a specific request is submitted to the competent authority by 31 December 2020, and (c) the Municipality issues the relevant building title within the following sixty days.

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We 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.

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