



# Gatti Pavesi Bianchi

COVID-19 Update  
ADMINISTRATIVE PROCEEDINGS – PUBLIC WORKS  
AND URBAN PLANNING MATTERS

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4 May 2020

## **ADMINISTRATIVE PROCEEDINGS – PUBLIC WORKS AND URBAN PLANNING MATTERS**

The conversion Law no. 27 of 24 April 2020 of Decree Law no. 18/2020, so-called "Cura Italia Decree" ("Conversion Law") and the new Decree of the President of the Council of Ministers dated 26 April 2020 ("DPCM") introduced amendments with regard to the suspension of the terms of administrative proceedings (in particular relating to construction and urban planning profiles) and the performance of public works.

Such amendments can be summarized as follows:

- (a) the general suspension of all terms of the administrative proceedings until 15 May 2020 is confirmed. Furthermore, the Conversion Law specifies that the suspension also applies, *inter alia*, to the terms relating to (i) the enforcement proceedings, (ii) the public tender procedures, (iii) the defensive activity and (iv) the filing of "judicial appeals" (see new paragraph 1-bis of Article 103 of the Conversion Law);
- (b) the effectiveness of all certificates, permits and authorizations is extended until the expiry of 90 days following the conclusion of the state of emergency.  
The Conversion law also specifies that such an extension applies to:
  - (i) the deadlines for the beginning and conclusion of works, set by the building permits (pursuant to Article 15 of D.P.R. no. 380/2001), which expire between 31 January 2020 and 31 July 2020;
  - (ii) the deadlines relating to the certified notice of commencement of works and of beginning of economic activities, the certified notice of the building's fitness for use, the landscape and environmental permits;
  - (iii) the deadlines for the withdrawal of building permits, issued until the conclusion of the state of emergency cessation (Article 103, par.2 of the Conversion law);
- (c) a further 90-day extension applies to the term of effectiveness (and to the terms of the beginning and conclusion of works, expiring between 31 January 2020 and 31 July 2020) set by (i) urban planning agreements (pursuant to Article 28 of Law no. 1150/1942, so-called "Urban Planning Law"); (ii) implementation plans (Article 103, paragraph 2-bis of the Conversion Law).

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The new DPCM allows specific economic activities (listed in Annex 3 of DPCM) to be carried out from 4 May 2020. All activities labelled as 'construction of buildings' (Ateco code 41), 'civil engineering' (Ateco code 42), 'specialised construction work' (Ateco code 43) may start again (meaning that public works can be carried out, in compliance with the health and safety measures provided for in the Covid-regulations).

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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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