

Courtesy translation – only the Italian text is authentic

Decision No 69/2020

COVID-19 epidemiological emergency on the national territory. Measures concerning deadlines in the Authority's proceedings.

In its meeting of 18 March 2020, the Authority,

HAVING REGARD to Article 37 of Decree-Law No 201 of 6 December 2011, converted, with amendments, into Law No 214 of 22 December 2011, establishing the Transport Regulation Authority (hereinafter: the Authority);

WHEREAS the World Health Organisation on 30 January 2020 declared the COVID-19 outbreak a public health emergency of international concern;

HAVING REGARD to the Decision of the Council of Ministers of 31 January 2020 declaring the state of emergency in the national territory over the next six months, regarding the health risk associated with the occurrence of diseases originating from transmissible viral agents;

HAVING REGARD to the measures adopted by the Government on the containment and management of the COVID-19 epidemiological emergency and, in particular: Decree-Law No 6 of 23 February 2020 laying down *“Emergency measures for the containment and management of the COVID-19 epidemiological emergency”*, published in the Official Gazette No 45 of 23 February 2020; Decree of the President of the Council of Ministers of 23 February 2020 laying down *“Implementing provisions of Decree-Law No 6 of 23 February 2020 on emergency measures for the containment and management of the COVID-19 epidemiological emergency”*, published in the Official Gazette No 45 of 23 February 2020; Decree of the President of the Council of Ministers of 25 February 2020 laying down *“Additional implementing provisions of Decree-Law No 6 of 23 February 2020 on emergency measures for the containment and management of the COVID-19 epidemiological emergency”*, published in the Official Gazette No 47 of 25 February 2020; Decree of the President of the Council of Ministers of 1 March 2020 laying down *“Additional implementing provisions of Decree-Law No 6 of 23 February 2020 on emergency measures for the containment and management of the COVID-19 epidemiological emergency”*, published in the Official Gazette No 52 of 1 March 2020; Decree of the President of the Council of Ministers of 4 March 2020 laying down *“Additional implementing provisions of Decree-Law No 6 of 23 February 2020 on emergency measures for the containment and management of the COVID-19 epidemiological emergency applicable throughout the national territory”*, published in the Official Gazette No 55 of 4 March 2020; Decree of the President of the Council of Ministers of 8 March 2020 laying down *“Additional implementing provisions of Decree-Law No 6 of 23 February 2020 on emergency measures for the containment and management of the COVID-19*

epidemiological emergency, published in the Official Gazette No 59 of 8 March 2020; Decree of the President of the Council of Ministers of 9 March 2020 laying down “*Additional implementing provisions of Decree-Law No 6 of 23 February 2020 on emergency measures for the containment and management of the COVID-19 epidemiological emergency applicable throughout the national territory*”, published in the Official Journal No 62 of 9 March 2020; Decree of the President of the Council of Ministers of 11 March 2020 laying down “*Additional implementing provisions of Decree-Law No 6 of 23 February 2020 on emergency measures for the containment and management of the COVID-19 epidemiological emergency*”, published in the Official Gazette No 64 of 11 March 2020;

HAVING REGARD

to Decree-Law No 18 of 17 March 2020 laying down “*Measures to strengthen the national health service and provide economic support to families, workers and enterprises linked to the COVID-19 epidemiological emergency*”, published in the Official Gazette No 70 of 17 March 2020, and, in particular, to Article 103 (1) thereof, under which “*for the purpose of calculating the deadlines (non-mandatory or mandatory, preparatory, intra-procedural, final and enforcement) pertaining to administrative procedures initiated upon request of a party or ex officio, that are pending as at 23 February 2020 or initiated after that date, the period between the above-mentioned date and the date of 15 April 2020 is not taken into account. Public administrations shall adopt any appropriate organisational measure to ensure, in any case, the reasonable length and swift conclusion of the proceedings, with priority given to those that are deemed urgent, including on the basis of substantiated requests from the parties concerned. The time periods for the public administration to express a final decision in the form of consent provided for by the law are extended or deferred for the corresponding time.*”

WHEREAS

the ordinary activity of the Authority is carried out through proceedings that are marked by deadlines set by the law, as well as by regulations and decisions adopted by the Authority itself, and in view of the express provision concerning the burden on public authorities to take appropriate measures to ensure the reasonable length and swift conclusion of the proceedings;

HAVING NOTED

that, for the matters within the Authority’s remit and with regard to ongoing proceedings and activities, it is necessary to align the relevant deadlines, including intra-procedural, relating to deadlines, expiry and enforcement, by adopting extraordinary and urgent measures that are consistent with those already taken by the Government, also in order to take account of the reorganization needs that are currently being addressed by transport undertakings and, in general, by the addressees of the Authority’s regulatory activity to tackle the ongoing emergency;

HAVING CONSIDERED

that, for the purpose of calculating the deadlines (non-mandatory or mandatory, preparatory, intra-procedural, final and enforcement) pertaining to administrative proceedings initiated by the Authority upon request of a party or *ex officio*, that are pending as at 23 February 2020 or initiated after that date, the period between the

above-mentioned date and the date of 15 April 2020 is not taken into account, without prejudice to the need to ensure, in any event, the reasonable length and swift conclusion of the proceedings, with priority given to those that are deemed urgent, including on the basis of substantiated requests from the parties concerned;

CONSIDERING

it further appropriate to lay down, for the proceedings to be initiated from the date of publication of this Decision until the end of the state of emergency, procedural deadlines that take into account the above exceptional circumstances;

FINALLY CONSIDERING

to reserve the right to adopt ensuing measures of revision or integration, including in view of further provisions adopted by the competent central and territorial authorities, for the containment and management of the current epidemiological emergency, or as a result of the continuing significant and proven crisis, beyond the period of application of the above measures, in the demand and/or supply in the regulated sectors, arising from the aforesaid emergency;

upon proposal by the Secretary-General

HAS TAKEN THE FOLLOWING DECISION

1. for the purpose of calculating the deadlines (non-mandatory or mandatory, preparatory, intra-procedural, final and enforcement) pertaining to administrative proceedings initiated by the Authority upon request of a party or *ex officio*, that are pending as at 23 February 2020 or initiated after that date, the period between the above-mentioned date and the date of 15 April 2020 is not taken into account, without prejudice to the need to ensure, in any event, the reasonable length and swift conclusion of the proceedings, with priority given to those that are deemed urgent, including on the basis of substantiated requests from the parties concerned;
2. in the proceedings that are initiated as of the date of publication of this Decision until the end of the state of emergency, the Authority shall lay down procedural deadlines that take into account the above exceptional circumstances;
3. further measures of revision or integration of the provisions of this Decision, including in view of any ensuing measures that may be adopted by the competent central and territorial authorities for the containment and management of the current epidemiological emergency, or as a result of the continuing significant and proven crisis, beyond the period of validity of the above measures, in the demand and/or supply in the regulated sectors, arising from the aforesaid emergency, shall remain unaffected.

Turin, 18 March 2020

The President
Andrea Camanzi
(digital signature pursuant to legislative
decree no 82/2005, as amended)