

Courtesy translation – only the Italian text is authentic

Decision No 83/2020

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

In its meeting of 23 April 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.*”

**HAVING REGARD**

to Decision no 69/2020 of 18 March 2020 that, in line with the provisions of the above-mentioned Article 103 of Decree-Law no 18 of 2020, provided for the adoption of extraordinary and urgent measures concerning the deadlines pertaining to the Authority’s proceedings, which, in particular, set out under paragraph 1 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*”;

**WHEREAS**

pursuant to the above-mentioned Decision no 69/2020, further measures of revision or integration of the provisions provided for therein shall remain unaffected, 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.

**HAVING REGARD** to Decree-law 8 April 2020 no. 23, published in the Official Gazette no. 94 of 8 April 2020, on "*Emergency measures regarding access to credit and tax compliance for businesses, special powers for strategic sectors and measures for health and employment, extension of administrative and procedural time limits*" and, in particular, to article 37 extending until 15 May 2020 the period that is excluded from the calculation of administrative deadlines, which had been set as at 15 April 2020 by the aforementioned article 103 of the Decree-law no. 18 of 2020;

**CONSIDERING** it appropriate to proceed, in accordance with paragraph 3 of Decision no. 69/2020, to the revision of the provisions contained therein as a result of the aforementioned article 37 of Decree-law no. 23/2020;

**HAVING CONSIDERED** for this purpose to postpone until 15 May 2020 - by extending the deadline of 15 April 2020 provided for under paragraph 1 of Decision no. 69/2020 - the period that is excluded from the calculation of non-mandatory or mandatory, preparatory, intra-procedural, final and enforcement deadlines, 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 were initiated after that date, 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 by the parties concerned;

**CONSIDERING** that the extension until 15 May 2020 of the period that is excluded from the calculation of the procedural deadlines shall be effective also for the procedures for which measures have been taken prior to the date of this Decision containing references to Decision no. 69/2020;

**FINALLY CONSIDERING** to provide for the aforesaid extension of the date of 15 April 2020, as provided for under paragraph 1 of Decision no. 69/2020, by further specifying that the reference to the above-mentioned decision, even if it is contained in provisions preceding the present decision, shall in any case be understood as referring to the provisions as supplemented by the extension provided for herein;

upon proposal by the Secretary-General

#### **HAS TAKEN THE FOLLOWING DECISION**

1. for the reasons stated in the preambles, the deadline of 15 April referred to under paragraph 1 of Decision no. 69/2020 is extended to 15 May 2020;
2. the reference to Decision no. 69/2020, as already contained in the measures taken prior to the approval of this decision, is to be understood as referring to the provisions thereof as supplemented by the extension referred to under paragraph 1;

3. in addition to the publication of this decision on the Authority's website, it is provided for the publication of Decision no. 69/2020, as supplemented by the extension referred to under paragraph 1, including a note containing the reference to this decision providing for the extension of the deadline.

Turin, 23 April 2020

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