



•ALERT•

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March 8th and 9th 2020 Italian Prime Ministerial Decrees: focus on the circulation of goods and people and impact on companies in the logistics sector

The **extraordinary measures** adopted by the Italian Prime Minister on March 8th regarding the containment and management of the epidemiological emergency of COVID-19 inevitably also concern the **logistics and transport sector**.

In art. 1, par. 1, *a)*, the above mentioned Prime Ministerial Decree provides that **individuals** must avoid any movement in and out of the territories identified as areas of reinforced containment, as well as within the same territories, except for movements motivated by documented work needs or situations of necessity or health reasons.

This measure concerning the freedom of movement of individuals could have led to a tough restriction also of goods traffic, however this risk has been averted by (*i*) the explanatory note of the Ministry of Foreign Affairs and International Cooperation, (*ii*) the interpretative Ordinance signed on March 8th by the Head of the Civil Protection Department, Angelo Borrelli, and (*iii*) the directive addressed to the Prefects issued this morning by the Ministry of the Interior - not avoiding, however, some uncertainty. As listed above:

- the Ministry of Infrastructures and Transport - as well as the Ministry of Foreign Affairs and International Cooperation, in the context of the regulation of the trans-frontier transport, but with an inevitable reflection also on the internal circulation - with a note of March 8th clarified that the goods can enter and leave the territories of reinforced containment (i.e. from the "red zones"). **The transport of goods is considered as a work necessity: the personnel who drive the means of transport can therefore enter, leave and circulate within these areas, but "limited to the needs of delivery or pick-up of goods"**;



- the Ordinance signed by the Head of the Department of Civil Protection specified that Art. 1, par. 1, *a)* of the Prime Ministerial Decree of March 8th does not apply "to the transit and transport of goods and to the entire production chain to and from the areas indicated", and therefore **does not prohibit "individuals from travelling throughout the national territory for work needs, situation of necessity or health reasons"**;
- the directive addressed to the Prefects published on the website of the Ministry of the Interior this morning indicates the guidelines for the police authorities that will have to carry out checks on the territory. On the basis of the indications given by the Ministry, "the movements can take place only if motivated by work needs or situations of necessity or for health reasons to be attested by a self-declaration, which can also be made on the spot by filling in the forms provided by the police forces". Regarding the implementation of the checks, it is foreseen that:
 - checks on compliance with mobility restrictions will be carried out along the lines of communication and major infrastructure of the transport system. With regard to the motorway network and the main road network, the traffic police will carry out checks by acquiring the required self-declarations. Similar services will be carried out along the ordinary road network also by the Carabinieri and Municipal Police;
 - as far as rail transport is concerned, the Railway Police, with the collaboration of the worker of the Railroads of State, the health authorities and the Civil Protection, will take care of the channelling of passengers entering and leaving the stations in order to allow the expeditious checks on the state of health of passengers also through "thermoscan" equipment. In addition, checks on travellers will be carried out by acquiring self-declarations;



- at the airports located in the areas of "reinforced containment" territories, departing passengers will be checked not only for the possession of the ticket, but also for the prescribed self-certification. Similar checks will be carried out on incoming flights in the aforementioned areas. Transit passengers are excluded. For Schengen and non-Schengen flights departing, self-certifications will be required only for residents or domiciled in restricted territories. On incoming Schengen and non-Schengen flights, passengers must give reasons for the purpose of the journey at the time of entry;
- finally, equivalent controls will be adopted in Venice for cruise ship passengers who will not be able to disembark to visit the city but will be able to transit only to return to their places of residence or countries of origin.

In the light of the above, it seems that it can be said that **operators in the logistics sector will be able to continue to move inside and outside the territories with reinforced containment** to carry out their work without excessive restrictions, each with their own specific characteristics.

As far as **drivers and couriers** are concerned, of course, the travel documents proving the working requirements of the circulation must be kept on board of the vehicle—all the more so during these days of the Prime Ministerial Decree of March 8th—in order to avoid unpleasant setbacks or even the sanctions provided for the violation of the prohibitions in force today.

Operators who provide handling services within port or inter-port areas will be able to go to the workplace on a regular basis: it is suggested, however, that they be provided with a declaration issued by the company stating the need for the physical presence of the worker at the terminal facilities, in order to meet the condition established by the Prime Ministerial Decree on proved work reasons.

Finally, with regard to **freight forwarders and all employees in the logistics sector** who do not carry out operational activities, current legislation advocates the use of smart working, where applicable. It remains firm that these individuals may also go to the workplace, without prejudice to the existence of proved work needs. In that case, we suggest that they also be provided with the declaration issued by the company stating that their physical presence is required in the offices, pointing out the criminal liability that the declarant assumes regarding the truthfulness of the content of the aforementioned declaration. On this point, the Ministry of the Interior specified that *"the truthfulness of the self-declaration can also be verified with subsequent checks"* and that the criminal consequences are those indicated in the Prime Ministerial Decree of March 8th (with reference to the provisions of Article 650 of the Criminal Code) *"unless a more serious hypothesis can be configured"*. The Government, therefore, while having to manage an emergency by implementing a policy of containment of contagion, has recognized the centrality of transport and logistics services, not subjecting it to restrictions. This is certainly an encouraging sign that, in addition to ensuring that the companies in the sector are operational, it also attests to the value that is acknowledged to the entire sector within the national economy.

The **LCA team** is at your disposal for any further investigation and to model a consultancy on the specific needs of your company.

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