

DECREE-LAW No 111 of 6 August 2021

Urgent measures for the safe exercise of school, university, social and transport activities. (21G00125)

(OJ n.187 of 6-8-2021)

Existing at: 7-8-2021

THE PRESIDENT OF THE REPUBLIC

Having regard to Articles 77 and 87 of the Constitution;

Having regard to Article 32 and Article 117, second and third paragraphs, of the Constitution;

Having regard to Article 16 of the Constitution, which allows limitations on freedom of movement for health reasons; Having regard to the decree-law of 25 March 2020, no. 19, converted, with amendments, by the law of 22 May 2020, no. 35, on "Urgent measures to cope with the epidemiological emergency from COVID-19"; Having regard to the decree-law of 16 May 2020, no. 33, converted, with amendments, by the law of 14 July 2020, no. 74, on "Further urgent measures to cope with the epidemiological emergency from COVID-19";

Having regard, in particular, to Article 1, paragraph 16-septies, of the aforementioned Decree-Law No. 33 of 2020, which defines at letter a) the White Zone, at letter b) the Yellow Zone, at letter c) the Orange Zone and at letter d) the Red Zone;

Having regard to Decree-Law No. 44 of 1 April 2021, converted, with amendments, by Law No. 76 of 28 May 2021, concerning "Urgent measures for the containment of the COVID-19 epidemic, in the field of SARS-CoV-2 vaccinations, justice and public competitions";

Having regard to Decree-Law No. 52 of 22 April 2021, converted, with amendments, by Law No. 87 of 17 June 2021, on "Urgent measures for the gradual recovery of economic and social activities in compliance with the needs to contain the spread of

the VOCID-19 epidemic";

Given the decree-law of 23 July 2021, no. Given the declaration of the World Health Organization of 11 March 2020, in which the epidemic from COVID-19 was evaluated as a "pandemic" in view of the levels of diffusivity and severity reached at the global level; Considering the evolution of the epidemiological situation;

Considering that the current context of risk requires the continuation of initiatives of an extraordinary and urgent nature undertaken in order to adequately address possible situations of harm to the community;

Considering the extraordinary necessity and urgency of adapting the framework of the existing measures to contain the spread of the above-mentioned virus in school education, university, transport and social activities;

Given the need to provide urgent measures following the computer attack suffered by the systems of the Lazio Region between 31 July and 1 August 2021;

Having regard to the deliberation of the Council of Ministers, adopted at its meeting on 5 August 2021;

On the proposal of the President of the Council of Ministers, the Minister of Education, the Minister of Infrastructure and Sustainable Mobility and the Minister of Health;

EMANA

the following decree-law:

ART.1

(Urgent provisions for the 2021/2022 school year and measures to prevent SARS-CoV-2 infection in institutions of the national education system and universities)

1. In the school year 2021-2022, in order to ensure the value of the school as a community and to protect the social and psycho-affective sphere of the school population, on the entire national territory, the educational services for children referred to in Article 2 of Legislative Decree No. 65 of 13 April 2017, and the teaching and curricular activities of kindergarten, primary and secondary schools are carried out in presence. The teaching and curricular activities of universities are

carried out with priority in presence.

2. In order to allow the services and activities mentioned in paragraph 1 to be carried out in the presence of the public and to prevent the spread of the SARS-CoV-2 infection, the following minimum safety measures are adopted in all the institutions of the national education system and in the universities until 31 December 2021, the deadline for the end of the state of emergency:

a) the use of respiratory protection devices is compulsory, with the exception of children under six years of age, people with pathologies or disabilities that are incompatible with the use of the aforementioned devices, and for sports activities;

b) it is recommended to respect an interpersonal safety distance of at least one metre unless the structural-logistical conditions of the buildings do not allow it; c) it is forbidden to enter or stay in school and university premises to people with respiratory symptoms or a body temperature higher than 37,5°.

3. In the presence of individuals who have tested positive for SARS-CoV-2 infection or suspected cases, in the context of school and childhood education services, the guidelines and protocols adopted pursuant to Article 1, paragraph 14, of Decree-Law no. 33 of 16 May 2020, converted with amendments by Law no. 74 of 14 July 2020, as well as pursuant to Article 10-bis of Decree-Law no. 52 of 22 April 2021, converted with amendments by Law no. 87 of 17 June 2021, shall apply. The protocols and guidelines may regulate any other aspect concerning the safety conditions related to the performance of teaching and school activities, including the exemption from the provisions of paragraph 2, letter a), for classes composed of students who have all completed the vaccination cycle or have a valid certificate of recovery. Universities may derogate from the provisions of paragraph 2, letter a), if the educational and curricular activities are attended exclusively by students who have completed the vaccination cycle or have a valid certificate of recovery.

4. Until 31 December 2021, when the state of emergency comes to an end, the Presidents of the Regions and Autonomous Provinces of Trento and Bolzano and the Mayors may derogate, for specific areas of the territory or for individual schools, from the provisions of paragraph 1 exclusively in red or orange zones and in circumstances of exceptional and extraordinary necessity due to the occurrence of outbreaks or to the

extremely high risk of the spread of the SARS-CoV-2 virus or its variants in the school population.

The measures referred to in the first sentence are reasonably adopted after consultation with the competent health authorities and in compliance with the principles of adequacy and proportionality, in particular with reference to their scope of application. When the above-mentioned measures are adopted, the possibility to carry out activities in the classroom is always guaranteed when it is necessary to use laboratories or to maintain an educational relationship that achieves the effective inclusion of students with disabilities and special educational needs.

5. For the purposes of protection against the risk of contagion by COVID-19, article 29-bis of the decree-law of 8 April 2020, no. 23, converted, with amendments, by the law of 5 June 2020, no. 40, shall apply to school and university staff, when the prescriptions provided by the present decree, as well as by the guidelines and protocols referred to in paragraph 3, are complied with.

6. In decree-law no. 52 of 22 April 2021, converted, with amendments, by law no. 87 of 17 June 2021, the following shall be inserted after article 9-bis:

"ART. 9-ter

(Use of COVID-19 green certifications in schools and universities)

1. From 1 September 2021 and until 31 December 2021, the termination date of the state of emergency, in order to protect public health and maintain adequate safety conditions in the provision in presence of the essential service of education, all school staff of the national education and university system, as well as university students, must possess and are required to display the green COVID-19 certification referred to in Article 9, paragraph 2.

2. Failure to comply with the provisions of paragraph 1 by school and university staff is considered unjustified absence and from the fifth day of absence the employment relationship is suspended and no pay or other remuneration or emolument, however named, is due.

3. The provisions of paragraph 1 shall not apply to persons exempt from the

vaccination campaign on the basis of appropriate medical certification issued in accordance with the criteria defined by circular of the Ministry of Health.

4 School managers and those in charge of children's education services, as well as peer schools and universities, are required to verify compliance with the requirements set forth in paragraph 1. Verifications of COVID-19 green certifications are carried out according to the procedures indicated in the decree of the President of the Council of Ministers adopted pursuant to article 9, paragraph 10. A circular letter issued by the Minister of Education may establish further verification methods. With reference to the compliance of university students with the provisions of paragraph 1, the verifications referred to in this paragraph are carried out on a sample basis, according to the methods identified by the universities.

5. The breach of the provisions set forth in paragraphs 1 and 4 shall be sanctioned pursuant to article 4 of decree-law no. 19 of 25 March 2020, converted, with amendments, by law no. 35 of 22 May 2020. The provisions of article 2, paragraph 2-bis, of decree-law no. 33 of 16 May 2020, converted, with amendments, by law no. 74 of 14 July 2020, shall remain unaffected."

7. The provisions of this article shall also apply, insofar as they are compatible, to the Institutions of Higher Education in Music and Dance, as well as to the activities of the other institutions of higher education connected to the universities.

8. The administrations concerned shall carry out the activities referred to in paragraphs 6 and 7 with the human, financial and instrumental resources available under current legislation and without any new or greater expense for the public finance.

9. The Extraordinary Commissioner for the implementation and coordination of the measures necessary for the year 2021 to contain and contrast the COVID-19 emergency shall prepare and implement a school population screening plan. To this end, the expenditure of 100 million euros is authorised, from the resources available in the special account referred to in Article 122, paragraph 9, of Decree-Law no. 18 of 17 March 2020, converted with amendments into Law no. 27 of 24 April 2020.

10. In order to allow for the timely payment of compensation to substitute staff called

to replace unexcused absentees, an expenditure of 358 million euros is authorised for the year 2021. For the same year, the related costs shall be covered by using the available resources referred to in Article 231-bis, paragraph 1, letter b) of Decree-Law No. 34 of May 19, 2020, converted with amendments by Law No. 77 of July 17, 2020.

11. The Ministry of Education monitors the days of unexcused absence of school staff as per paragraph 6, paragraph 2 of Article 9-ter, and the resulting savings, if any, and sends the results to the Ministry of the Economy and Finance -Department of the General State Accounts Office, in order to adopt the appropriate compensatory budget changes to cover any additional costs arising from the replacement of staff or to replenish the available funds as per Article 231-bis, paragraph 1, letter b) of Decree-Law no. 34 of 19 May 2020. 34, converted with amendments by Law no. 77 of 17 July 2020.

12. For the purposes of the immediate implementation of this article, the Minister of Economy and Finance is authorized to issue, by means of his own decrees, the necessary changes in the budget.

ART. 2

(Use of COVID-19 green certifications in means of transport)

1. In Decree-Law no. 52 of 22 April 2021, converted, with amendments, by Law no. 87 of 17 June 2021, the following shall be inserted after Article 9-ter, as introduced by Article 1 of this Decree:

"ART. 9-quater

(Use of COVID-19 green certifications in means of transport)

1. As of 1 September 2021 and until 31 December 2021, when the state of emergency comes to an end, only persons holding one of the COVID-19 green certifications, as per article 9, paragraph 2, are allowed access to and use of the following means of transport:

(b) vessels and ferries engaged in interregional transport services, with the exception of those engaged in maritime services in the Straits of Messina;

(c) trains used for Intercity, Intercity Night and High Speed passenger rail transport services;

(d) buses and coaches used for passenger transport services, on an undifferentiated basis, operating continuously or periodically by road on routes linking more than two regions and with pre-established routes, timetables, frequencies and fares;

(e) buses and coaches used for rental services with driver, excluding those used for additional local and regional public transport services.

2. The provisions of paragraph 1 shall not apply to persons excluded for age 'from the vaccination campaign and exempt persons on the basis of appropriate medical certification issued according to the criteria defined by circular of the Ministry of Health.

3. Air, sea and land carriers, as well as their delegates, are required to verify that the services referred to in paragraph 1 are used in compliance with the requirements of said paragraph 1. Verification of COVID-19 green certificates shall be carried out according to the procedures indicated in the decree of the President of the Council of Ministers adopted in accordance with article 9 (10).

4.-The violation of the provisions set forth in paragraphs 1 and 3 shall be sanctioned pursuant to article 4 of decree-law no. 19 of 25 March 2020, converted, with amendments, by law no. 35 of 22 May 2020. The provisions of article 2, paragraph 2-bis, of decree-law no. 33 of 16 May 2020, converted, with amendments, by law no. 74 of 14 July 2020, shall remain unaffected."

ART. 3

(Amendments to Decree-Law No. 33 of 2020)

1. In article 1, paragraph 16-bis, second sentence, of decree-law no. 33 of 16 May 2020, converted, with amendments, by law no. 74 of 14 July 2020, the words "also on the monitored data" shall be replaced by the following: ", where deemed necessary,".

ART. 4

(Urgent provisions on sporting events and shows open to the public)

1. For the participation of the public in outdoor sporting events and competitions, with the guidelines referred to in Article 5, paragraphs 2 and 3, of the decree-law of 22 April 2021, no. 52, converted, with amendments, by the law of 17 June 2021, no. 87, it is possible to provide for alternative ways of assigning seats to interpersonal distancing of at least one metre.
2. From the date of entry into force of the present decree, for the participation of the public in the sports events and competitions referred to in article 5, paragraph 2, of decree-law no. 52 of 22 April 2021, converted, with amendments, by law no. 87 of 17 June 2021, in the white zone the capacity allowed indoors may not exceed 35 per cent of the maximum authorised capacity.
3. From the date of entry into force of the present decree, for shows open to the public pursuant to article 5, paragraph 1, of decree-law no. 52 of 22 April 2021, converted, with amendments, by law no. 87 of 17 June 2021, in the white zone the capacity allowed indoors may not exceed 35 per cent of the maximum capacity authorised in the case of events with a number of spectators exceeding 2500.

ART. 5

(Coordination provisions)

1. The COVID-19 green certificates referred to in Article 9, paragraph 2, Decree-Law No. 52 of 22 April 2021, converted, with amendments, by Law No. 87 of 17 June 2021, may be used not only for the purposes indicated in Article 9, paragraph 10-bis, of the aforementioned Decree-Law No. 52 of 2021, but also for those indicated in Articles 9-ter and 9-quater of the same Decree-Law No. 52 of 2021, introduced by this Decree.
2. The sums transferred to the treasury account of the Presidency of the Council of Ministers pursuant to articles 40 and 42, paragraph 11, of decree-law no. 41 of 22 March 2021, converted, with amendments, by the law of 21 May 2021, no. 69, are transferred, for the purposes of the aforementioned article 40 and without prejudice to the reporting obligations provided, to the special account of the extraordinary

commissioner for the implementation and coordination of the measures necessary for the containment and contrast of the epidemiological emergency from COVID-19 after registration on the fund for national emergencies within the autonomous budget of the Presidency of the Council of Ministers.

ART. 6

(Urgent provisions for the Republic of San Marino)

1. Subjects in possession of a certificate of vaccination against SARS-Cov-2 issued by the competent health authorities of the Republic of San Marino, pending the adoption of the circular of the Ministry of Health that defines modalities of vaccination in line with the indications of the European Medicines Agency, and in any case no later than 15 October 2021, the provisions of Article 9-bis, 9-ter and 9-quater, of Decree-Law no. 52 of 22 April 2021, converted, with amendments, by Law no. 87 of 17 June 2021, shall not apply.

ART. 7

(Suspension of time limits in administrative proceedings and effects of expiring administrative acts managed by the Lazio Region)

1. In view of the attack suffered by the IT systems of the Lazio Region, for the purposes of calculating the ordinary or peremptory, preliminary, end-procedural, final and executive deadlines relating to the performance of administrative proceedings pending as at 1 August 2021 or commenced after that date, managed through the IT structures of the Region and its instrumental bodies, the period between that date and 15 September 2021 shall not be taken into account.

2. The Lazio Region and its instrumental bodies shall adopt all the organisational measures required to ensure the reasonable duration and rapid conclusion of the procedures referred to in paragraph 1, with priority given to those to be considered urgent, also on the basis of motivated requests from the parties concerned.

3. Should the institutional websites of the Lazio Region and of its instrumental bodies

be inoperative, for the same period as referred to in paragraph 1, the publication obligations as per Legislative Decree no. 33 of 14 March 2013 shall be suspended.

ART. 8

(Extension of the "Safe Streets" contingent)

1. In order to guarantee and support the continuation, by the Armed Forces, of the performance of the major tasks connected with the containment of the spread of the SARS-CoV-2 virus, the increase of 753 units of personnel referred to in Article 22, paragraph 1, of Decree-Law No. 34 of 19 May 2020, converted, with amendments, by Law No. 77 of 17 July 2020, is further extended until 31 October 2021.

2. For the implementation of the provisions of paragraph 1, for the year 2021, the total expenditure of 7,626,780 Euros is authorized, of which 1,875,015 Euros for the payment of overtime and 5,751,765 Euros for other charges related to the employment of personnel.

3. The costs arising from this article, amounting to 7,626,780 euros for the year 2021, shall be covered by a corresponding reduction in the appropriation of the special current account fund recorded, for the purposes of the 2021-2023 three-year budget, within the program "Reserve and special funds" of the mission "Funds to be allocated" of the statement of estimates of the Ministry of Economy and Finance for the year 2021, for the purpose of partially using the appropriation relating to the same Ministry.

4. For the purposes of the immediate implementation of this article, the Minister of Economy and Finance is authorized to make, by means of his own decrees, the necessary changes in the budget.

ART. 9

(Amendments to article 21 of legislative decree n. 128 of 4 June 2003)

1. Article 21 of legislative decree n. 128 of 4 June 2003 shall be amended as follows:

- a) in paragraph 2, after the word "identify" the following is added: "the Minister, even without portfolio, or";
- b) in paragraph 3, after the words "by the President of the Council of Ministers or by", the following is added: "Minister, even without portfolio, or by".

ART.10

(Entry into force)

1. The present decree shall enter into force on the day following that of its publication in the Official Gazette of the Italian Republic and shall be submitted to the Chambers for conversion into law.

The present decree, bearing the seal of the State, shall be inserted in the official collection of the normative acts of the Italian Republic. It is obligatory for everyone to observe it and have it observed.

Given in Rome, on 6 August 2021.

MATTARELLA

Draghi, President of the Council of Ministers

Mr Bianchi, Minister for Education

Giovannini, Minister for Sustainable Infrastructure and Mobility

Speranza, Minister for Health See, the Guardasigilli: Cartabia