



PG LEGAL YACHTING

NEWS ALERT

EMERGENCY DO'S AND DON'TS IN THE YACHTING SECTOR IN ITALY

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"more than 20 years of advising yachting industry"

GIANFRANCO PUOPOLO

Partner

E: g.puopolo@pglegal.it

LORENZO RANIERI

Partner

E: ranieri@pglegal.it

DOMENICO RINALDI

Partner

E: d.rinaldi@pglegal.it

LUCILLA MARGHERITA

Of Counsel

E: margherita@pglegal.it

SARA YAZDANI

Associate

E: yazdani@pglegal.it

Milan

Via Sant' Andrea,3

20121 Milan, Italy

T: +39 02 760 13359

F: +39 02 760 27478

Rome

Via Ombone,14

00198 Rome, Italy

T: +39 06 884 1535

F: +39 06 884 2094

Dublin

77 Sir John Rogersons Quay,

Block C, Grand Canal Docklands,

Dublin 2, D02 VK60, Ireland

T: +353 (0) 1 571 8019

Also in Naples and Genoa



pglegal.it



EMERGENCY DO'S AND DON'TS IN THE YACHTING SECTOR IN ITALY

In this issue of the Yachting News Alert, we would like to provide you with an overview on the restrictions applicable to Italian or foreign flagged vessels sailing in Italian territorial waters as a consequence of the "COVID19" emergency.

Navigation of Pleasure Yachts

Under Article 1 of the Decree of the President of the Council of Ministers issued on April 26, 2020 (hereinafter "Decree") Italians and foreign flagged vessels are not allowed to sail for recreational, sports and tourism purposes. The only exceptions are: "sailing for proven work needs, situations of necessity or travelling for health purposes".

Charter or Occasional rental/leasing

Article 2 of the Decree and its annex 3 have excluded the navigation of yachts for charter irrespective if they fly an Italian or foreign flags.

According to Article 6 paragraph 8 of the Decree, it is prohibited to enter Italian ports for owners and captains of foreign flagged passenger vessels, engaged in cruise services with stopovers in such ports even only for technical stops and not for disembarkation of guests.

Navigation of pleasure yachts to reach the mooring or home port

Italian and foreign flagged vessels with "home port" in Italy may sail to reach the Italian coasts after contacting the Harbour Master's Office of the location of destination to communicate the arrival before starting the navigation.

The Italian Ministry of Health has issued an order ("*Circolare Disposizioni sull'adozione di misure urgenti relative all'infezione da nuovo coronavirus (2019-nCoV) dated 06.02.2020*") pursuant to which any vessel having a length of over 24 meters that enters into an Italian port shall communicate its arrival and shall simultaneously request a special healthcare release for free circulation ("*Libera Pratica Sanitaria*" or "LPS") to the Office of Maritime, Air and Border Health ("*Ufficio di sanità marittima, aerea e di frontiera*" or "USMAF").



Under Article 6 paragraph 7 of the Decree, the crew must immediately notify their entry into Italy to the Prevention Department of the Local Health Structure competent for the territory and undergo health surveillance and isolation for a period of 14 days.

Navigation of pleasure yachts from Italian ports to foreign ports

There are no rules that expressly prohibit the transfer of pleasure yachts with any flag, from Italian ports to foreign ports; the crew, if not already on board, will have to prepare a special "self-certification" to reach the Italian port. It is advisable to check the opening of the ports and/or the presence of restrictions with the port authorities of the destination.

Navigation of pleasure yachts between Italian ports or from foreign ports to Italian ports, for repair/refit purposes

It is allowed to sail between Italian ports or from foreign ports to Italian ones for any Italian or foreign flagged pleasure yacht, whether for private or commercial use, justified by the need for repair/maintenance and refit to be carried out on the vessel as such activity (code ATECO 33.15 "Repair and maintenance of ships and boats") fall under Annex 3 of the DCPM and therefore not subject to suspension.

Shipbuilding activities

According to the Annex 3 of the Decree shipyards can resume their normal operations.

Maritime certificates expiring

The Ministry of Transport and Infrastructure has communicated that the Certificates held by the seafarers on board are automatically extended to 31 December 2020 without any need for any request by the seafarers concerned, in compliance with the following conditions: i) the extension, in relation to the expiry of the certification, may not be valid beyond 31.12.2020; ii) the extension is granted to seafarers already on board and in possession of



certificates of competency (Coc) expiring or to personnel ready for boarding.

**Regional legislation
regulating yachts delivery,
onboard maintenance
activities and dock
arrangements:**

ABRUZZO

- it is allowed to move, within the regional territory, within its municipality or in the municipalities where the vessels and/or pleasure boats are located, to carry out, for no more than once a day, only the activities of maintenance, repair and replacement of parts necessary for the protection of safety conditions and conservation of the vessel, by the shipowner, the owner or the seafarer with a valid contract of employment, exclusively under the provisions of the Decrees of the Presidency of the Council and all safety regulations relating to the containment of the COVID-19;
 - it is permitted, within the remittance activities, of the marinas or in specially equipped places, in consideration of the need to protect the vessel which could be exposed to irreparable damage due to a lack of maintenance and conservation activities, the maintenance activities of the vessels and/or pleasure boats, as well as the preparatory activities for moving them from the shipyard to the berth;
 - the boat storage depots and marinas in the maintenance areas must observe the obligation to comply with the regulations of the sector and any other measure aimed at protecting against contagion;
 - yachts services provided by third parties for maintenance work on board of pleasure boats at berth are permitted;
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- it is allowed, in the context of shipbuilding activity, the activity of "warehouse delivery" as well as activity preparatory to the displacement from the yard to the berth or related activity in any case finalized to the delivery, subject to prior notice to the Prefect

EMILIA-ROMAGNA

- yachts services provided by third parties for maintenance work on board of pleasure boats at berth are permitted;
- it is allowed, in the context of the shipbuilding activity, the "warehouse delivery", as well as the preparatory activity for the displacement from the shipyard to the berth or related activities in any case finalized to the delivery, subject to prior notice to the Prefect;

FRIULI-VENEZIA GIULIA

- yachts services provided by third parties and individually by the owners are permitted for maintenance work on board of pleasure boats at berth as well as for testing and delivery of the boats, as well as the arrangement of the docks for the performance of ordinary activities;

LAZIO

- it is allowed, within the shipbuilding activity, the activity of "warehouse delivery" is allowed, as well as the preparatory activity for the displacement from the shipyard to the berth or related activities in any case finalized to the delivery, subject to prior notice to the Prefect;
- it is allowed to move, within the regional territory, within its own municipality or in the municipalities where the vessels or pleasure craft are placed, to carry out, for no more than once a day, only the activities of maintenance, repair, and replacement of parts necessary for the protection of safety conditions and conservation of the vessel, by the shipowner, the owner or the seafarer with a regular contract of employment, exclusively under the provisions of the Decrees of the Presidency of the Council and all safety regulations relating to the containment of contagion from COVID-19;



- it is allowed the maintenance activity of vessels and pleasure boats, as well as a preparatory activity for moving from the shipyard to the berth in the context of berthing activity, marinas or specially equipped places and in consideration of the need to protect the vessel that could be exposed to irreparable damage due to poor maintenance and conservation activity;
- the berths and the marinas that have vessels in storage in the maintenance areas must observe the obligation to comply with sector regulations and any other measures aimed at protecting against contagion, also taking care to prohibit access to those who do not work in the sector.

LIGURIA

- yachts services provided by third parties for maintenance work on board of pleasure boats at berth;
 - maintenance and preparatory activity for the delivery of the vessels already fitted out by the shipyards and their movement from the shipyard to the berth are authorised after prior notification to the Prefect and the competent Maritime Authority and obtaining the consent of the social parties;
 - the activities must be carried out in full compliance with all the provisions currently in force in relation to the epidemiological emergency in place with particular regard to the contents of the "shared protocol regulating measures to combat and contain the spread of the covid-19 virus in the workplace" signed on 14 March 2020 between the Government and the social partners;
 - residents in the Liguria Region are allowed to move individually within the regional territory, within their own municipality or in the municipalities where the vessels they own are located, only to carry out the maintenance, repair and replacement of parts necessary for the protection of the safety conditions and conservation of the vessel by the
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shipowner, the owner or the seafarer with a regular employment contract, exclusively in compliance with the safety regulations relating to containment by COVID-19. It is compulsory to return to the usual home on the same day.

MARCHE

It is admitted and subjected to the notification to the Prefect:

- craft services provided by third parties for maintenance works on board of pleasure boats at berth;
- maintenance and preparatory activities for the delivery of the pleasure craft already fitted out by the shipyards and their movement from the shipyard to the berth are permitted subject to prior notification to the Prefect and the competent Maritime Authority and obtaining the consent of the social parties;

TUSCANY

- the activities relating to the delivery of the vessels already set up by the shipyards and their movement from the shipyard to the berth may be carried out subject to prior notification to the Prefect;
- this is without prejudice to the possibility of carrying out maintenance, surveillance and cleaning activities pursuant to Article 2, paragraph 12 of the Prime Ministerial Decree of 10 April 2020;

VENETO

- craft services provided by third parties are permitted for maintenance works on board of pleasure boats at berth as well as for trials, testing and delivery of the boats, as well as the arrangement of the docks for the performance of ordinary activities;

APULIA

- it is allowed to move individually within the regional territory to reach the owned pleasure boats, for the performance of
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maintenance and repair activities by the owner or the seafarer with a regular contract of employment, in compliance with safety regulations relating to the containment of the Covid-19 contagion, for no more than once a day.

PG LEGAL YACHTING TEAM:

GIANFRANCO PUOPOLO

Partner

E: g.puopolo@pglegal.it

LORENZO RANIERI

Partner

E: ranieri@pglegal.it

DOMENICO RINALDI

Partner

E: d.rinaldi@pglegal.it

LUCILLA MARGHERITA

Of Counsel

E: margherita@pglegal.it

SARA YAZDANI

Associate

E: yazdani@pglegal.it

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