

**ITALIAN REPUBLIC: DECLARATION PURSUANT TO ARTICLE 9 OF REGULATION (EC) NO 883/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 29 APRIL 2004 ON THE COORDINATION OF SOCIAL SECURITY SYSTEMS FOR THE REFERENCE YEAR ENDING 31 December 2021**

**I. DECLARATIONS REFERRED TO IN ARTICLE 1(L) OF REGULATION (EC) NO 883/2004**

NONE.

**II. LEGISLATION AND SCHEMES REFERRED TO IN ARTICLE 3 OF REGULATION (EC) NO 883/2004**

**1. Sickness benefits**

Benefits in kind

- **Law No 138 of 11 January 1943:** Foundation of the National Health Insurance Institute
- **Law No 833 of 23 December 1978:** Establishment of the National Health Service
- **Prime Ministerial Decree of 12 January 2017** establishing and updating the essential levels of healthcare (Livelli Essenziali di Assistenza - LEA)

Cash benefits

- **Royal Decree-Law No 1825 of 13 November 1924**, converted into Law No 562 of 18 March 1926: Provisions on private employment contracts;
- **Royal Decree-Law No 1827 of 4 October 1935:** Legislative improvement and coordination of social security
- **Royal Decree-Law No 1918 of 23 September 1937**, converted into Law No 831 of 24 April 1938: Health insurance for seafarers – Articles 6 and 7
- **Law No 138 of 11 January 1943:** Foundation of the National Health Insurance Institute
- **Legislative Decree No 708 of 16 July 1947:** Provisions on the National Welfare and Assistance Office for Workers in the Entertainment Business;
- **Law No 1486 of 16 October 1962:** Provisions on assistance for seafarers declared temporarily unfit to sail ('the Focaccia Law')
- **Article 4 of Presidential Decree No 602 of 30 April 1970:** Reorganisation of welfare and assistance for specific categories of workers who are members

of cooperative societies and bodies, including de facto, and who work for those societies or bodies;

- **Law No 1088 of 14 December 1970:** Improvement of financial benefits for citizens with tuberculosis.
- **Law No 33 of 29 February 1980:** Measures for financing the National Health Service.
- **Article 5 of Decree-Law No 317 of 11 July 1983:** Urgent measures on social security
- **Article 1(273) of Law No 266 of 23 December 2005:** Sickness allowances for local public transport workers.
- **Law No 296 of 27 December 2006:** Provisions for drawing up the annual and multiannual state budget (2007 Budget Law), Article 1(788) (daily sickness allowance for workers entered in the ‘Separate Management’ register of the INPS (National Social Security Institute))
- **Law No 214 of 22 December 2011:** Salva Italia [Save Italy] Decree - Article 24(26), extension of the daily sickness allowance to self-employed individuals entered in the ‘Separate Management’ register of the INPS (National Social Security Institute)
- **Decree-Law No 18 of 17 March 2020 converted into law, with amendments, by Law No 27 of 24 April 2020:** Measures to strengthen the National Health Service and provide financial support to families, workers and businesses in the context of the COVID-19 epidemiological emergency.

## 2. Maternity and equivalent paternity benefits

### Benefits in kind

- **Law No 138 of 11 January 1943:** Foundation of the National Health Insurance Institute
- **Law No 833 of 23 December 1978:** Establishment of the National Health Service

### Cash benefits

- **Royal Decree-Law No 1827 of 4 October 1935:** Legislative improvement and coordination of social security
- **Law No 1204 of 30 December 1971:** Protection of working mothers

(repealed by Legislative Decree No 151 of 26 March 2001)

- **Legislative Decree No 151 of 26 March 2001:** Consolidated text of legislative provisions relating to maternity and paternity protection
- **Law No 92 of 28 June 2012:** Provisions relating to reform of the labour market with a view to growth - Article 4(24), which lays down mandatory and voluntary paternity leave (entered into force on 18 July 2012)
- **Legislative Decree No 80 of 15 June 2015** implementing Article 1(8) and (9) of Delegation Law No 183/2014, which entered into force on 25 June 2015
- **Article 24 of Legislative Decree No 80 of 15 June 2015:** leave for women victims of gender-based violence, which entered into force on 25 June 2015
- **Law No 81 of 22 May 2017** concerning, inter alia, measures for maternity protection for women in non-entrepreneurial self-employment entered in the 'Separate Management' register, which was published in Official Gazette No 135 of 13 June 2017 and entered into force on 14 June 2017
- **Decree-Law No 30 of 13 March 2021**, converted, with amendments, into Law No 61 of 6 May 2021, provided inter alia for paid leave for parents with children suffering from Covid-19, self-isolating after contact or temporarily not taking part in teaching activities in person
- **Decree-Law No 73 of 25 May 2021**, converted, with amendments, into Law No 106 of 23 July 2021, amended Legislative Decree No 151 of 26 March 2001 by inserting Article 59a on '*Work in the entertainment sector*'
- **Decree-Law No 146 of 21 October 2021**, converted, with amendments, into Law No 215 of 17 December 2021, introduced '*Parental leave*' for working parents caring for children under the age of 14 living with them and infected with SARS CoV-2, self-isolating after contact or temporarily not taking part in teaching or educational activities in person
- **Law No 238 of 23 December 2021 amended Article 75 of Legislative Decree No 151/2001**, on '*Maternity allowance for persons in atypical and discontinuous employment*' by extending residence permits for non-EU nationals, which are required for accessing the benefit.
- Article 1(234) of **Law No 239 of 30 December 2021 (the 2022 Budget Law)** extended the maternity/paternity allowance by a further 3 months for workers referred to in Articles 64, 66 and 70 of Legislative Decree No 151 of 26 March 2001 who, in the year preceding the beginning of the maternity period, declared an income of less than EUR 8 145, reassessed annually; under Article 1(134) of that Law, the compulsory and optional paternity leave introduced on an experimental basis by Article 4(24)(a) of Law No 92 of 28 June 2012 was made structural.

### 3. Invalidity benefits

- **Royal Decree-Law No 1827 of 4 October 1935:** Legislative improvement and coordination of social security
- **Law No 222 of 12 June 1984:** Revision of the rules on invalidity pensions
- **Law No 335 of 8 August 1995:** Reform of the mandatory and supplementary pension system

### 4. Old-age benefits

- **Royal Decree-Law No 1827 of 4 October 1935:** Legislative improvement and coordination of social security
- **Law No 153 of 30 April 1969:** Revision of pension regulations and social security rules (establishing the retirement pension)
- **Legislative Decree No 503 of 30 December 1992:** Rules for reorganisation of the social security system for private- and public-sector workers, pursuant to Article 3 of Law No 421 of 23 October 1992. Entry into force: 1 January 1993. (Amato Reform – the changes to the rules include introduction of an old-age pension with 15 years of contributions in the case of contributions acquired by 31 December 1992 or authorisation to pay voluntary contributions by that date);
- **Law No 335 of 8 August 1995:** Reform of the mandatory and supplementary pension system
- **Law No 243 of 23 August 2004:** ‘Pension rules and government powers in the public pensions sector to support supplementary pensions and stable employment and to reorganise mandatory pension and assistance bodies’
- **Decree-Law No 78 of 31 May 2010:** Urgent measures for the stabilisation of public finances and economic competitiveness, converted into law, with amendments, by Law No 122 of 30 July 2010. Entry into force: 31 May 2010. (the various measures include introducing the concept of ‘life expectancy’ into the social security system and gradually increasing the old-age pension age to 65 for women employed in the public sector, in line with Judgment No C-46/07 of 13 November 2008 of the Court of Justice of the European Communities).
- **Law No 18 of 12 November 2011:** Provisions for drawing up the annual and multiannual state budget. Entry into force: 1 January 2012, with the exception of paragraphs 7, 9, 29, 31, 35 and 36 of Article 33, which enter into force on 14 November 2011. (The 2012 Stability Law raises the statutory old-age pension age to a minimum of 67).
- **Decree-Law No 201 of 6 December 2011,** converted into Law No 214 of 22 December 2011: Urgent provisions for growth, equity and consolidation of

public finances, Article 24 (provisions relating to retirement benefits). Entry into force: 1 January 2012

- **Law No 190 of 23 December 2014:** 2015 Stability Law (Official Gazette No 300 of 29 December 2014 - Ordinary Supplement No 99), which entered into force on 1 January 2015

- **Law No 232 of 11 December 2016:** 2017 Stability Law, Official Gazette No 297 of 21 December 2016 - Ordinary Supplement No 57 (entered into force 1 January 2017)

- **Law No 205 of 27 December 2017:** Estimated State budget for the 2018 financial year and multiannual budget for the three-year period 2018-2020. Official Gazette No 302 of 29 December 2017 - Ordinary Supplement No 62, more favourable pension requirements for *lavoratori precoci* (persons with 12 months of contributions before age 19) and for those engaged in strenuous activities. Entry into force: 1 January 2018.

- **Law No 145 of 30 December 2018:** Estimated State budget for the 2019 financial year and multiannual budget for the three-year period 2019-2021 Official Gazette No 302 of 31 December 2018. Entry into force: 1 January 2019. Establishment of the “Fund for the revision of the pension system via the introduction of additional forms of early retirement and measures to encourage the recruitment of young workers”; automatic equalisation of pensions; reduction of “golden pensions”;

- **Law No 178 of 30 December 2020:** Estimated State budget for the 2021 financial year and multiannual budget for the three-year period 2021-2023. Official Gazette General Series No 322 of 30 December 2020 - Ordinary Supplement No 46. Entry into force: 1 January 2021

**Article 1(336)** (Extension of the Opzione donna [Woman’s Option] scheme) - opening up this scheme to female workers who have met the requirements by 31 December 2020 rather than by 31 December 2019.

**Article 1(339)-(340)** (Extension of the APE sociale [Social early retirement pension] scheme) - extension for the whole of 2021 of the trial of the APE sociale scheme (Article 1(179) of the 2017 Budget Law, Law No 232/2016).

**Article 1(346)-(348)** (Ninth pension protection measure) – these paragraphs allow the rules on pension requirements and on the associated start dates that were in force before 6 December 2011 (date of entry into force of the Fornero Pension Reform, Article 24 of Decree-Law No 201/2011) to be applied to a group of 2 400 individuals in certain case types.

**Article 1(350)** (Contribution record requirements for pension purposes for cyclical part-time work with the same employer [part time verticale ciclico]) - this provision concerns the calculation of the pension contribution record for workers with contracts for cyclical part-time work with the same employer. This is a working arrangement whereby workers work only in some weeks of the month or some months of the year, alternating with periods of inactivity.

## 5. Survivors' benefits

- **Royal Decree-Law No 636 of 14 April 1939:** Amendment of provisions on mandatory insurance
- **Law No 335 of 8 August 1995:** Reform of the mandatory and supplementary pension system

## 6. Benefits in respect of accidents at work and occupational diseases

### (Basic legislation)

- **Presidential Decree No 1124 of 30 June 1965:** Consolidated text of the provisions relating to mandatory insurance against accidents at work and occupational diseases
- **Legislative Decree No 38 of 23 February 2000:** Provisions regarding insurance against accidents at work and occupational diseases

### (New supplementing legislation)

- **Interministerial Decree of 27 February 2019,** adopted pursuant to Article 1(1121) of the 2019 Budget Law (Law No 145/2018): Revision of INAIL (National Institute for Insurance against Accidents at Work) premiums
- **Law No 145 of 30 December 2018** (2019 Budget Law). Domestic accident insurance (Article 1(534) to (535)). Amendments to the maximum age limit for insurance policy cover and reduction of the minimum degree of permanent incapacity for entitlement to a pension
- **Decree of the Ministry of Labour and Social Policy of 19 July 2018.** Reassessment of the amounts of financial benefits for personal injury with effect from 1 July 2018 to 30 June 2019
- **Decree No 147 of the Ministry of Labour and Social Policy of 17 October 2019.** Reassessment of the amounts of financial benefits for personal injury with effect from 1 July 2019 to 30 June 2020.
- **Decree No 60 of the Ministry of Labour and Social Policy of 25 March 2021.** Reassessment of the amounts of financial benefits for personal injury with effect from 1 July 2020 to 30 June 2021.

## 7. Death grants:

### Financial benefits for accidents at work and occupational diseases

- **Death grants** (solely in the event of death resulting from an accident at work):

### (Basic legislation)

- **Presidential Decree No 1124 of 30 June 1965** – Article 85 of the provisions relating to mandatory insurance against accidents at work and occupational diseases

(New supplementing legislation)

- **Law No 145/2018 (2019 Budget Law)**, which raised the amount of the funeral grant to EUR 10 000.00 and also revised, with effect from 1 January 2019, certain conditions for entitlement to the survivor's pension laid down in Article 85 of Presidential Decree No 1124/1965

## 8. Unemployment benefits

- **Royal Decree-Law No 1827 of 4 October 1935**: Legislative improvement and coordination of social security
- **Viceregal Legislative Decree No 788 of 9 November 1945**: Establishment of the wages guarantee fund
- **Law No 223 of 23 July 1991**: Rules relating to the wages guarantee fund, mobility and unemployment benefits
- **Presidential Decree No 333 of 10 October 2000**, Article 1(2): Implementing regulation laying down rules regarding disabled persons' right to work (Law No 68 of 12 March 1999)
- **Law No 244 of 24 December 2007 (2008 Budget Law)**, Article 1(27) to (29). The law provides for the reform and strengthening of the system of benefits for the unemployed
- **Law No 92 of 28 June 2012**: Provisions relating to reform of the labour market with a view to growth, Article 2 (Social safety nets). Entry into force: 1 January 2013
- **Law No 183 of 10 December 2014**: Delegation of powers to the government concerning the reform of social safety nets, employment services and active policies, as well as the revision of the rules on employment relationships and inspection activities and the protection and balancing of care, life and work needs. (Official Gazette, General Series No 290 of 15 December 2014). Entry into force of the measure: 16 December 2014, Reform of the Wages Guarantee Fund
- **Legislative Decree No 22 of 4 March 2015**: Provisions for the revision of legislation concerning social safety nets in the case of involuntary unemployment and the redeployment of unemployed workers, implementing Law No 183 of 10 December 2014 (Official Gazette No 54 of 6 March 2015). Entered into force on 7 March 2015 (reform of unemployment benefits)
- **Legislative Decree No 148 of 14 September 2015**: Provisions for the revision of legislation concerning social safety nets during employment,

implementing Law No 183 of 10 December 2014. (Official Gazette No 221 of 23 September 2015 - Ordinary Supplement No 53). Entered into force on 24 September 2015

- **Legislative Decree No 150 of 14 September 2015**: Provisions for the revision of legislation concerning employment services and active policies, pursuant to Article 1(3) of Law No 183 of 10 December 2014

- **Law No 208 of 28 December 2015**: Provisions for drawing up the annual and multiannual State budget (Article 1(310))

- **Decree-Law No 244 of 30 December 2016**, converted, with amendments, into Law No 19 of 27 February 2017: Extension and setting of deadlines

- **Law No 81 of 22 May 2017**: Measures to safeguard non-entrepreneurial self-employment and measures to encourage flexibility in employees' working hours and in where they work

- **Decree-Law No 101 of 3 September 2019**, converted, with amendments, into Law No 128 of 2 November 2019: Urgent provisions to safeguard employment and resolve crises in companies (Article 2 'Amendments to Legislative Decree No 22/2015')

- **Law No 178 of 30 December 2020**: Estimated State budget for the 2021 financial year and multiannual budget for the three-year period 2021-2023 (Article 1(386)-(400) - ISCRO (Extraordinary Income and Operational Continuity Allowance)).

- **Decree-Law No 73 of 25 May 2021**, converted, with amendments, into Law No 106 of 23 July 2021: Urgent measures relating to the Covid-19 emergency for businesses, work, young people, health and local services (Article 66 – ALAS unemployment benefits for self-employed workers in the entertainment industry);

- **Law No 234 of 30 December 2021**: Estimated State budget for the 2022 financial year and multiannual budget for the 2022-2024 three-year period (Article 1(221) and (223) - Reform of NASpI [Nuova Assicurazione Sociale per l'Impiego (New Social Insurance for Employment)] and DIS-COLL [Indennità di disoccupazione per i lavoratori con rapporto di collaborazione coordinata e continuativa (Unemployment allowance for workers in a coordinated and continuous cooperation relationship)].

## **9. Pre-retirement benefits**

- **Law No 223 of 23 July 1991**: Rules relating to the wages guarantee fund, mobility and unemployment benefits, Article 19

- **Law No 133 of 6 August 2008**: Urgent provisions for economic development



- **Decree-Law No 201 of 6 December 2011:** Urgent provisions for growth, equity and consolidation of public finances, converted into law by Law No 214 of 22 December 2011. Entry into force: 1 January 2012. Introduced the early-retirement pension replacing the retirement pension;
- **Decree-Law No 4 of 28 January 2019:** Urgent measures regarding the guaranteed minimum income and pensions, converted into law, with amendments, by Law No 26 of 28 March 2019. Entry into force: 29 January 2019. Introduced the ‘Quota 100’ pension measure, meaning retirement at the age of 62 with 38 years of contributions;
- **Law No 234 of 30 December 2021:** Estimated State budget for the 2022 financial year and multiannual budget for the three-year period 2022-2024

## 10. Family benefits

- **Presidential Decree No 797 of 30 May 1955:** Consolidated text concerning family allowances
- **Decree-Law No 69 of 13 March 1988,** converted into Law No 153 of 13 May 1988: Social security rules (introducing the ‘family unit allowance’)
- **Law No 76 of 20 May 2016:** Provisions on same-sex civil partnerships and registered cohabitations. (Official Gazette, General Series No 118 of 21 May 2016). Entry into force: 5 June 2016.
- **Decree-Law no 79 of 8 June 2021,** converted, with amendments, into Law No 112 of 30 July 2021 laying down ‘Urgent measures concerning temporary allowance for minor children’, which also provided for an increase in the amounts of the Family Unit Allowance (ANF), which provided that, from 1 July 2021 until 31 December 2021, with reference to the monthly amounts in force, which were higher than zero and received by the beneficiaries, relating to the Family Unit Allowance referred to in Article 2 of Decree-Law No 69/1988, converted, with amendments, into law by Law No 153/1988, grants an increase of EUR 37.50 for each child, for family units of up to two children, and EUR 55 for each child, for family units of at least three children;
- Article 10(3) of **Legislative Decree No 230 of 29 December 2021** provides that: *‘With effect from 1 March 2022, only households with children and orphans shall cease to be granted the benefits referred to in Article 2 of Decree-Law No 69 of 13 March 1988, converted, with amendments, into law by Law No 153 of 13 March 1988, and in Article 4 of the consolidated text of laws concerning family allowances, approved by Presidential Decree No 797 of 30 May 1955. Consequently, the resources to be transferred to the INPS are reduced as a result of the lower needs relating to the actual requirements arising from the benefits referred to in the first sentence’;*
- Article 11 of **Legislative Decree No 230 of 29 December 2021** amends Decree-Law No 79/2021, converted, within amendments, into Law No 112/2021, specifying that increases in the amounts of the Family Unit Allowance will be recognised up until ‘28 February 2022’, rather than the previous provision of until ‘31 December 2021’.

#### **11. Special non-contributory cash benefits**

- Social pensions for persons without means (**Law No 153 of 30 April 1969**);
- Pensions and allowances for the civilian disabled or invalids (**Laws No 118 of 30 March 1971, No 18 of 11 February 1980 and No 508 of 23 November 1988**);
- Pensions and allowances for the deaf and dumb (**Laws No 381 of 26 May 1970 and No 508 of 23 November 1988**);
- Pensions and allowances for the civilian blind (**Laws No 382 of 27 May 1970 and No 508 of 23 November 1988**);
- Benefits supplementing the minimum pensions (**Laws No 218 of 4 April 1952, No 638 of 11 November 1983 and No 407 of 29 December 1990**);
- Benefits supplementing disability allowances (**Law No 222 of 12 June 1984**);
- Social allowance (**Law No 335 of 8 August 1995**);
- Social increase (**Article 1(1) and (12) of Law No 544 of 29 December 1988, as amended**).
- **Decree No 76/2020**, converted, with amendments, into Law No 120/2020, Article 29-ter of which introduces important measures to simplify the procedures for assessing invalidities and disabilities, laying down that the medical commissions set up to assess impairments may draw up first-instance reports and revised reports on the basis of documents only. The only condition laid down in law is that health documentation allowing an objective assessment must be available.
- **Article 12-ter of Decree-Law No 146 of 21 October 2021**, inserted on conversion into law by Law No 215 of 17 December 2021, redefined the concept of inactivity as laid down in Article 13 of Law no 118 of 30 March 1971. More specifically, *‘the requirement of inactivity laid down in Article 13 of Law No 118 of 30 March 1971 shall be deemed to be satisfied where the partly disabled person is engaged in an activity with income lower than the limit laid down in Article 14-septies of Decree-Law No 663 of 30 December 1979, converted, with amendments, by Law No 33 of 29 February 1980, for the grant of the monthly allowance referred to in the aforementioned Article 13’*.

### **III. CONVENTIONS ENTERED INTO AS REFERRED TO IN ARTICLE 8(2) OF REGULATION (EC) NO 883/2004**

NONE.

**IV. MINIMUM BENEFITS AS REFERRED TO IN ARTICLE 58 OF REGULATION (EC) NO 883/2004**

- Benefits supplementing the minimum pensions (Law No 218 of 4 April 1952; Law No 638 of 11 November 1983; Law No 407 of 29 December 1990, as amended).

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**V. POSSIBILITY FOR THE CATEGORIES OF SELF-EMPLOYED WORKERS TO BE COVERED BY A SYSTEM OF UNEMPLOYMENT BENEFITS (ARTICLE 65 BIS OF REGULATION (EC) NO 883/2004) AND RELEVANT LEGAL REFERENCES**

Italian legislation does not provide for the coverage of self-employed workers in the event of unemployment.

**REGULATION (EC) NO 883/2004 HAS APPLIED TO THE AFOREMENTIONED LEGISLATION SINCE 1 MAY 2010. THE REGULATION HAS APPLIED TO ALL LAWS INTRODUCED AFTER THAT DATE FROM THEIR ENTRY INTO FORCE.**

*The official legal acts website can be found at: [www.gazzettaufficiale.it](http://www.gazzettaufficiale.it)*