

newsletter
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**REGULATION
AND PRACTICE**



Studio
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CONSULENZA
DEL LAVORO E FISCALE

Repositioning check request: extension of the term if expiring on a public holiday

ANPAL, with note no. 11122 of 7 September 2018, provides brief clarifications on the request for repositioning check. It is specifically clarified that, if expiry date of requests (30 days from signature of the repositioning agreement) for repositioning checks falls on a public holiday, this is postponed to the next working day. It is further clarified that, for agreements signed prior to the activation of the portal <http://adrcigs.anpal.gov.it>, only requests submitted within 30 days from the activation (i.e. by 24 August 2018) will be processed.

Joint liability: non-derogation by collective agreements

With opinion no. 5 of 13 September 2018, the Ministry of Labor specifies some details on the derogation of joint liability, stating that:

- the introduction of art. 2, Law Decree no. 25/2018, changes the regulation allowing derogation to joint liability by collective agreements, via the elimination of the clause allowing said negotiations;
- this is effective towards situations that didn't arise prior to March 17, 2017.

Extension of social safety nets for employees struck by the earthquake

INPS, with message no. 3277 of 5 September 2018, informs that it is possible, also for 2018, to request social safety nets for employees (subordinate, parasubordinate and self-employed) affected by the earthquakes that struck Abruzzo, Lazio Marche and Umbria from 24 August 2016.

Issue of DID from EU citizen: clarifications from ANPAL on residency as a requisite

ANPAL, with circular message no. 4 of 29 August 2018, clarifies some issues on the requisite of residency and on the release, by European citizens, of the declaration of immediate availability (DID). The Agency specifies that DID may be released by EU citizens resident in Italy (art. 45 of TFUE and of Directive 2004/38/EU). The requisite of residency specified under art. 11, par. 1, let. c) of Legislative Decree no. 150/2015, must necessarily be read in relation with the principle of free circulation of workers and not as an obstacle to the actual protection and equal treatment of EU citizens, towards a concrete and true support in the search for work.

Self-employed workers in agriculture and cumulation of income with NASpl unemployment treatment

INPS, with message no. 3460 of 21 September 2018, provided clarifications on the cumulation of income from self-employed work in agriculture and NASpl unemployment treatment. For audits from local structures upon the cumulation, allowed within the limit of € 4.800/year, said income must be intended as the one defined as agricultural income by art. 32 of TUIR, if related limits are respected, or in corporate income, if said limits are exceeded.