



CERHA HEMPEL Legal Alert *State of Emergency in Romania*

Measures Applied During the State of Emergency, in the Context of COVID-19 Outbreak

Romania is, as of 16 March 2020, under state of emergency, as per the Decree issued by the President of Romania (the “Decree”) and unanimously approved by the Romanian Parliament. The state of emergency is set for 30 days, with the possibility of prolongation.

In order to limit the spread of COVID-19, the exercise of certain rights will be limited during the state of emergency, among which: (i) free circulation, (ii) the freedom of meeting, (iii) the right of private property, (iv) the economic freedom.

For the above-mentioned purpose and during the state of emergency, the following two types of measures will be imposed:

1. Specific measures with direct and immediate applicability, such as:

• in relation to the public order

- the exercises, simulations, applications and any activities that may interfere with the measures taken by the competent authorities intended to limit and combat the spread of COVID-19 infections are suspended, except for those of military character in the training areas.

• in relation to the economy

- public authorities may requisition units and equipment necessary for the fight against the epidemic;
- certificates for the state of emergency may be issued based on justifying documents by the competent authority;
- the continuity in supply, respectively extraction, production, processing, transport, distribution, supply, maintenance and repair of resources and raw and / or semi-processed

materials necessary for the proper functioning of the national energy system, as well as ensuring the continuity of all public utility services will be ensured;

- the validity of the documents issued by the public authorities which expire during the state of emergency is maintained;
- the prices for medicine, medical equipment, food of strict necessity and for public utility services (electricity and heat, gas, water supply, sanitation, fuels, etc.) may be capped up to the average price of the last 3 months prior to the state of emergency.

• in relation to labor and social security

- derogations from the legal provisions in force may be granted;
- social protection measures will be implemented by order of the Minister of Labor and Social Protection for employees and their families who act in the economic sectors where the activity is affected or totally or partially terminated by decisions of the public authorities, during the state of emergency;
- the work from home or in teleworking regime is applied, where possible, by unilateral act of the employer;
- control activity of the Territorial Labor Inspectorates are suspended, except for the controls ordered by the Minister of Labor and Social Security, of the ones ordered by the Labor Inspectorate for the implementation of the decisions of the National Committee for Special Emergency Situations, respectively of the ones stemming from complaints against acts endangering social safety or for investigating labor accidents etc;
- the validity of collective labor agreements and collective agreements is preserved.

• in relation to justice

- prescriptions and deadlines of any kind do not start to run, respectively, if they began



lapsing, are suspended for the duration of the state of emergency;

- the courts continue their activity in the cases of special emergency; the other cases are suspended by law during the state of emergency and the deadlines for exercising the remedies which are in progress at the date of the decreeing the state of emergency, are interrupted, and will be followed by new similar terms, upon termination of the state of emergency. After the state of emergency ceases the cases will be resumed ex officio;
- the public enforcement activity continues only provided that the compliance with the sanitary discipline rules is possible;
- specific rules are provided for the criminal cases;
- the Trade Register activity is carried out through electronic means, as per the law.

- **other measures**

- the central and local public administration authorities will organize their activity so as to avoid, as far as possible, direct contact between persons, including by using electronic means of communication;
- the public authorities and institutions will impose measures required to ensure the optimal performance of the activity, in compliance with the sanitary discipline rules, prioritising the prevention and reducing the risk of disease. The police and other relevant law enforcement forces are obliged to support the prompt and effective fulfilment of such measures;
- private entities will contribute to the public information campaign on the measures taken and the activities carried out at national level;
- the legal deadlines for responding to the requests for access to information of public interest, as well as complaints are doubled.

2. Specific gradual measures, to be considered and disposed by the Minister of Internal Affairs, such as:

- the gradual closing of the crossing points of the state border; so far, the drivers of vehicles exceeding 3.5 tonnes must have upon them, at the border crossing point, individual protection equipment (face masks, gloves, disinfectant) and should carry documents attesting the itinerary, with specific provisions for vehicles which have passed through red or yellow areas;
- limiting or prohibiting the movement of vehicles or persons in/to certain areas or between certain hours, as well as the exit from those areas, which translated so far in the suspending of cultural, scientific, artistic, religious, sports, entertainment or gambling, spa treatment and personal care activities, whereas events involving more than 100 individuals are prohibited;
- gradual prohibition of road, rail, maritime, river or air traffic on different routes, as well as of the subway;
- temporary closing of restaurants, hotels, cafes, clubs, casinos, headquarters of associations and other public places, which was already applied starting with 18 March 2020; by way of exception, "drive-in", "room-service" or home delivery services are allowed;
- identification and seizing of stocks, production and distribution facilities, protection equipment, disinfectants and medicines used, or which can be used in the treatment of COVID-19.

Notwithstanding the above, one can expect further measures by the authorities and changes in the social behaviour of the people caused by the - so far only recommended- social distancing, all leading to further impact on the ongoing activity of the companies.



For more information

Mirela Nathanzon
Managing Partner Romania
mirela.nathanzon@cerhahempel.com

Media owner and publisher: **CERHA HEMPEL Rechtsanwälte GmbH**, Parkring 2, A-1010 Vienna | Tel: +43 1 514 350 Fax: +43 1 514 35 35 | email: office@cerhahempel.com | Although this newsletter was created with the greatest of care, we nevertheless do not accept any responsibility whatsoever for its content being correct, complete or up to date | [Visit us at www.cerhahempel.com](http://www.cerhahempel.com) | **CERHA HEMPEL** Austria Belarus Bulgaria Czech Republic Hungary Romania Slovak Republic