

23 March 2020

COVID-19 Legal Insights



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1. **Military Ordinance No. 2 of 21 March 2020 passed by the Ministry of Interior**

Details concerning the set of new measures to be complied with while the state of emergency is effective

Further to the entry into force of the Military Ordinance No. 2 of 21 March 2020 (“**Ordinance No. 2**”), a series of new measures have been adopted and must be complied with throughout the entire duration of the state of emergency, which is in force as of 16 March 2020.

1. **Suspension of retail activities in shopping malls**

Starting 22 March 2020, 10:00 PM, retail activities involving products and services in commercial centres where multiple economic operators activate are temporarily suspended.

By way of exception, the following shall be allowed: (i) sale of food; (ii) sale of veterinary or pharmaceutical products; and (iii) cleaning services.

2. **Movement recommendations and restrictions. Avoiding the formation of groups**

The following measures have been adopted as regards movement of persons outside homes/households:

- a) Between 06:00 AM and 10:00 PM, **it is recommended** for the movement of persons outside their homes/households to be carried out only for the following reasons: (i) professional interest; (ii) for procuring food that covers basic needs and goods required for one’s professional activity; (iii) healthcare that cannot be postponed or provided remotely; (iv) justified reasons (e.g. childcare, assistance for the ill); (v) short trips related to individual physical activities or to pets’ needs;
- b) Between 10:00 PM and 6:00 AM, persons’ movement outside homes/households **is allowed solely for the reasons described under letter a) above**. For enabling the competent authorities to check the reasons for said movement, the persons shall present, upon request, a certificate issued by the employer or a statement at one’s own responsibility. These provisions are applicable *starting 23 March 2020, 10:00 PM*.

Any movement outside one’s home/household shall be carried out by avoiding formation of a group

of persons (*i.e.*, the coming together of more than 3 persons who do not live together).

3. Forbidden entry on Romanian territory of foreign citizens and stateless persons

Starting 22 March 2020, 10:00 PM, the entry on Romanian territory of foreign citizens and stateless persons through the state border crossing points shall be forbidden.

Ordinance No. 2 sets forth a series of exceptions from the above-mentioned rule, such as the cases when foreign citizens and stateless persons:

- a) Transit the Romanian territory via transit corridors organized through agreements with the neighbouring states;
- b) Are family members of Romanian citizens or of citizens of other EU Member States, of the European Economic Area, or of the Swiss Confederation, residing in Romania;
- c) Hold a long-stay visa, a residence permit or an equivalent document;
- d) Are diplomatic or consular staff, staff of international organizations, military staff or staff who can provide humanitarian aid;
- e) Are traveling for imperative reasons (medical or family-related);
- f) Need international protection or for other humanitarian reasons.

4. Measures against persons that fail to observe self-isolation/quarantine measures

In addition to misdemeanour-related or criminal penalties, applicable as appropriate, the competent authorities are also entitled to take the following measures against the individuals undergoing self-isolation or quarantine who leave the imposed locations without the authorities' approval:

- a) Persons that fail to observe self-isolation shall be deemed highly contagious and shall be placed under guarded institutionalized quarantine;
- b) Persons that fail to observe quarantine shall undergo quarantine for an additional 14-day period.

The above-mentioned measures shall apply *starting 22 March 2020*.

5. Other measures passed under Ordinance No. 2

The measures adopted by Ordinance No. 2 and applicable starting *22 March 2020, 10:00 PM*, also include the following:

- a) The activity of dental medicine practices is temporarily suspended, except for emergency interventions;
- b) Religious service shall be allowed subject to the following restrictions: (i) service may take place in places of worship and shall be broadcast in the mass-media or online, without public access; (ii) private religious ceremonies (baptism, wedding, funeral, communion for the ill) may be held provided that the number of participants is of

maximum 8 individuals.

6. Support and assistance

Our firm is committed to support all measures intended to limit the spread of COVID-2019 epidemic. Our working capacities are not affected, and our team has all the necessary resources available to continue working remotely and offering support to the persons affected by the unfolding events.

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Editors

COVID-19 - Legal Insights is our response to the COVID-19 outbreak. We shall keep you informed on the various legal challenges posed by the coronavirus, thanks to a dedicated practice group comprising lawyers with different backgrounds, such as compliance/regulatory, corporate and commercial, insurance, labour and employment, litigation and arbitration, insolvency, public procurement, data privacy, tax and customs. In addition, our taskforce offers strategic advice on crisis-specific matters: corporate restructuring, review and (re)negotiation of agreements (including collective bargaining agreements and individual employment contracts), performance of the contracts which are affected by force majeure and hardship, unblocking pre-litigation relationships, etc. To be up to date with the news in these matters, you may access the resources available at the following link: <http://www.tuca.ro/covid-19/>



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