

26 March 2020

COVID-19 Legal Insights



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1. **Military Ordinance No. 3 of 24 March 2020 passed by the Ministry of Interior**

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

On 24 March 2020, a new military ordinance was passed - Military Ordinance No. 3/24 March 2020 (“**Ordinance No. 3**”) - which enforced new and more restrictive measures that must be observed throughout the state of emergency, which has come into force on 16 March 2020.

The purpose of Ordinance No. 3 is to strengthen the measures adopted by the Romanian State in combating the COVID-2019 pandemic and to prevent as much as possible its negative effects.

1. **Tightening of movement restrictions**

1.1. Provisions of Ordinance No. 3

Starting 25 March 2020, 12 PM, new restrictions were added as regards movement of persons outside homes/households. Movement outside homes/households shall be allowed for the following reasons only:

- a) Out of professional interest;

**Persons that are 65 years old or over* may leave their homes/households for this purpose.

- b) Procurement of goods that cover basic human needs and the needs of pets/household animals, as well as goods required for one’s professional activity;

**Persons that are 65 years old or over* shall be able to leave their homes/households in order to procure goods that cover basic human needs and the needs of pets/household animals solely from 11 AM to 1 PM.

- c) Healthcare that cannot be postponed or performed remotely;

**Persons that are 65 years old or over* shall be able to leave their homes/households for this purpose solely from 11 AM to 1 PM.

- d) Justified reasons, such as caring for/accompanying a child, assistance of the elderly, the ill or

the disabled or death of a family member;

**Persons that are 65 years old or over* shall be able to leave their homes/households for this purpose solely from 11 AM to 1 PM.

e) Short trips, near the home/household, related to individual physical activity (excluding any team sports) and for the needs of pets/household animals;

**Persons that are 65 years old or over* shall be able to leave their homes/households for this purpose solely from 11 AM to 1 PM.

f) Blood donation in centres of blood transfusion;

**Persons that are 65 years old or over* shall be able to leave their homes/households for this purpose while this measure is effective.

g) Humanitarian or volunteer work;

**Persons that are 65 years old or over* shall be able to leave their homes/households for this purpose while this measure is effective.

h) Agricultural work;

**Persons that are 65 years old or over* shall be able to leave their homes/households for this purpose.

i) Movement of agricultural producers seeking to sell their agro-food products.

**Persons that are 65 years old or over* shall be able to leave their homes/households for this purpose while this measure is effective.

In order to prove the reasons for leaving homes/households, individuals shall present to the competent authorities the staff card or a certificate issued by employers, or, as applicable, a statement on one's own responsibility, filled in beforehand, which shall indicate the name and surname, the date of birth, the home address (i.e. *de facto* address as at the date of the statement), the reason for leaving the home/household and the destination, the date of fill-in and the signature.

1.2. Remarks concerning the concepts of home and household

The movement restrictions established by Ordinance No. 3 (similarly to Military Ordinance No. 2/21.03.2020) rely on the concepts of home and household.

In accordance with Housing Law No. 114/1996, **home** means a construction consisting of one or several inhabitable rooms, with the required annexes, facilities and utilities, which satisfies the living needs of a person or of a family. According to Housing Law No. 114/1996, family means the spouses, children and spouses' parents, who live together and share domestic tasks.

The law sets forth definitions for **household** in Ordinance No. 28/2008 on the agricultural register (which defines a household as all family members, relatives or other persons living together and sharing domestic tasks, with a common budget, and who work the land together or breed animals, consume and use together the agricultural products they obtained, as applicable) and in Social Assistance Law No. 292/2011 (which defines households as units consisting of several families and/or

persons living together and contributing to the purchase or making of goods and to earning of income based on selling said goods or consuming such goods together). Therefore, household is a broader concept than “home” as it refers to cases when several persons (who are not necessarily a family) live together and contribute to their cohabitation.

The provisions of Ordinance No. 3 indicate that what is relevant for the imposed movement restrictions is the home used *de facto*, not the official domicile (*i.e.* the address appearing on the identification document), as it is naturally possible for the home address to differ from the domicile address (e.g. the case of persons that have their domicile address in their hometown, while temporarily living in another city).

2. Additional activities allowed in commercial centres

Military Ordinance No. 2/21.03.2020 temporarily suspended retail activities involving products and services in commercial centres where multiple economic operators activate, except for (i) sale of food; (ii) sale of veterinary or pharmaceutical products; and (iii) cleaning services. Ordinance No. 3 added to the list of exceptions by also including the following activities that may be allowed inside commercial centres *starting 24 March 2020*: (i) sale of electronic products and household appliances by operators that ensure home/office delivery; (ii) sale of medical optics products and services.

3. Measures related to entry on Romanian territory

Starting 25 March 2020, 12 PM, all persons entering Romania shall be placed under self-isolation at their homes or under quarantine, as applicable, regardless of the country that they are arriving from.

Starting 25 March 2020, 11 PM (Bucharest time), all flights by airlines to France or Germany from Romania and from France or Germany to Romania, for all airports in Romania, shall be suspended for 14 days. This measure shall not apply to flights using State aircraft, cargo flights and mail flights, humanitarian flights or to those providing emergency medical services, as well as to non-commercial technical authorisations.

4. New obligations to be complied with when working with the public

Starting 24 March 2020:

- a) Public bodies/economic operators shall mark areas intended for citizen/customer access and public relations/selling areas with visible signs, which shall guide people in observing a safety distance of at least 1.5 meters;
- b) Managers of agri-food markets shall organize activity so as to keep social distance between agricultural producers, traders and customers; moreover, traders and agricultural producers shall wear masks and gloves. Based on the legal provisions, agricultural producers and traders have an obligation to procure such products by themselves, which may prove problematic and, possibly, could generate temporary disruptions in their activity, considering that the

unavailability of masks and gloves due to high demand is well-known.

5. Other measures passed under Ordinance No. 3

The measures adopted by Ordinance No. 3 also include the following:

- a) Upon request of the Ministry of Interior, the Ministry of National Defence shall ensure staff and logistics in support of public order activities (actions which, according to public information, have already been put into practice since 25 March 2020), and in support of the work of the Romanian Border Police at the state border crossing points;
- b) The national security institutions shall design communication systems and software applications for a real-time and permanent communication with persons placed under quarantine and self-isolation so as to check whether quarantine or self-isolation measures are observed;
- c) Official documents issued by the public authorities, expiring while the state of emergency is effective, may be renewed within 90 days after the state of emergency ceases.

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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