

**Decree**  
**On the establishment of the state of emergency**  
**in the territory of Romania**

**Annex no. 1**

**MEASURES**  
**of first emergency with direct applicability**

Chapter I

**Public Order Domain**

**Article 1**

The Local Police is being subordinated operationally to the Ministry of Internal Affairs.

**Article 2**

The community public services of population records are being subordinated to the territorial police units, which shall establish the support activities these services shall undertake.

**Article 3**

The voluntary firefighters' services (emergency situations) are being operationally subordinated to the emergency situation territorial units, which shall establish the responsibilities and action modalities for them.

**Article 4**

The public ambulance services are being operationally subordinated to the emergency situation inspectorates.

**Article 5**

(1) The Ministry of National Defence supports, upon request, the Ministry of Internal Affairs in ensuring the guard and protection of certain assets/targets, transport of personnel, materials and technical means for the accomplishment of specific missions, epidemiologic triage, medical assistance and other missions, depending on how the situation evolves.

(2) The institutions within the national defense, public order and national security system may increase, as needed, the personnel and technical means for intervention, as provided in plans, depending on how the situation evolves.

**Article 6**

The institutions within the national defense, public order and national security system may employ, without competition, as needed, and for a determined period of 6 months, personnel from external sources or retired personnel, who have ended their employment relations.

**Article 7**

In order for the personnel of the institutions within the national defense, public order and national security system to be readily available for the purpose of intervening in actual cases generated by the COVID-19 pandemic, for the duration of the state of emergency, all exercises, simulations, training and any other activities which can interfere with the measures taken by the competent authorities to prevent and fight the spread of the COVID-19 infections are suspended, with the exception of those of military character undertaken in the instruction shooting ranges.

## CHAPTER II

### **Economic Domain**

#### Article 8

The Government may adopt support measures for the support of the economic agents in the domains affected by COVID-19.

#### Article 9

In order to fight the spread of the COVID-19 infections, the central public authorities may requisition production units for the necessary materials and equipment to fight this pandemic.

#### Article 10

The central public authorities, as well as the legal entities in which the State is the majority stakeholder may acquire directly the necessary materials and equipment to fight this pandemic.

#### Article 11

The beneficiaries of European funds affected by the adoption of the emergency measures provided in the current Decree may decide, together with the management authorities/intermediary organs, to suspend the financing contracts concluded in accordance with the law.

#### Article 12

The Ministry of Economy, Energy and Business Environment shall issue, upon request, certificates for emergency situations, on the basis of explanatory documents, to the economic agents whose activity is affected in the COVID-19 context.

#### Article 13

Measures shall be taken to ensure the continuity in supply and respectively extraction, production, processing, transport, distribution, maintenance, support and repair, of the resources and raw and/or semi-processed materials, needed for the proper functioning of the national energy system, as well as for ensuring the continuity of its functioning and of all public utility services.

#### Article 14

The validity of the documents issued by the public authorities that expire during the state of emergency shall be maintained.

#### Article 15

During the state of emergency the prices for medicine and medical equipment, for foods of strict necessity and those of public utility services (electric and thermic energy, natural gas, water supply, sanitation, fuels etc.) may be capped, in the limits of the medium price of the previous 3 months before the establishment of the state of emergency.

## CHAPTER III

### Health Domain

#### Article 16

The structures of the Ministry of Internal Affairs, the health units and the social assistance services may employ without competition, as needed, for a determined period of 6 months, contractual medical personnel, auxiliary personnel, pharmacists, laboratory personnel and other categories of needed contractual personnel.

#### Article 17

The extension of the applicability of normative acts valid until 31 March 2020, regarding the use of medical services and medicines within the social health insurance system, the national preventive and curative health programmes, during the state of emergency, with the modification of provisions if necessary, as follows:

- a) medical services to treat COVID-19 and its complications are provided to all persons on the territory of Romania and are covered from the budget of the National Single Fund for Social Health Insurance (FNUASS);
- b) medical services and medicines could be provided and validated even without signature with the national social health insurance card and without the 3-days reporting timeframe from the date of providing those services;
- c) paying for the amounts contracted and covered from the budget of the National Single Fund for Social Health Insurance and the Ministry of Health for the health units with beds in contractual relationship with health insurers, irrespective of their number of cases or, as the situation demands, at the level of their deployed activity if the latter surpasses the contracted level;
- d) paying for medical services in the health units from the primary health care and specialized clinical outpatient system at the level of their actual deployed activity, with a maximum of 8 consultations per hour;
- e) prescription of medicines by family physicians, including restricted medicines from the List of medicines approved by Government Decision no. 720/2008, for chronic patients.

#### Article 18

In the case of procurement of medicines by the health units with the purpose of treating patients with COVID-19, the prices of medicines can surpass the maximal prices approved by the Ministry of Health.

#### Article 19

During the state of emergency, the persons from the top management of health units, public health departments, health insurers, ambulance services, as well as central and local public institutions with competencies in the area of social protection and assistance, irrespective of their status, can be suspended from their functions for not carrying out their duties. It is not necessary that the persons designated to temporarily discharge of these functions are public servants.

#### Article 20

During the state of emergency, it is allowed to transfer funds both ways from the budgets of the Ministry of Health and the National Single Fund for Social Health Insurance, as well as among the different budgetary lines of the Ministry of Health and the National Single Fund for Social Health Insurance, as needed.

#### Article 21

The financial impact generated by the salary increases of medical and non-medical personnel from the public health units and those having the administrative-territorial units as single associate are covered from the National Single Fund for Social Health Insurance – Title VI (Transfers among public administration units).

#### Article 22

The value of the percentage corresponding to the claw back contribution for the first trimester of the year 2020 shall be capped at the value of the fourth trimester of the year 2019.

#### Article 23

For medical services, medicines, laboratory investigations provided during the state of emergency, the discharged funds shall not be limited to those approved for the first trimester of the year 2020.

#### Article 24

Paying for medical leaves for persons placed under quarantine due to COVID-19 shall be done with priority through ensuring supplementary funds in the budget of the National Single Fund for Social Health Insurance (FNUASS) at the necessary level.

#### Article 25

During the state of emergency, any modifications in the structure of the health units shall be endorsed by the local public health departments as necessary.

#### Article 26

During the state of emergency, new health programmes and medical services aimed at preventing and combating COVID-19 may be introduced through an order of the minister of health.

#### Article 27

Prescriptions of treatments off-label for patients with SARS-CoV-2 shall be authorized after these treatments are endorsed by the commission for the policy of medicines within the respective health unit.

#### Article 28

(1) Ensuring the necessary funds in the budget of the Ministry of Health for the procurement of necessary pandemic-related materials by the public health departments is done through transfers from the Ministry of Health, whereas the procurement is made by the public health departments through a direct purchase procedure.

(2) Ensuring the necessary funds in the budget of the Ministry of Health for the procurement of by the health units of the necessary materials and medicines during the pandemics is done through transfers from the Ministry of Health, whereas the procurement is made by the health units through a direct purchase procedure.

(3) Ministries having their own health system may make direct purchases for their own health units both from the budgets of the competent ministries and those of the health units.

#### Article 29

(1) The measures of support for persons under house isolation are established by order of the minister of health, as part of the measure to contain the spread of COVID-19.

(2) The measures of support are implemented by the local public administration.

(3) The necessary expenses are ensured through transfers between the state budget, namely the budget of the Ministry of Health, and the local budgets.

## Chapter IV

### **Labour and Social Protection Domain**

#### Article 30

The Government may support the employers and employees affected by the effects of the COVID-19 crisis, through derogations from the legal provisions in force.

#### Article 31

During the state of emergency, measures of social protection for employees and their families from the economic sectors where the activity has been affected or terminated totally or partially following the decisions of public authorities are established by order of the minister of labour and social protection.

#### Article 32

(1) During the state of emergency, the provisions of Law no. 19/2020 regarding the approval of days-off for parents for the supervision of children, in the situation of the temporary closure of the education units, is not applicable to the employees of the national defense system, penitentiaries, public health units and other categories determined by order of the minister of internal affairs, the minister of economy, energy and business environment and the minister of transportation, infrastructure and communications, as needed.

(2) The personnel mentioned in paragraph 1 has the right to a salary increase in the amount established in Article 3, paragraph (1), of Law no. 19/2020, in the situation that the other parent does not benefit of the rights set out by this law.

#### Article 33

During the state of emergency, the central and local public institutions and authorities, autonomous administrative authorities, autonomous companies, national societies and companies and societies where the state or a public administrative unit is the only shareholder or majority-shareholder, private companies shall introduce, where possible, work from home or telework, through an unilateral decision of the employer.

#### Article 34

During the state of emergency, the control of employers by the territorial labour inspectorates is suspended, with the exception of controls ordered by the minister of labour and social protection and the Labour Inspection in order to implement decisions of the National Committee for Special Emergency Situations, to respond to complaints regarding acts with a high degree of social danger and to investigate work-related accidents.

#### Article 35

During the state of emergency, the validity of collective labour contracts and collective agreements is maintained.

#### Article 36

During the state of emergency, it is forbidden to declare, generate or conduct collective labour disputes in the units of the national energy system, operative units from the nuclear sector, units where work cannot be interrupted, health and social assistance units, units of radio and public TV, units ensuring railway transportation, public transportation and waste disposal, as well as those providing population with gas, electrical energy, heat and water.

#### Article 37

As an exception from the provisions of Emergency Ordinance no. 111/2010 regarding the leave and monthly allowance for childcare, the person entitled to these rights maintains the insertion stimulus in the situation of losing his/her job due to COVID-19.

#### Article 38

The requests for social benefits may be submitted also electronically.

#### Article 39

The validity of certificates attesting the disability degree for a child, of certificates for foster parents issued by the commission for the protection of the child, as well as of certificates establishing disability degrees and types issued by the commission for the evaluation of adult people with disability whose viability expires during the state of emergency is to be extended until the termination of the state of emergency.

#### Article 40

The viability of certificates accrediting the providers of social services and of temporary and operational licenses for social services whose viability expires during the state of emergency is to be extended until the termination of the state of emergency.

## Chapter V

### Justice Domain

#### Article 41

The prescription periods and the terms for revocation do not start to run and, if this is the case, these time-limitations are suspended throughout the entire period of the state of emergency declared according to the present Decree, whereas the provisions of Article 2532, point 9, thesis II of Law no. 287/2009 regarding the Civil code and other contrary legal provisions are not applicable.

#### Article 42

(1) During the state of emergency, the trial procedures continue for cases of extreme emergency. The list of such cases is determined by the Leadership Collective of the High Court of Cassation and Justice, for cases falling under its competence, and by the Leadership Collectives of the appeal courts for cases falling under their competence and for cases under the competence of courts within their territorial jurisdiction, with the possibility of updates according to developments. The Superior Council of Magistracy gives guidance, for the purpose of ensuring a unitary practice, to the Leadership Collectives of the above-mentioned courts regarding the modality of determining the cases which are to be tried during the state of emergency.

(2) During the state of emergency, for trials mentioned in paragraph 1, the courts can set shorter deadlines, according to the situation, including from one day to another or even the same day.

(3) For trials mentioned in paragraph 1, when possible, the courts can decide on the conduct of the courthouse hearing through videoconference and communicate the procedural documents through telefax, electronic mail or other means which ensure sending the text of the act and the confirmation of its receipt.

(4) Delaying the trials for cases mentioned in paragraph 1 can be ordered upon request when the interested party is in home-isolation, in quarantine or in hospital in the context of the COVID-19 pandemics. When the court rejects the request to delay trial taking into consideration the necessity to solve the case in the context of the current state of emergency, it shall delay issuing its decision, upon the request of a party or *ex officio*, in order to allow the submission of written conclusions.

(5) The enforcement of judgements continues only in cases where it is possible to respect the rules of sanitary discipline set out in the decisions of the National Committee for Special Emergency Situations, with the purpose of protecting the right to life and physical integrity of the participants to the enforcement procedure.

(6) Based on the current Decree, trying civil cases other than those mentioned in paragraph 1 is automatically suspended during the state of emergency established by this Decree, without carrying out any other procedural act to this end.

(7) The time limits for lodging appeals in the cases mentioned in paragraph 6, under trial procedure at the date of establishing the present state of emergency, are interrupted, as new time limits of similar duration will run from the date of terminating the state of emergency. In the cases mentioned in paragraph 6, where appeals have been lodged before the date of issuing the present Decree, the files are to be submitted to the competent court after the termination of the state of emergency.

(8) After the termination of the state of emergency, the trial of cases mentioned in paragraph 6 shall be resumed *ex officio*. Within ten days of the termination of the state of emergency, the court shall take measures to set time limits for the judicial procedure and to summon parties.

#### Article 43

The criminal prosecution and the activity of judges on rights and liberties is conducted only with regard to:

a) cases where preventive or protective measures for victims and witnesses have been taken or proposed, those regarding the provisional application of safety measures having a medical nature, those involving minors as victims;

b) acts and measures of criminal prosecution whose delay would endanger the collection of evidence or the apprehending of the suspect or of the defendant, as well as those regarding the early hearing;

c) cases whose emergency is justified by the purpose of establishing the national state of emergency, other urgent cases determined by the prosecutor supervising or carrying out the criminal prosecution;

(2) The criminal trials pending before the courts, including those in preliminary hearing, are automatically suspended during the state of emergency, with the exception of those mentioned in paragraph 1 (c) determined as such by the judge or the court, as well as the following cases: those for flagrant offences, those involving preventive measures, those regarding appeals to precautionary measures, those regarding international judicial cooperation in criminal matters, those involving measures of protection for victims and witnesses, those regarding the provisional application of safety measures of medical nature, those regarding national security crimes, terrorism crimes and money laundering crimes;

(3) In 10 days after the termination of the state of emergency, the judge or the court will take measures to set time limits for the judicial procedure and to carry out the procedural acts.

(4) For criminal cases, the agreement to circulate procedural documents through electronic mail is presumed and the judicial bodies shall request via phone, as needed, on an emergency basis, the electronic addresses to communicate those respective documents;

(5) The time limits to communicate decisions and to submit and solved complaints other than those mentioned in paragraph 1 are interrupted, whereas new time limits of similar duration will run following the termination of the state of emergency. The terms for lodging appeals in criminal cases, with the exception of those tried under the present Decree, are interrupted, whereas a new time limit of similar duration will run from the date of terminating the state of emergency. The cases tried based on the present Decree are an exception.

(6) The right to be heard of persons deprived of their liberty shall be ensured via videoconference at the detention place or in spaces which are appropriate from the health point of view, without being necessary to obtain the agreement of person deprived of liberty.

(7) The organization of public auction for the realization of assets preserved during criminal proceedings is suspended by law.

(8) During the state of emergency, in cases where no criminal investigations are performed or the criminal procedure is being suspended in accordance with the current Decree, the prescription of criminal liability is suspended.

#### Article 44

During the state of emergency, the provisions of article 42 apply respectively to the procedures for which the Judicial Inspectorate is competent.

#### Article 45

(1) During the state of emergency, the activity of National Trade Register Office and of the trade register offices attached to the tribunals continues as to the registration of entries related to legal and natural persons registered in the Trade Register and it is carried out by electronic means, upon the request of registration of entries and the documents attached to it, having the extended electronic signature incorporated, attached or logically associated with it.

(2) Copies of the registrations and of the documents submitted by the applicants, information on the registered data and findings certificates are delivered by electronic means.

(3) The support activity in order to perform the proceedings necessary for the registrations via electronic means in the trade register offices attached to tribunal, as well as the activity of publishing and providing the national bankruptcy register shall be done electronically.



#### Article 46

As part of the execution of non-custodial sentences and educative measures, the execution of supervision by the show off in person to the probation service, the receiving of visits from the probation counsellor, as well as the obligations to provide unpaid work at the service of community, to follow school or vocational education, to follow one or more social reintegration programs, to provide unpaid work at the service of community as a result of the replacement of the criminal fine, respectively, are suspended during the state of emergency. As to the situations where the supervision deadline, the duration of supervision or the duration of the non-custodial educative measure came to end during the state of emergency, a mention related to the objective impossibility of the execution will be made in the final report.

#### Article 47

(1) As part of the execution of custodial sentences and measures, the exercise of the right to receive visits, the exercise of the right to receive conjugal visits, the exercise of the right to receive goods during visits, as well as the rewards representing permits to leave the penitentiary are suspended.

(2) In order to maintain the connection with the support environment, the length and the number of conversations for convicted persons being placed within a maximum security prison shall be increased to a maximum of 45 minutes per day and for the persons placed within closed, semi-open, open prison, under interim detention regime or for which a detention regime has not yet been established, to a maximum of 75 minutes per day. The right of detainees to on-line conversations, irrespective of their disciplinary situation or of frequency of their connection with family is supplemented corresponding to the number of visits to which they are entitled to according to the regime of execution of sentences.

(3) Convicted persons under semi-open or open regime can execute the sentences in permanently closed and secured detention rooms.

(4) With respect to minors deprived of their liberty having no legal representative, the attending physician from the detention center shall act as legal representative exclusively for the purpose of providing medical assistance and preventive measures.

(5) In addition to obligations provided by Law no 145/2019 related to the statute of policemen in penitentiaries, as subsequently amended and completed, it is mandatory that the policeman in the penitentiary participates to all the activities carried out in accordance with superior's disposal, while respecting legal rest time, the extra time worked in this circumstance being compensated exclusively with adequate free time.

(6) During the state of emergency, depending on necessities and the existing operative situation at the prison unit where the policeman is employed or at any other police prison unit, the workplace and/or the time of work could be changed without his or her agreement.

## Chapter VI

### Foreign Affairs Domain

#### Article 48

- (1) During the state of emergency, the Ministry of Foreign Affairs has the following attributions:
- a) shall maintain its functions and attributions in accordance with the Government Decision no. 16/2017 related to organization and functioning of the Ministry of Foreign Affairs, as subsequently amended and completed, and shall ensure throughout the diplomatic missions of Romania, the representation of Romania to all meeting held during the state of emergency established in Romania, especially at the level of the European Union, the Council of Europe, NATO, the UN, irrespective of the domain aimed by the meeting.
  - b) shall notify the UN Secretary General and the Secretary General of the Council of Europe the measures adopted by the present Decree establishing the state of emergency, having as effect the limitations of the exercise of several rights and fundamental liberties, in accordance with the international obligations assumed by Romania;
  - c) shall ensure the exclusive communication with the diplomatic and consular offices accredited in Romania as well as with representations/offices of international organizations based in Romania; for this purpose the competent authorities shall provide all necessary information;
  - d) shall ensure the respect of all relevant international law norms in the context of implementing the present Decree, in case that members of the diplomatic missions/consular offices/representations/offices of the international organizations would be tested positive for COVID-19;
  - e) shall maintain communication with diplomatic missions and consular offices of Romania abroad in order to send any instruction and necessary information related to the implementation of the present Decree, for which the competent authorities will provide the Ministry of Foreign Affairs with the necessary information;
  - f) shall take the necessary measures in cases where the members of the diplomatic missions and consular offices of Romania shall get into auto-isolation or quarantine according to the law of the State of residence following a positive test for COVID-19 of one of the members of the diplomatic missions and consular offices of Romania (including the family members), including for ensuring the continuity of their rights (pecuniary or of any other nature).

## Chapter VII

### Other measures

#### Article 49

During the state of emergency, the courses in all educational units and institutions are suspended.

#### Article 50

During the state of emergency, the public authorities of the central and local administration shall take all the necessary measures to organize the activity so that to avoid, as much as possible, the direct contact between persons, including by using the electronic tools of communication.

#### Article 51

(1) Public authorities and institutions shall establish the necessary measures so as to ensure the optimal operation of business, respecting the rules of health discipline established by the authorities having attributions in this field, including through decisions of the National Committee for Special Emergency Situations, following with priority to ensure prevention and to reduce the risk of illness.

(2) The provisions of the first paragraph are also applicable to the management of the professions of lawyer, public notary, bailiff, as well as to the other professions;

(3) Police force, gendarmerie, or any other agents of the public force, where appropriate, have the obligation to support the prompt and effective enforcement of the measures foreseen at paragraph 1.

#### Article 52

(1) Upon the proposal of ministries and public local authorities, the Ministry of Internal Affairs through the National Administration of State Reserves and Special Problems shall analyse and submit proposals to use material and human resources in support of the affected population, as well as in order to respond to requests of products and services aimed to the needs of the institutions with attributions in the fields of defence, public order and national security, including by taken, in accordance with law, of materials from State or mobilization reserves.

(2) In implementing paragraph 1, the authorities empowered by law prepare and carry out requisition of goods and call natural persons for providing services for the public interest in order to solve material problems of any kind and ensure the workforce.

#### Article 53

During the state of emergency, the rights foreseen by Article 35, paragraphs 2 to 8, of the Emergency Ordinance of the Government no. 114/2018 establishing some measures in the field of public investments and some fiscal-budgetary measures, amending and completing some normative acts and extending some deadlines, as subsequently amended and completed, are granted beyond the obligation not to exceed the 3% foreseen by paragraphs 4 and 5 of the same article and beyond the maximal annual threshold regarding the number of hours established at paragraphs 6 of the same article.

#### Article 54

(1) Public institutions and authorities as well as private operators contribute to the public information campaign related to the measures adopted and the activities carried out at national level.

(2) In case of dissemination of fake-news in mass-media and on-line in relation to COVID-19 and to the protection and preventive measures, public institutions and authorities undertake the necessary measures in order to correctly and objectively inform the population in this context.

(3) Hosting and content service providers have the obligation, upon the motivated decision of National Authority for Management and Regulation in Communication, to immediately interrupt the transmission through an electronic communication network or the storage of the

content, by removal the content at source in the eventuality that the content promotes fake-news as to the evolution of COVID-19 and to the protection and preventive measures.

(4) When the removal of the content mentioned at paragraph 3 at source is not possible, the providers of the publicly available electronic communication networks have the obligation, upon the motivated decision of National Authority for Management and Regulation in Communication, to immediately block the access to that content and to inform the users.

(5) Upon the motivated decision of National Authority for Management and Regulation in Communication, the providers of the publicly available electronic communication networks have the obligation to immediately block the access of users in Romania at the content promoting fake-news as to the evolution of COVID-19 and to the protection and preventive measures and is being transmitted through an electronic communication network by the persons mentioned at paragraph 3 which do not fall under the jurisdiction of the national legislation.

#### Article 55

During the state of emergency, the endowment and consumption norms foreseen by the regulation in force can be exceeded, should this be the effect of the evolution of COVID-19 and of the protection and preventive measures.

#### Article 56

During the state of emergency, the legal deadlines established for solving the request exercised in accordance with the free access to information of public interest as well as the petition, shall be doubled.

#### Article 57

The Government of Romania will proceed, as an urgent matter, to budget adjustment in order to ensure the necessary financial resources.

## **Annex no. 2**

### **MEASURES of first emergency with gradual implementation**

1. Isolating and quarantining the persons coming from the risk areas as well as those getting into contact with them; quarantine measure on some buildings, localities or geographic areas;
2. Gradually closing the border crossing points;
3. Limiting or forbidding the circulation of vehicles or of persons in/to some areas or between certain hours as well as getting out from the respective areas;
4. Gradually forbidding the road, rail, maritime, river, air traffic on different routes and of the metro;
5. Temporary closing some restaurants, hotels, cafes, casinos, premises of associations and other public venues;
6. Ensuring institutional security and protection for water, energy, gas supply stations, for economic operators having a strategically important capacity at national level;
7. Identifying and requisition of inventory, of production and distribution capacity, of protection equipment, of disinfectants, of medicines used/usable for treating COVID-19;
8. Limiting the activity of hospitals to admission and treatment of urgent cases:
  - i) emergencies of first degree - patients hospitalized through emergency reception units/compartments who could lose their lives within 24 hours
  - ii) emergencies of second degree - patients who need to be treated during the same admission (once diagnosed they cannot be released);
  - iii) patients infected with virus SARS-CoV-2, or diagnosed with COVID-19, respectively.