



Extended state of alert.

Additional measures, applicable as of November 09, 2020, to prevent and combat the effects of the COVID-19 pandemic

New restrictions in the context of Covid-19

Government Decision no. 935/2020/06.11.2020 for amending and supplementing the annexes no. 2 and 3 to GD no. 856/2020 on the extension of the state of alert on the Romanian territory starting with October 15, 2020, as well as the establishment of the measures applied during such to prevent and combat the effects of the COVID-19 pandemic (“**G.D. no. 935/2020**”), set a number of new measures, namely:

- wearing a protective mask is mandatory for all persons who have reached the age of 5, in all open and closed public spaces;
- the movement of persons outside the home/household between 23.00 - 05.00 is prohibited;
- the organization of the work schedule in teleworking regime or work from home regime is mandatory for economic operators with more than 50 employees, and where the specifics of the activity do not allow this, the work schedule shall be organized so that the employees to be divided into at least two groups to start, respectively to finish the activity at a difference of at least one hour;
- economic operators that carry out trade activities/services in closed and/or open spaces, public and/or private are obliged to organize and carry out their activity between 05.00 - 21.00, except for pharmaceutical units, gas stations and economic operators with home delivery activity;
- the activity of agri-food markets in closed spaces, fairs and mixed markets is suspended, except for agri-food markets that can be organized in open public areas;
- the holding of meetings on the occasion of holidays, anniversaries, parties in closed and/or open spaces, public and/or private is prohibited.

Prohibition regarding the movement of persons between 23:00 - 05:00

The movement of persons outside the home between 23:00 - 05:00 is prohibited, except for the following situations:

- travel in professional interest, including between home/household and the place/places of professional activity and back;
- travel for medical assistance that cannot be postponed or made remotely, as well as for the purchase of medicines;
- travel outside the localities of persons who are in transit or make journeys whose time interval overlaps with the prohibition period, such as those made by plane, train, coach or other means of passenger transport and which can be proved by ticket, or any other way of paying for the trip;

- moving for justified reasons, such as caring for/accompanying the child, assisting the elderly, sick or disabled or the death of a family member.

In order to verify the reason for the trip, the persons have the obligation to present, at the request of the competent authorities' staff, the employment card or the certificate issued by the employer or a statement on their own responsibility. The statement on one's own responsibility must include the name and surname, date of birth, address of the dwelling/household/place of professional activity, reason for travel, date of completion and signature.

Telework or work from home

On November 06, 2020, the Government Emergency Ordinance no. 192/2020 for amending and supplementing the Law no. 55/2020 on measures to prevent and combat the effects of the COVID-19 pandemic, as well as to amend letter a) in art. 7 of Law no. 81/2018 on the regulation of telework activity ("**GEO no. 192/2020**") which regulates a series of additional measures in the context of the Covid-19 pandemic was published.

Although by G.D. no. 935/2020, the obligation to organize the work schedule in teleworking regime or work from home regime is mandatory for economic operators with a number of more than 50 employees, the GEO no. 192/2020 establishes this obligation for all economic operators whose activity can be performed in teleworking regime or work from home regime, thus being obvious the non-correlation between these two texts.

Taking into account the hierarchy of normative acts, but also considering both the civic duty and the spirit of prudence that must govern the conduct in this epidemiological context, we consider that this obligation must be observed, where the specific of the activity allows, by all economic operators regardless the number of employees.

Publication in the Official Gazette of Romania and date of application of the new measures

G.D no. 935/2020 as well as G.E.O 192/2020 were published in the Official Gazette no. 1042 of November 06, 2020.

The measures shall apply from 09 November 2020.

The information provided herein presents general information and should not be relied on as legal advice when analyzing and resolving a specific legal issue. If you have specific questions regarding a particular fact situation, please address your queries to:

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