

NEWSFLASH

New Law on quarantine and isolation in force

Dear Ladies and Gentlemen,

On July 21., the Law No. 136/ 2020 regarding measures in the public health sector for epidemiological and biological risk cases (the „**Law**“) entered into force.

The Law sets the legal base for certain temporary restrictions in situations where epidemiological and biological risk exists, especially by means of quarantine and isolation of individuals. Not only does it cover the current crisis caused by the COVID-19 Pandemic, but also generally applies to future epidemics/ pandemics. The legal purpose is to avoid or limit the introduction and spread of contagious diseases in the above mentioned cases.

Field of application

The measures provided in the above mentioned Law can be applied in the following cases:

- Epidemics declared by order of the Minister of Health;
- Public health emergencies of international importance, which are confirmed by resolution of the National Committee for Emergency Situations (CNSSU) based on the statement of the World Health Organization;
- Pandemic declared by the World Health Organization and confirmed by decision of the National Committee for Emergency Situations;
- Imminent epidemiological and biological risk, which is determined by the competent authorities and structures.

Measures

The main measures for achieving the legal purpose are the isolation or quarantine of individuals or even of entire geographical areas.

The quarantine is basically imposed on individuals who are suspected of being infected or of carrying a highly contagious pathogen, whereas the isolation regards individuals with confirmed contamination. In principle, both these measures will be enforceable at the place of residence and subject to legal challenge. Furthermore, the above mentioned and applied measures must also be proportionate to the situation that caused them, and must be carried out for a limited period of time and without discrimination.

1. Quarantine

The personal quarantine is decided upon in individual cases based on official scientific information. It affects individuals, who

- enter Romania from areas where, based on official data from the authorities, there is a high epidemiological risk;
- have been in direct contact with at least one person diagnosed with an infectious disease.

The duration corresponds to the disease-specific incubation period; 14 days in the case of Sars-Cov-2.

The quarantine can be carried out at the person's place of residence or at another location declared as such by the affected individual. In derogation of the foregoing, the quarantine takes place in an officially established separate space („institutionalised quarantine“), if the affected person

- issues an affidavit according to which he/ she cannot ensure a physical segregation at the place of residence, nor at any other place;
- disregards the quarantine at the place of residence/ at the declared location, despite consenting;
- refuses the quarantine at the place of residence/ at the declared location.

The measure ends when the term of the specific incubation period expires or may end prematurely, if the affected person proves to be a carrier of the pathogen. In such case, the isolation occurs (see below).

The local quarantine was also regulated.

According to the legal definition, this represents the measure aimed at preventing the spread of contagious diseases in the sense of personal segregation and restriction of activities, including the restriction of freedom of movement from an area affected by a contagious disease into neighboring areas.

The purpose of this regulation is to prevent the spread of infections or contamination outside of the affected area.

2. Isolation

The isolation is decided upon for persons, who

- are sick and present specific signs and symptoms, or
- carry the highly contagious pathogen.

In a first stage, clinical, paraclinical and biological examinations are carried out in a medical facility for a maximum of 48 hours. This measure requires the consent of the affected person; otherwise, upon recommendation of the doctor, the health authorities decide in this respect within 2 hours.

Upon receipt of the medical results, however at the latest after the above mentioned 48 hours and if the risk persists, the doctor recommends extending the isolation

- at the affected persons' place of residence/ at the declared location, or
- in healthcare facilities or alternative spaces related hereto. These healthcare facilities and the diseases that require such isolation will be determined by government decision.

The isolation is possible at the place of residence/ at the declared location if the risk of contaminating other people or of spreading of infectious diseases is low, but never if the official scientific data require isolation in a healthcare institution.

If the person rejects the extended and recommended measure or, despite prior consent, violates the isolation at a specific location, the public health agency will be informed, which will either confirm or reject the isolation in healthcare facilities.

The isolation ends on the date of confirmed healing of the affected person or upon the doctor's recommendation, after determining that the risk of disease transmission no longer exists.

If the affected individual is a minor, the isolation is carried out at the relatives' place of residence/ at the location declared by such relatives. The isolation of minors in a healthcare facility/ in alternative spaces related hereto is decided in accordance with the applicable legislation. In this case, the minors' relative will be quarantined if no isolation obligation applies.

Minors/ other dependent persons

Because of the fact that people affected by quarantine or isolation may no longer be able to care for their children/ for other dependent persons (for e.g. if such measure is carried out in a hospital), the Law regulates measures regarding the care of such categories of persons.

If a person with existing minors/ other dependent persons in their custody is affected by such measure, the parents, legal guardians, medical staff or the representative of the competent public health agency must inform the social assistance service in order to establish necessary care measures for such persons and, if required, with the scope of taking the necessary legal actions for temporary care.

The quarantined/ isolated person can transfer such supervision to another family member/ another close person, if such person consents hereto, otherwise such responsibility will be taken over by the social assistance service.

This temporary care can of course not lead to a suspension regarding the exercise of parental rights. Such measures can only be maintained as long as the vulnerable persons remain uncared for.

3. Groups of people exempt from quarantine

The National Committee for Emergency Situations (CNSSU) issued the Resolution no. 36/ 21.07.2020 (the „CNSSU Resolution “), in order to enable certain people to move freely and to allow the ongoing carrying out of essential cross-border activities. This legal act has been adopted by the Romanian government, but has not yet entered into effect as of the time of the present article.

When entering Romania and while complying with the applicable legal provisions regarding the use of personal protective equipment, certain groups of people with no symptoms associated with COVID-19 are exempt from quarantine, such as:

- Persons who have been in one or more areas/ countries for at least 14 days, for which the quarantine obligation is not regulated, prior to their arrival in Romania;
- Drivers of vehicles for the carriage of goods with a permitted capacity of over 2,4 tons;
- Drivers of passenger vehicles with more than 9 seats, including the drivers 'seat;
- Members of the European Parliament, delegates and staff of international institutions and of the national defense system, as well as Romanian representatives in international authorities and organizations, in which Romania is involved;
- Airplane pilots and flight crew, as well as train drivers and railway personnel;
- Cross-border commuters entering Romania from Hungary, Bulgaria, Serbia, Ukraine or Moldova, as well as Romanian citizens working for employers from the above mentioned countries;

- Employees of Romanian economic operators who carry out activities outside of Romania, in accordance with applicable contractual provisions, if they can prove the corresponding contractual relationship upon returning to Romania;
- Representatives of foreign companies having subsidiaries/ branches/ agencies in Romania, if such persons can prove the corresponding contractual relationship upon entry into Romania;
- Members of diplomatic missions, consulates and other diplomatic agencies accredited in Bucharest, holders of diplomatic passports, employees equivalent to diplomatic staff, members of the Romanian diplomatic and consular body, as well as their family members.

Sincerely,
STALFORT Legal. Tax. Audit.

Contact and further information:



STALFORT Legal. Tax. Audit.
Bucharest – Bistrița – Sibiu

Office Bucharest:

T.: +40 – 21 – 301 03 53

F: +40 – 21 – 315 78 36

M: bukarest@stalfort.ro

www.stalfort.ro