

MILITARY ORDINANCE

No. 8 of 09.04.2020 on measures for preventing the spread of COVID-19

Considering the provisions of Article 24 of the Government Emergency Ordinance no. 1/1999 regarding the state of siege and the emergency regime, published in the Official Journal of Romania, Part I, no. 22 of January 21, 1999, approved with modifications and completions by Law no. 453/2004, with the subsequent modifications and completions,

Taking into account the assessment accomplished by the National Committee for Special Emergency Situations, approved by the Decision no. 19/9.04.2020,

Based on Article 4 paragraphs (2) and (4) of the Decree of the President of Romania no. 195/2020 establishing the state of emergency at national level, published in the Official Journal of Romania, Part I, no. 212 of March 16th, 2020, on points 1-4 of Annex 2 of the same Decree and on article 20 letter n) of Government Emergency Ordinance no. 1/1999, as subsequently amended and supplemented,

The Minister of Home Affairs issues the following military ordinance:

Article 1- (1) The circulation outside the house/household of the holders of authorizations/licenses issued for commercial fishing on the Danube/inland waters/Black Sea with the view to develop commercial fishing and aquaculture activities, as well as for capitalization/marketing of the products resulted from these activities is allowed.

(2) The circulation outside the house/household of the beekeepers towards/from the apiary's location or for apiary's displacement is allowed. The beekeeper can prove his quality with the certificate comprising the apiary's code issued by the county zoo-technics offices or other documents proving the quality of beekeeper and the property of hives.

(3) The circulation outside the house/household with the view to purchasing vehicles, spare parts for them and auto repair services is allowed.

(4) The provisions of the article 4 of the Military Ordinance no. 3/2020 on measures to prevent the spread of COVID-19 applies accordingly.

(5) The persons referred to, in the paragraph (1) and (2), shall mention in their personal statements, as a reason, the professional purposes while the persons referred to, in para (3) shall mention purchasing goods for basic needs.

(6) The measures shall apply from the date this military ordinance is published in the Official Journal of Romania, Part I.

Article 2-(1) The measure regarding the suspension of flights run by airline operators towards Spain and from Spain is extended for a period of 14 days, starting with April, the 14th, 2020.

(2) The measure referred to, in paragraph (1) shall not apply to flights run by state aircrew, freight transport, correspondence, humanitarian flights or to those providing emergency medical care, as well to non-commercial technical landings.

(3) The measure referred to, in paragraph (1) shall apply even after the period established by the Decree of the President of Romania no. 195/2020, only if the state of emergency throughout the territory of Romania is extended and if the Decree on the extension of the state of emergency maintains the competence of the Minister of Home Affairs to establish, by military ordinance, the gradual prohibition of air traffic on different routes.

Article 3- (1) The food markets remain open during the state of emergency, strictly for the farmers who present an agricultural producer certificate, the measures to prevent the spread of COVID-19 being compulsory.

(2) The displacement of agricultural producers' from the place of food products' production up and from the food market and the access inside it, is allowed on the basis of a personal statement and the producer certificate.

(3) The plant protection units remains open during the state of emergency, their staff being obliged to comply with the measures to prevent the spread of COVID-19.

(4) The measures shall apply from the date this military ordinance is published in the Official Journal of Romania, Part I.

Article 4- (1) According to annex no.1 to this military ordinance, the temporary closure of the state border crossing points, established by the Decisions no.8/2020 and 12/2020 of the National Committee for Special Emergency Situations, is extended.

(2) The measure shall apply from the date this present military ordinance is published in the Official Journal of Romania, Part I.

Article 5- (1) The cross border workers who do not have any associated COVID-19 symptom upon entering Romania from Hungary are excepted from the domicile isolation or quarantine measures.

(2) A cross border worker means the person who makes proof of living and working within an area of 30 km, aside or on the other side of Romanian-Hungarian state border calculated from the nearest border crossing point opened for persons' traffic, and who returns home at least one time a week.

(3) The Romanian- Hungarian border cross points where entering Romania is allowed are the following: Cenad, Nădlac, Turnu, Vărșand, Salonta, Borș, Săcuieni, Urziceni, Petea.

(4) The entrance/exit of the cross border workers by cars or agricultural equipment is allowed at the border crossing points referred at para (3).

(5) In case of noncompliance with the conditions provided by paragraph (2), the respective persons go into quarantine for a 14 days period, bearing the expenses incurred by the quarantine.

(6) The measures shall apply from the date the present military ordinance is published in the Official Journal of Romania, Part I.

Article 6- (1) The persons entering Romania with the view to perform activities concerning the installation, putting into operation, maintenance, service related to medical equipment and technique are excepted from the domicile isolation/quarantine if they do not show COVID-19 symptoms and make proof of contractual relations with the beneficiary/beneficiaries on the Romanian territory.

(2) The provisions of paragraph (1) also applies for the scientific, economic, national defense, public order and security.

(3) The measures shall apply from the date the present military ordinance is published in the Official Journal of Romania, Part I.

Article 7 - (1) During the state of emergency, the export of the foods provided for in annex 2 of this military ordinance is prohibited / suspended.

(2) The export procedures related to the foods provided for, in para. (1), ongoing at the date of entering into force of this military ordinance is hereby suspended during the state of emergency.

(3) The activity of issuing the export of foods provided for in annex no.2 to this military ordinance is suspended during the state of emergency.

(4) The measures are to be applied from the date this military ordinance is published in the Official Journal of Romania, Part I.

Article 8 - (1) Intra – EU purchase operations of foods from the list provided for, in annex no. 2 is allowed only if the Member State proves that the acquired products are destined for its own domestic or EU use and not to be exported.

(2) The measure is to be applied from the date this military ordinance is published in the Official Journal of Romania, Part I.

Article 9 - (1) The ending or suspension of activity of social services such as residential centers for care and assistance of elders, residential centers for children and adults, with or without disabilities, as well as for other public or private vulnerable categories, as provided for in the Nomenclature of the social services, approved by the Government Decision no. 867/2014 for the approval of the Nomenclature of social services, as well as of the framework regulations for the organization and operation of social services, later amended and supplemented, is hereby prohibited.

(2) Persons belonging to/supporters/legal representatives of the beneficiaries of the services provided for in para.(1) may require the transfer of the beneficiaries from the center to the domicile, or, if the case may be, to the residence of the persons belonging to/supporters/legal representatives, if they acknowledge, upon personal statement, that they have adequate conditions for their temporary care.

(3) The measures are to be applied from the date this military ordinance is published in the Official Journal of Romania, Part I.

Article 10 - (1) During the state of emergency, the preventive isolation measure at the workplace or in dedicated areas restricted to the access from the outside is hereby established for the employed personnel of the centers provided for in article 9 para (1), for a period of 14 days.

(2) The period provided for in para. (1) shall be followed by a cyclic preventive isolation period at the domicile, equal to the preventive isolation measure at the workplace, thus ensuring the presence of the personnel in the center, in shifts.

(3) Within 24 hours from the publication of this military ordinance in the Official Journal of Romania, the head of the center, his/her designated replacement or the coordinator of the specialized personnel shall establish the way the shifts are to be organized during the state of emergency.

(4) Where the personnel provided for in para (3) is missing, the director of the general directorate for social assistance and the protection of the child, for the public social services subordinated to the general directorate, the mayor, for the public social services organized within/subordinated to the local public administration authorities and the legal representative of the private supplier shall establish the shifts that are to be organized during the state of emergency.

(5) In exceptional situations, in case of private social services where there is no personnel as provided for, in para.(3) and (4), the county committee for special emergency situations shall appoint the person responsible for organizing the shifts with a view to ensure preventive isolation at workplace/domicile and the management of the service.

(6) The refusal of preventive isolation at workplace by the personnel of the centers provided for, in article 9 para. (1) shall engage administrative or criminal responsibility, according to the situation.

(7) The access of visitors/persons belonging to/supporters/legal representatives of the beneficiaries of social services in the residential centers provided for, in article 9 para. (1) is prohibited.

(8) The measure provided for, in para. (7) shall apply from the date this military ordinance is published in the Official Journal of Romania, Part I.

Article 11 - (1) In case the social service providers do not have their own accommodation resources for the application of the provisions of article 10 para. (2), the local public administration authorities within the area of competence where the social services provided for, in article 9 para. (1) operate, have the obligation to identify and provide, in their proximity, facilities for the accommodation of the staff isolated at work as a preventive measure, the necessary daily meals of that staff, as well as to provide transportation of the staff who is in preventive isolation at home, from domicile/residence to work and vice versa, in compliance with the contagion related measures of protection and prevention.

Article 12 - (1) The staff working in the centers provided for, in article 9 para. (1), is provided by the social service provider with the necessary hygienic-sanitary and protective equipment.

(2) This measure shall be applied from the date of publication of this military ordinance in the Official Journal of Romania, Part I.

Article 13 - (1) During the state of emergency, as an exception from the legal provisions in force, in case the employees of the centers provided for, in article 9 para. (1) resign, the notice period shall be 45 calendar days.

(2) This measure shall apply from the date this military ordinance is published in the Official Journal of Romania, Part I.

Article 14 – (1) In order to prevent the occurrence of outbreaks of infection, in case of manifesting the specific COVID-19 symptomatology or, as the case may be, of information that results from the direct contact with an infected person among the beneficiaries or of the personnel, the public health departments ensure the testing of the beneficiaries and of the whole personnel, at the headquarters of the social service.

(2) The measure shall apply from the date this military ordinance is published in the Official Journal of Romania, Part I.

Article 15 – (1) During the state of emergency, the procedures for selling / buying majority shares of companies in the National Energy System are suspended, regardless of the form of their ownership.

(2) The resumption of the procedures will be done after the conclusion of the state of emergency with the appropriate delay of the deadlines provided in the previous calendar.

(3) The measure shall apply from the date this military ordinance is published in the Official Journal of Romania, Part I.

Article 16 – It is recommended to the local public administration authorities and to the owners, natural or legal persons, to install devices with disinfectant solutions at the entrances in the housing buildings and to periodically disinfect the elevators, stairwells and other common areas inside these buildings.

Article 17 - On Thursdays, Fridays and Saturdays, before the two Easter holidays, economic operators who sell agri-food products can extend their operating program according to needs.

Article 18 - (1) After paragraph 3 of article 9 of the Military Ordinance no.1 / 2020 on some emergency measures regarding people gatherings and the cross-border movement of goods, published in the Official Journal of Romania, Part I, no.219 of April 18, 2020, a new paragraph, paragraph (4) is inserted, with the following content:

"(4) For the failure to comply with the measure provided for in Article 5, in addition to the main contravention sanction, depending on the nature and gravity of the act, the complementary contravention sanction of the confiscation of the goods whose transport for distribution outside the Romanian territory is forbidden, may be applied."

(2) The measure shall apply as of April 11, 2020.

Article 19 - (1) After paragraph 3 of article 1 of the Military Ordinance no.5 / 2020 regarding measures to prevent the spread of COVID -19, published in the Official Journal of Romania, Part I, no. 262 of March 31, 2020, a new paragraph, paragraph (4) is inserted, with the following content:

"(4) The measure provided for in paragraph (2) shall also apply after the duration for which the state of emergency is established by the Decree of the President of Romania no. 195/2020, only if the state of emergency throughout the territory of Romania is extended and if the Decree on the extension of the state of emergency maintains the competence of the Minister of Home Affairs to establish, by military ordinance, the gradual prohibition of air traffic on different routes."

(2) The measure shall apply from the date this military ordinance is published in the Official Journal of Romania, Part I.

Article 20 - (1) The Military Ordinance no. 7/2020 on measures to prevent the spread of COVID -19, published in the Official Journal of Romania, Part I, no. 284 of April 4, 2020, is amended and supplemented as follows:

1. After paragraph 4 of Article 9, a new paragraph 5, is inserted, with the following content:

"(5) The measures provided for, in paragraphs (1) and (3) shall also apply after the period for which the state of emergency is established by the Decree no. 195/2020 of the President of Romania, only if the state of emergency throughout the territory of Romania is extended and if the Decree on the extension of the state of emergency maintains the competence of the Minister of Home Affairs to establish, by military ordinance, the gradual prohibition of air traffic on different routes."

2. Paragraph (1) of Article 10 is amended and shall have the following content:

"(1) The flights performed by all air carriers holding operating licenses in accordance with European Union regulations, by charter, for the transport of seasonal workers from Romania to other states, with the approval of the competent authorities of the country of origin and the country of destination, are allowed "

3. Paragraph (1) of Article 16 shall be amended and shall have the following content:

"(1) In order to prevent the spread of COVID-19, the ministries with their own sanitary network and the authorities of the local public administration provide for the staff of the public sanitary system, upon request, hotel spaces destined to rest between shifts or guards, food - three meals a day and water."

(2)The measures shall apply from the date this military ordinance is published in the Official Journal of Romania, Part I.

Article 21 – (1) Are entitled to ensure the application and compliance of the provisions of the present military ordinance:

a) The Romanian Police, the Romanian Gendarmerie and the Local Police, for the measures provided for in Articles 1 and 3;

b) The Ministry of Transport, Infrastructure and Communications, for the measure provided in Article 2;

c) The Ministry of Transport, Infrastructure and Communications, the Romanian Border Police and the public health departments, for the measures provided in Article 4-6;

d) The Ministry of Agriculture and Rural Development, for the measures provided for in Articles 7 and 8;

e) The Ministry of Labor and Social Protection, through the subordinate institutions, under its authority or coordination, the public health directorates, as well as the heads of the local public administration authorities, for the measures provided for in Articles 9 to 14;

f) The Ministry of Economy, Energy and Business Environment, for the measure provided for in Article 15;

(2) Failure to comply with the measures provided for in Article 1-15 shall lead to disciplinary, civil, contravention or criminal liability, in accordance with the provisions of Article 27 of the Government Emergency Ordinance no. 1/1999, subsequently amended and supplemented.

(3) The personnel of the institutions referred to in paragraph (1) are authorized to find contraventions and to apply sanctions, in accordance with the provisions of Article 29 of the Government Emergency Ordinance No. 1/1999, subsequently amended and supplemented.

Article 22 - The provisions of Article 6 and 7 of the Military Ordinance no. 4/2020 on measures to prevent the spread of COVID-19, published in the Official Journal of Romania, Part I, no. 257 of March 29, 2020, cease to apply.

Article 23 - Annexes 1 and 2 are an integral part of the present military ordinance.

Article 24 - (1) The present military ordinance is published in the Official Journal of Romania, Part I.

(2) The audiovisual media service providers have the obligation to inform the public, through regularly broadcast messages, about the content of this military ordinance, for at least 2 days from the date of publication.

Minister of Home Affairs

Marcel Ion Vela

Bucarest

State Border Crossing Points totally or partially closed during the entire period of the state of emergency

I. At the Romanian-Hungarian Border:

1. Turnu, Arad County (except for the movement of cross-border workers);
2. Salonta, Bihor County – railway and road (except for the movement of cross-border workers by road);
3. Săcuieni, Bihor County (except for the movement of cross-border workers);
4. Valea lui Mihai, Bihor County - railway and road (except for the railway freight traffic);
5. Carei, Satu Mare County.

II. At the Romanian-Bulgarian Border:

1. Negru Vodă, Constanța County;
2. Lipnița, Constanța County;
3. Dobromir, Constanța County;
4. Zimnicea, Teleorman County;
5. Turnu Măgurele, Teleorman County;
6. Bechet, Dolj County (except for the railway freight traffic).

III. At the Romanian-Ukrainian Border:

1. Sighetu Marmăției, Maramureș County;
2. Isaccea, Tulcea County.

IV. At the Romanian-Moldovan Border:

1. Rădăuți-Prut, Botoșani County;
2. Oancea, Galați County;

V. At the Romania-Serbian Border:

1. Porțile de Fier II, Mehedinți County;
2. Drobeta-Turnu Severin, Mehedinți (except for the railway freight traffic);
3. Orșova, Mehedinți County;
4. Moldova Nouă, Caraș-Severin County;
5. Naidăș, Caraș-Severin County;
6. Vălcani, Timiș County;
7. Stamora-Moravița, Timiș County- railway (except for the railway freight traffic);
8. Lunga, Timiș County;
9. Foeni, Timiș County;

10. Jimbolia, Timiș County - railway (except for the railway freight traffic).

ANNEX 2

The list of agricultural food products for which the export is prohibited /
suspended during the state of emergency

1. grain and meslin – tariff code 1001;
2. barley - tariff code 1053;
3. oat - tariff code 1004;
4. corn - tariff code 1005;
5. rice – tariff code 1006;
6. wheat flour or meslin - tariff code 1101;
7. soy beans, even crushed - tariff code 1201;
8. sunflower seeds even shattered – tariff code 1206;
9. sunflower seed oil, saffron or cottonseed oil and their fractions even refined but not chemically modified - tariff code 1512;
10. cane or bean sugar and chemically pure sucrose in solid state - tariff code 1701;
11. bakery, pastry and biscuit products, unposted bread, empty capsules from starch leaf used for medicines, waffles with lid, dried pasta from flour, from starch, starch extracted from potatoes and similar products - tariff code 1905;
12. cakes and other solid residues, whether or not ground or agglomerated in pellet form, resulting from the extraction of soybean oil – tariff code 2304;
13. cakes and other solid residues, whether or not ground or agglomerated in pellet form resulting from the extraction of fats or vegetable oils, other than those of the positions 2304 or 2305 - tariff code 2306;