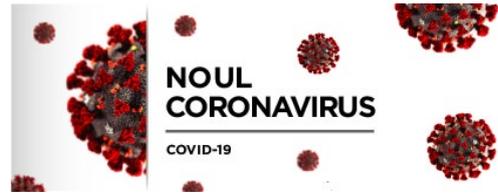


State of Emergency II – what's prohibited and what's not

The Parliament [returns](#) to the state of emergency, for the period of 1 April – 30 May 2021, by the Decision No. 49/2021, copy paste from the Decision No. 55/2020. It is succeeded by the Commission for Exceptional Situations ("CES"), which by [Disposition No. 1](#), in force since 1 April 2021, continues some measures [previously imposed](#) by the National Extraordinary Public Health Commission, but also imposes new measures, as follows:



I. Special education regime

- (i) The educational process shall take place remotely in the localities where the incidence of more than 100 COVID-19 cases per 100 thousand population in the last 14 days will be attested, except for the early education institutions.
 - ✓ **So, (i) ante preschools (0-2 years) and preschools (2-6/7 years) institutions, and (ii) schools, gymnasiums, high schools and other educational institutions in localities with a lower rate of illnesses, remain open.**

II. Special movement regime of people

- (i) It is prohibited the movement and presence of people in public spaces, located in the built-up areas of the localities: parks, forests, playgrounds, sports fields, recreational areas. It is debatable whether the mere crossing of park or land is prohibited, but the answer will come from the judicial practice on challenging the actions of the sanctioning agents.
 - ✓ **So, the movement and presence in the forests, parks or recreational areas outside the localities (out of town) are not prohibited.**
- (ii) It is prohibited, starting with **3 April** 2021, in Chişinău and Bălţi municipalities, the movement of persons outside the home or household between the hours of **23:00 – 5:00**, with the following exceptions:
 - a. Moving in professional interest, including to and from home/household and place of work or carrying out another activity (entrepreneurial, independent, etc.).
 - b. Moving for medical assistance that cannot be postponed or performed remotely, as well as for the purchase of medicines.
 - c. Traveling outside the localities in transit or traveling whose time interval overlaps with the prohibition period (such as those made by plane, train, bus or other means of passenger transport) and which can be proved by ticket or any other payment way for the trip.
 - d. Moving for justified reasons, such as caring for/accompanying the child, assisting the elderly, sick or disabled person or the death of a family member.
 - ✓ **So,**
 - **the prohibitions don't apply to other localities (until other decisions of CES), and also to moving within Chisinau and Balti - between 5:00 and 23:00;**
 - **when verifying the reason of moving in professional interest (letter a above), the persons are obliged to present one of the following documents: the service card, the certificate issued by the employer (on paper or electronically), the declaration on their own responsibility in free form (containing the name and surname, birth date, address of the place of professional activity, duration of moving, date of completion and signature);**
 - **when verifying the reason of moving in personal interest (letters b-d above), the persons are obliged to present the declaration on their own responsibility in free form (containing the name and surname, birth date, home/household address, reason for moving, duration of moving, date and time of completion and signature).**
- (iii) Persons who are away from home/residence or other place of dwelling are required to hold an identity card or other document confirming the identity of the person (identity card, passport, residence permit, etc.).

III. Special work regime

- (i) Public and private units (entities), except those in the fields of manufacturing and service provision, shall call to work, with physical presence, for office activity, a number of employees up to 30% of the staff, while for the other employees the remote work shall be organized.
- ✓ **So, the manufacturing and service provision units are expressly exempted from the above prohibition, being free to continue economic activity¹ with or without remote work.**
- (ii) In case when the remote work is not possible, the work schedule shall be organized in groups.
- ✓ **The managers of the units are free to decide the size of the groups, observing the mandatory measures for prevention of the COVID-19 infection.**
- (iii) The professional meetings, gatherings and reunions with physical presence of the participants shall be organized and conducted with the limitation of the number of participants based on the norm 4 m² per person of the usable area of the room and shall last no more than 60 minutes.
- ✓ **The above limits shall not apply to online meetings but shall apply to meeting in hybrid/mixed format.**
- (iv) The Public Services Agency shall provide services based on prior appointment in strict compliance with the mandatory measures for prevention of the COVID-19 infection.
- ✓ **It is advisable to make a prior appointment with sufficient time in advance, as in practice there are frequent interruptions planned (due to repair works, etc.) or unplanned (quarantine) of the provision of public services.**
- (v) The territorial cadastral offices' services, which require site visits to perform cadastral works, shall be provided considering the strict necessity.
- ✓ **The necessity shall be determined at the discretion of the cadastral officers, so it is advisable to verify in advance the availability of the registration or other services.**
- (vi) It is suspended the organization of celebrations for the registration of the newborn and jubilee marriages, including the celebration of the marriage, and the registration of the marriage shall take place exclusively within the civil status service/multifunctional center and only in the exclusive presence of the newlyweds.
- ✓ **So, there are prohibited and sanctionable the site visits of the civil status officers and the processions that accompany the marriage ceremonies. However, there is nothing to impede the celebration of personal events at home, observing the mandatory measures for prevention of the COVID-19 infection.**
- (vii) It is prohibited to hold meetings, gatherings, public manifestations, assemblies and other mass actions.
- ✓ **For questionable reasons, CES apparently goes beyond its legal powers when including, without legal grounds, the gatherings in the scope of mass actions².**
- (viii) It is prohibited to stop (by disconnecting the places of consumption) the provision of public services and/or to apply penalties for non-payment by household consumers of bills for electricity, heat, natural gas, fixed telephony or potable water consumed, except in cases when the disconnection is intended to avoid endangering people's lives and health or damaging property.
- ✓ **The prohibition does not extend to non-household consumers, including manufacturers and wholesale consumers.**
- (ix) It is imposed a moratorium, until **30 May 2021**, on the planned state controls, performed on the site, by the competent bodies with control functions under the Law No.131/2012, except for the controls performed by the National Agency for Food Safety, the National Agency for Public Health, the National Agency for Energy Regulation - in the area of state energy supervision and the Inspectorate for Environmental Protection – as regards the forest lands, green spaces, natural areas protected by the state, geological and aquatic fund.
- ✓ **The moratorium does not apply to controls carried out pursuant to the other laws:**
 - **by the criminal investigation bodies,**
 - **by the control bodies in the public audit process,**
 - **in the financial area (banking and non-banking),**
 - **in the process of crossing the state border and in the customs area,**

¹ **Economic activity** takes place when resources (equipment, labor, technologies, raw materials, materials, energy, information resources) are combined in a production process in order to manufacture products and goods (provision of services) – Section 5 from [CAEM-2](#).

² CES has the following duties: ... exercise the exclusive right to prohibit the holding of meetings, public manifestations and *other mass actions* – Article 22(1) c) of the Law on the State of Emergency, while the gatherings (temporary and intentional presence of a group of persons, getting together with the purpose of expressing ideas or attitudes) have another legal ground – Article 3 of the Law on Gatherings.

- by the State Tax Service, except for the registration, supervision and reporting of controls in the State Register of controls,
- for the identification of the cases of illegal business activity.

IV. Other measures with impact on business activity

- (i) The general meetings of shareholders (annual and extraordinary), held with the physical presence of shareholders or in mixed format, where the number of shareholders exceeds the number of persons established for meetings by the CES, shall be suspended (Section III(iii) above).
 - ✓ So, the prohibition does not apply to general meetings held by correspondence or with the use of telecommunications means, pursuant to the provisions of Article 49 et seq. of the Law on Joint Stock Companies.
 - ✓ Even if it is not expressly mentioned, the above rules shall apply by analogy to the general meetings of the shareholders in the Limited Liability Companies.
- (ii) The deadlines for holding the annual general meetings of shareholders and presenting the annual/specialized reports of the professional participants in the capital market and of the issuers of securities as well as performing the audit of the financial statements/technical audit of the professional participants in the capital market are extended by 60 days from the expiry date of the state of emergency (30 May 2021).
 - ✓ Pursuant to the Law:
 - the annual shareholder meeting shall be held no earlier than 1 month and no later than 2 months from the date of submission of the annual financial statements to the statistical body,
 - the public interest entities shall submit the financial statements within 120 days from the end of the financial year (until 30 April), and other entities - within 150 days (until 30 May).

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