



HR Legal Alert

23 March 2020

Weinhold Legal

Current measures related to the spread of COVID-19 in Slovakia

The Slovak Republic has taken further measures in relation to COVID-19, the protection of human health and the prevention of death, as summarized below.

DECLARATION OF A STATE OF EMERGENCY BY THE GOVERNMENT OF THE SLOVAK REPUBLIC

On 15 March 2020, the Government of the Slovak Republic (hereinafter referred to as the “**Government**”) adopted Resolution no. 114 on Declaration of a State of Emergency published in the Collection of Laws of the Slovak Republic under no. 45/2020 Coll. of 16 March 2020 (“**Resolution**”), published on this [website](#).

In the Resolution, the Government declared a state of emergency **for the health sector** on the basis of Art. 5 of the Constitutional Act no. 227/2002 Coll. on the security of the state in time of war, state of war and state of emergency, as amended (hereinafter referred to as the “**Act**”) due to the endangerment of life and health of persons in causal connection with the occurrence of a pandemic.

In the state of emergency, **to the extent necessary and for the time necessary, depending on the severity of the threat, for a maximum of 90 days, fundamental rights and freedoms may be restricted and obligations imposed on the affected or imminently endangered territory** and to the maximum extent permitted by the Act, including **in particular** the following limitations:

- ▶ to limit the integrity of a person and his/her privacy by evacuation to a specified place,
- ▶ to impose work duties to ensure the supply, maintenance of roads and railways, the carrying out of transport, the operation of water and sewerage systems, the production and distribution of electricity, gas and heat, the exercise of health care, maintenance of public order or elimination damage incurred;
- ▶ to restrict freedom of movement and residence by curfew at a specified time and by prohibiting entry to the affected or imminently endangered territory;

- ▶ to restrict or prohibit the exercise of the right of peaceful assembly or make the assembly conditional on authorization;
- ▶ to prohibit the exercise of the right to strike.

Under the Criminal Code, a state of emergency is considered a crisis situation. The Criminal Code provides for more severe penalties for individual offences (such as the spread of a dangerous contagious human disease, threats to the human immunodeficiency by virus, the spread of alarming information) for committing a crime in a crisis situation (i.e. including the of emergency). At the same time, the Criminal Code also contains separate offences of violation and the avoidance of duties in a crisis situation, for which the perpetrator can be punished by imprisonment for up to five years.

By the Resolution, the Government imposed a work obligation to ensure the performance of health care and prohibited employees of state hospitals and institutions listed in the annex to the Resolution from the exercise of the right to strike.

MEASURES OF THE PUBLIC HEALTH OFFICE OF THE SLOVAK REPUBLIC

In view of the current global epidemiological situation, the European Union and the Slovak Republic and the spread of COVID-19 and in order to prevent the spread of COVID-19 in the Slovak Republic, the Public Health Authority of the Slovak Republic (“**Office**”) adopted several measures published on this [website](#). Below is a brief summary of the most recent ones.

1) Measure on domestic isolation of persons returning from abroad

By the Measure of 12 March 2020 (“**Measure 1**”), the Office ordered persons:

- with temporary and permanent residence in the Slovak Republic,
- living in the territory of the Slovak Republic for over 90 days, or
- employed in the Slovak Republic,

who returned from abroad in the period **from 13 March 2020 from 7 am until further notice**, including persons living together



HR Legal Alert

23 March 2020

Weinhold Legal

with that person in the same household, **domestic isolation for 14 days**. Further, these persons are obliged to report this fact (by telephone or electronically) to their doctor immediately upon their return to the Slovak Republic. The doctor will then issue a certificate of incapacity for work due to the quarantine for COVID-19 to a person who has returned from abroad and to a person living in the same household.

Exempted from compulsory isolation are namely:

- freight drivers, drivers in rail freight transport and crews in freight ship transport entering the territory of the Slovak Republic for the purpose of transporting, loading and unloading goods,
- drivers and crew of the transport health service carrying out the transport of a patient,
- transport aircraft pilots who do not leave the aircraft, except for pre-flight and intermediate-flight preparation during transit and return flights.

In the event of any symptoms of COVID-19, these persons are obliged to contact their doctor by telephone and use protective equipment.

Nor does measure 1 apply to citizens of the Slovak Republic who have permanent residence or authorized temporary residence **in border areas** (within 30 km from the state border of the Slovak Republic) and have concluded an employment relationship, a similar working relationship or legal relationship in performance in public service in the Slovak Republic or an employment relationship, a similar working relationship in the field of health care or nursing in the border areas of the Slovak Republic.

For failure to comply with Measure 1, the competent regional authority shall impose a fine of up to EUR 1,659.

2) Closure of retail establishments, service establishments and ordered isolation of groups of persons

By Measure of 15 March 2020 ("**Measure 2**"), due to the declaration of emergency by the Government of the Slovak

Republic and with the aim of preventing the spread of COVID-19 diseases in the Slovak Republic, the Office adopted further restrictions **with effect from 16 March 2020 at 6 am**:

- ▶ all retail and service establishments are closed for a period of 14 days (with the exception of grocery stores, pharmacies, drugstores, petrol stations, newspaper and print shops, public catering and fast food outlets, online store operations and others);
- ▶ the presence in public catering establishments and fast-food stalls is prohibited for a period of 14 days (with the exception of fast-food outlets with a dispensing window or the sale of food for take-away);

For failure to comply with Measure 2, the competent regional authority may impose a fine of up to EUR 20,000. The competent regional authority may also impose a fine of up to EUR 1,659 for failure to respect the isolation.

The information contained in this bulletin is presented to the best of our knowledge and belief at the time of going to press. However, specific information related to the topics covered in this bulletin should be consulted before any decision is made.

At the same time, the information contained in this bulletin should not be construed as an exhaustive description of the relevant issues and any possible consequences. Furthermore, it should be noted that there are various legal opinions on some of the issues raised in this bulletin due to the ambiguity of the relevant provisions. It cannot therefore be ruled out that in the future an interpretation other than the one we give us will prevail.

For further information, please contact the partner / manager you are usually in touch with or the following Weinhold Legal lawyers:



Tomáš Čermák
vedúci advokát
tomas.cermak@weinholdlegal.com



Karin Konečná
advokát
karin.konecna@weinholdlegal.com