



Legal Alert

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State of emergency and its consequences

On the basis of Resolution of the Government of the Czech Republic No. 69/2020 Coll. a state of emergency in the Czech Republic has been declared due to health threats connected with presence of coronavirus in the Czech Republic. The state of emergency is declared from 12 March 2020 2 PM for a period of 30 days.

Limitation of rights and imposition of obligations

The state of emergency was declared in accordance with Articles 5 and 6 of Constitutional Act No. 110/1998 Coll., on the Security of the Czech Republic, as amended ("Constitutional Act on Security"). Pursuant to the Constitutional Act on Security, the Government of the Czech Republic is obliged to define which rights are specified in a special act and to what extent are limited in accordance with the Charter of Fundamental Rights and Freedoms and which obligations and to what extent they are imposed. This special act is Act No. 240/2000 Coll., on Crisis Management and on Amendment to Certain Acts (hereinafter the „Crisis Act“).

Pursuant to Section 5 of the Crisis Act, for example, the following may be limited to the necessary time and extent:

- ▶ the right to inviolability of the person and inviolability of dwellings upon evacuation of person from a place where immediate danger to life or health exists,

- ▶ the right to property and use of legal and natural persons to property in respect of a compulsory restriction of the right of the owner or user for the protection of life, health, property or environment threatened by a crisis situation, while adequate compensation shall be granted for this restriction,
- ▶ freedom of movement and residence in the defined area of the territory threatened or affected by a crisis situation,
- ▶ the right to conduct business that would jeopardize the implementation of emergency measures or disrupted, alternatively make the emergency measures impossible.

Section 6 of the Crisis Act contains obligations that the government may impose. These obligations include in particular:

- ▶ evacuation of persons and property from a defined area,
- ▶ prohibition of entry, stay and movement of persons in defined places or areas,
- ▶ imposition of an obligation to work, to assist or to provide in kind.

Right and obligations of legal and natural persons

Specific rights and obligations of legal persons and enterprising individuals are regulated by the Crisis Act in Section 29, according to which are these persons, inter alia, obliged to:

- ▶ participate in the preparation of emergency plans



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at the request of relevant crisis management authority,

- ▶ at the request of the competent crisis management authority to provide in kind necessary to deal with a crisis situation,
- ▶ refrain from activities prohibited by crisis measures by issued on the basis of Section 6 (3) of the Crisis Act (e.g. acquisition of funds in foreign currency, making all payments from the Czech Republic abroad or depositing funds on accounts abroad).

Under Section 31 of the Crisis Act, natural persons residing in the Czech Republic have the right to necessary information on planned emergency measures to protect their lives, health and property. Furthermore, natural persons are obliged during the period of crisis, in particular, to:

- ▶ obey calls of the authorized crisis management authorities to register at a given place due to the imposition of a work obligation or work assistance,
- ▶ respect limitations resulting from crisis measures,
- ▶ perform imposed work obligations or work assistance,
- ▶ refrain from activities prohibited by emergency measures issued pursuant to Section 6 (3) of the Crisis Act.

The fulfilment of the above and other obligations may be refused by a natural person if their performance would endanger the life or health of his/her own or other persons or if the duties imposed on him/her are against the law.

Finally, it is advisable to monitor further development. The Government of the Czech Republic should clarify, through a resolution, which crisis measures are to be implemented and what will be their consequences. Government resolutions published so far and available in the English language [here](#).

This information in this bulletin is correct to the best of our knowledge and belief at the time of going to press. Specific advice should be sought, however, before investment and other decisions are made.

Nor should the information in this bulletin be considered an exhaustive description of the given matter and its possible ramifications. We also note that legal opinion varies regarding some of the issues raised in this bulletin due to ambiguities in the relevant provisions. Thus, it is possible that an interpretation other than the one presented here will prevail in future.

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