

Public Flash

March 2020

State of emergency and the legal regime

The Czech cabinet has declared a state of emergency throughout the entire territory for 30 days in connection with the health threats due to the proven occurrence of coronavirus disease (COVID-19) pursuant to Constitutional Act No. 110/1998 Sb., effective as of 2:00 pm, 12 March 2020.

In connection with the declared state of emergency, the cabinet is the key crisis management authority pursuant to Act No. 240/2000 Sb. During the period of emergency, the cabinet is authorised to issue **emergency measures** for the necessary period of time and to the extent necessary to limit fundamental rights such as the right to the integrity of persons and home inviolability, the right to assemble, ownership right, usufruct (to order the provision of material resources, to suffer the use of real estate), the right to do business, the right to strike and the freedom of movement and residence. Furthermore, the cabinet may restrict the right to possess and carry arms, restrict financial operations and restrict the entry of other nationals to the Czech Republic. The cabinet is also authorised to impose work duties and assistance and to order construction work. The cabinet can also order preferential supplies to selected groups of inhabitants, and order the notification of a temporary change in residence for more than 3 days. The persons affected are entitled to compensation as a result of the restriction of the ownership right or usufruct, the provision of material resources, the performance of work duty or assistance. The state is also obliged to compensate the damage caused to the persons concerned in connection with the emergency measures.

The decisions on emergency measures are published in the media and promulgated in the **Collection of Laws <https://aplikace.mvcr.cz/sbirka-zakonu/>**. They become effective on the date specified in the decision.

The **Central Crisis Staff** is the cabinet's crisis management body. Its staffing and activities are governed by the Statute of the Central Crisis Staff approved by the cabinet.

Ministries and other central administrative authorities ensure their readiness to address emergency situations within their competence. The **Ministry of the Interior** is the coordinating body. The Minister of the Interior addresses crisis

management conflicts, if any. The Ministry of the Interior addresses emergency situations related to internal security and public order (implementation of the ban on entry into the Czech Republic, the ban on assembly, etc.) with the assistance of the Police of the Czech Republic and fire brigades. The government is also authorised to deploy soldiers in active service to assist in enforcing emergency measures.

Under these circumstances, the **Ministry of Health** naturally has the key role (**it ensures the procurement and distribution of medicines, makes decisions on the extent of urgent inpatient care**), and the Crisis Act also explicitly grants powers to the Ministry of Transport, and in connection with the energy infrastructure also to the Ministry of Industry and Trade and the Czech National Bank. To make sure territorial self-governing units are ready to address emergency situations, regional and municipal authorities (including governors and mayors) are also vested with necessary powers laid down by the law. Regional authorities and municipalities with extended powers set up crisis task forces as their working bodies, thus exercising the delegated powers of public administration.

The state of emergency is an exceptional situation where lives, health or property and internal order and security are at risk. **Decisions issued during a state of emergency are not (with some exceptions) subject to the Administrative Procedure Rules (no appeal may be lodged against them). Any breach of emergency measures is an offense punishable by high fines in administrative proceedings.** Given the nature of some emergency measures, however, criminal consequences are not ruled out either.

Pursuant to the cabinet regulation, coronavirus disease (COVID-19) has been included in the list of contagious human diseases, the spread of which can be classified as a crime – **the crime of spreading a contagious human disease can also be committed by negligence**. In general, the commission of **any crime** during an emergency is an **aggravating circumstance**.

Should you have any other questions regarding the above topic, do not hesitate to contact our legal team.

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