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Muja Law brings you the latest issue of the *Legal Update* regarding the recent measures taken by the Albanian government in order to contain the spread of COVID-19.

Following the situation created by the coronavirus pandemic, in the continuous attempts to control the spread of the infection, the Albanian Council of Ministers has approved the Normative Act No. 8, dated 24.3.2020, "On some additions and amendments to the Normative Act No.3, dated 15.3.2020, of the Council of Ministers, 'On special administrative measures during the period of infection caused by COVID-19'", and Decision No. 243, dated 24.3.2020 "On the declaration of the state of natural disaster", which have restricted even more the rights and freedoms provided in the Albanian Constitution.

On the other hand, the High Judicial Council in Albania has decided with the *Decision No.128, dated 24.03.2020*, to continue the suspension of nearly all judicial activity and courts' services in the Republic of Albania, for the same purpose.

Some of the most important provisions of the above acts are as follows:

❖ In the Official Journal No. 48, dated 24.03.2020 has been published Decision of the Council of Ministers No. 243, dated 24.3.2020 "On the declaration of the state of natural disaster" (hereinafter referred to as the "Decision").

The Decision provides that the state of natural disaster has been declared throughout the Republic of Albania due to the epidemic caused by COVID-19.

Restrictions of Constitutional rights

The Decision provides the limitation of the rights guaranteed by Articles 37 (inviolability of the citizen's dwelling), 38 (freedom of

movement), 41 (the right to property), 49 (the right to work) and 51 (the right to strike) of the Constitution of Albania to the extent considered necessary to achieve the protection of citizens' health.

ICCE

The Inter-Ministerial Committee on Civil Emergencies (*ICCE*), established by Decision No. 750, dated 27.11.2019, of the Council of Ministers, "On the declaration of the state of natural disaster in the regions of Durrës, Lezha and Tirana", as amended, is the highest authority charged with coordinating the actions of state institutions and private

subjects, as well as the financial and material resources to deal with natural disasters due to the COVID-19 epidemic, up to 30 (thirty) days after entry into force of this decision. As an ICCE member is also appointed the Minister of State for Reconstruction.

Representatives of various public authorities, businesses, medical and public health experts/professionals, and civil society representatives or NGO leaders, which have as the object of their activity the public health and humanitarian aid, attend the ICCE meetings at the request of the Chairman.

The Institute of Public Health is assigned as the ICCE Technical Secretariat for natural disaster issues declared due to the COVID-19 epidemic.



Extraordinary measures

The following extraordinary measures are taken to cope with and mitigate the consequences of the natural disaster:

▪ Public institutions:

a) shall implement plans of organizational and administrative measures to cope with the state of natural disaster;

b) shall use the financial resources provided for in the annual budget, and reassess their annual budget, in accordance with the incurring unforeseen expenditures;

c) shall make available human and logistical resources;

ç) shall designate state-owned facilities under their administration, which may be made available for housing the evacuated population;

d) shall restrict access to public places which are widely frequented;

dh) shall stop gatherings, manifestations and strikes;

e) shall limit the activities to the minimum necessary for all public authorities;

ë) shall quarantine all persons confirmed or suspected of being affected by COVID-19;

f) shall establish and provide staffed quarantine zones, which shall be provided with all preventive measures to prevent infection;

g) shall guarantee conditions and qualified staff for specialized treatment in quarantine centers;

gj) shall provide all staff of hospital and health centers with the necessary material basis for avoiding infection.

▪ Operational Structures of the Civil Protection System:

a) shall establish and implement special measures to ensure and increase the safety of citizens in disaster-affected areas;

b) shall activate and organize the quarantine procedure for the endangered population;

c) shall organize unilateral controls of dwellings and private facilities to identify and treat persons affected by the virus;

ç) shall restrict free movement within or outside the country in accordance with the needs dictated by the natural disaster;

d) shall restrict the organization of strikes;

dh) shall restrict the economic activities of private subjects in accordance with the needs dictated by the natural disaster;

e) shall provide first aid to persons affected by the virus and transport the affected to hospital centers or quarantine infrastructure;

ë) shall organize the procedures required for the performance of funeral services.

▪ **Private subjects:**

a) shall respect the quarantine procedures and measures;

b) shall provide information on data that assist civil protection institutions and structures in dealing with the disaster;

c) shall be involved in specific tasks, in accordance with the preparation, skills and need to help overcome the state of natural disaster;

ç) shall cease or temporarily limit their activity;

d) shall not levy road toll charges for vehicles engaged in coping with the natural disaster.

▪ **Citizens:**

a) shall comply with the orders, measures and instructions of the civil protection authorities, and follow the procedures required, in particular for quarantine and suspension of activities;

b) shall provide information on data that assist public institutions and civil protection structures to cope with the disaster;

c) shall be involved in specific tasks, in accordance with the preparation, skills and need to help overcome the state of natural disaster.



Previous legal acts

All rights and freedoms limited by acts, pursuant to Law No.15/2016, “*On the prevention and fight against infections and infectious diseases*”, as amended, and Normative Act No.3, dated 15.3.2020, of the Council of Ministers, “*On special administrative measures taken during the period of infection caused by COVID-19*”, as amended, remain in force.

Entry into force

This Decision has entered into force immediately.

❖ Additionally, in the Official Journal No. 48, dated 24.03.2020, has been published the Normative Act No. 8, dated 24.3.2020, of the Council of Ministers, *"On some additions and amendments to the Normative Act No.3, dated 15.3.2020, of the Council of Ministers, 'On special administrative measures during the period of infection caused by COVID-19'"*, as amended (hereinafter referred to as the *"Normative Act"*).

The Normative Act provides the following:

Restriction of movement

In virtue of the Normative Act, all individuals who fail to comply with an order issued by the competent authorities, for the restriction of movement only on fixed time schedules and unaccompanied by other persons on their side, are subject to a fine of ALL 10,000 (ten thousand), as well as they will not benefit from the financial package of solidarity and also, their private vehicle, if applicable, will be blocked for 3 (three) months.



Subjects' obligations

All subjects that trade alimentary products and other wholesale products necessary to cope with the epidemic situation are obliged to take measures to maintain stocks to trade for a period of 3 months or in accordance with the product's longevity, in order to cope with the situation caused by COVID-19 infection. Goods purchased for coping with the situation, if they have not been sold on the free market at the conclusion of the epidemic situation, may be sold to the General Directorate of Material Reserves of the State, upon the invoice with which these goods were purchased. The rules and procedures for the purchase of such goods by the General Directorate of Material Reserves of the State shall be determined by decision of the Council of Ministers.

All subjects that trade wholesale medicines/medical equipment, subjects that manufacture medicines and medical equipment and subjects that provide health services, must be on the alert and take all necessary measures to secure supplies of medicines and medical equipment and to provide necessary health services in the framework of coping with the emergency situation caused by COVID-19.

Failure to take measures, as provided for in the above, shall be punishable by a fine of up to ALL 5,000,000 (five million) and with the exemption from public procurement procedures for a period of three years by the Public Procurement Agency.

Entry into force

The Normative Act has entered into force immediately.

❖ On the other hand, the High Judicial Council through Decision No.128, dated 24.03.2020, has decided to continue the suspension of the activity and services in the judicial system in all courts of the Republic of Albania, given that the circumstances regarding the infection caused by COVID-2019 remain unchanged.

Excluded from the effects of this suspension are the judicial activities and services related to matters of a pressing nature, assessed as such on a case-by-case basis by the judge, such as court hearings related to security measures, pre-trial detention, etc.

In any case, the presence of the public in the courts' premises is prohibited.

During the suspension period, public communication with the courts can only be performed through official mail, email, or online, through the official websites of the courts.

The duration of these measures will be for a period of two weeks, starting from 25.03.2020 until 07.04.2020 (including this date).



This decision has entered into force immediately upon its publication in the official webpage of the High Judicial Council.



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contact@mujalaw.com

Muja Law Office

Bulv. Gjergj Fishta, Pall. 36, Zyra 14, pranë Gjykatës së Rrethit Gjyqësor Tiranë
1001 Tirana

Albania

Mob: +355 69 28 28 562

Web: www.mujalaw.com

Muja Law is a family-run law office where we work hard for the success of our clients and to provide excellence in legal service. Our roots go back to 2001 when our Managing Partner, Krenare Muja (Sheqeraku), opened her law practice office in Tirana, Albania. Krenare's son Eno joined her in 2014, and the other son Adi entered the practice in 2019. What started in Tirana as a small, family-run law office has grown and flourished in the community for the last 20 years. The office consists of various respected and talented lawyers who possess outstanding educational and community service backgrounds and have a wealth of experience in representing a diverse client base in various areas of the law.

The office is full-service and advises clients on all areas of civil, commercial and administrative law. With significant industry expertise, we strive to provide our clients with practical business driven advice that is clear and straight to the point, constantly up to date, not only with the frequent legislative changes in Albania, but also the developments of international legal practice and domestic case law. The office delivers services to clients in major industries, banks and financial institutions, as well as to companies engaged in insurance, construction, energy and utilities, entertainment and media, mining, oil and gas, professional services, real estate, technology, telecommunications, tourism, transport, infrastructure and consumer goods. In our law office, we also like to help our clients with intermediary services, as an alternative dispute resolution method to their problems.

While we have grown over the past 20 years and become recognized as one of Albania's leading law offices, we are grounded in the essence of "who" we are and "where" we started. We understand the importance of family, hard-work, and dedication.

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