

LEGAL UPDATE

Regulation on Economic Mobilization Measures

Regulation of the Government of the Slovak Republic No. 77/2020 Coll. on the implementation of certain economic mobilization measures (hereinafter referred to as the “Government Regulation”) was published in the Collection of Laws of the Slovak Republic on 10 April 2020. The Government Regulation was issued in accordance with Act No. 179/2011 Coll. on economic mobilization and on amendment to Act No. 387/2002 Coll. on state management in crisis situations other than war and the state of war as amended (hereinafter referred to as the “Economic Mobilization Act”). The Government Regulation entered into force on the date of promulgation.

The Government Regulation was adopted to announce specific extraordinary regulatory measures and measures concerning civilian duty and material performance in connection with the emergency situation related to the COVID-19 pandemic. The Government Regulation regulates measures in the areas of organization of production and services, organization of the supply of vital goods and their sale, organization of healthcare, transportation and social security, measures concerning civilian duty and material performance, and other measures concerning, for example, the financing of economic mobilization measures.

Organization of production and organization of services

The Government Regulation orders the organization of production and services throughout the entire territory of the Slovak Republic to ensure priority production and selected services. The bodies designated to implement the production and service organization measures are the competent ministries designated by the Government of the Slovak Republic. The measure to ensure priority production and selected services concerns the following:

- entities designated as economic mobilization entities based on a decision of the competent ministry,
- businesses producing or participating in the production or distribution of: (i) protective face masks, (ii) disinfectants and gels, (iii) alimentary spirit containing at least 70% of alcohol or (iv) other products that the competent ministry will assess as strategic.

Production and service organization measures to ensure priority production and selected services will be carried out by means of a written order issued by the competent central state administration body or a district authority.

Other measures ordered in the area of organization of production and services concern the designation of selected facilities to carry out quarantine measures based on a written order issued by the head of a central state administration body within its competence, the head of a district authority within its territorial district, the head of a district authority at the seat of a region within the territorial district of the region or the head of a higher territorial unit and to ensure the supply of drinking water to areas subject to quarantine measures of the Ministry of Environment of the Slovak Republic.

Organization of the supply of vital goods and their sale subject to extraordinary regulatory measures – a ban on the export of vital goods

The Government Regulation has banned, throughout the entire territory of the Slovak Republic, the export of designated vital goods from the Slovak Republic to another Member State of the European Union or a state that is a party to the Agreement on the European Economic Area and to third countries irrespective of where they have been produced. The ban applies to the following:

- personal protective equipment listed in the Appendix to the Government Regulation,
- antibacterial soaps, gels and disinfectants,
- mechanical ventilation equipment.

Protective equipment included in the list of personal protective equipment contained in the Appendix to the Government Regulation is identical to protective equipment included in the list contained in Annex I to Commission Implementing Regulation (EU) 2020/402 of 14 March 2020 specifying protective equipment whose export outside the European Union is subject to an export authorization. The list includes protective spectacles, protective garments, face shields and gloves.

The Government of the Slovak Republic may permit the export of the aforementioned vital goods from the Slovak Republic to another Member State of the European Union or a state that is a party to the Agreement on the European Economic Area or to third countries only in exceptional cases.

Edit 13 March 2020: Regulation of the Government of the Slovak Republic No. 117/2020 Coll. on amendment of the Government Regulation was published in the Collection of Laws on 13 March 2020. This regulation has removed the provisions on organization of the supply of vital goods and their sale subject to extraordinary regulatory measures from the Government Regulation, with effect from the day of its publishing in the Collection of Laws. Therefore, from 13 March 2020, the ban on the export of vital goods introduced by the Government Regulation is no longer valid.

In connection with the ban on the export of vital goods, we would also like to bring your attention to the adoption of Act No. 69/2020 Coll. on extraordinary measures related to the spread of the dangerous contagious human disease COVID-19 in the healthcare sector amending certain laws, which entered into force on 6 April 2020 and, in addition to other measures, has introduced a ban on the sale of FFP2 and FFP3 protective equipment during the crisis situation. During the crisis situation, the aforementioned protective equipment may only be sold to persons specified in the Act, including: healthcare providers in the territory of the Slovak Republic, healthcare professionals, state administration and territorial self-government bodies.

Organization of transportation

The Government Regulation has ordered, throughout the entire territory of the Slovak Republic, the organization of transportation in order to ensure the following:

- passenger transportation by bus to transport persons from and to designated quarantine facilities or to areas subject to quarantine measures,
- freight transport to make supplies to designated quarantine facilities or areas subject to quarantine measures,
- freight transport to carry emergency supplies from the depots of the State Material Reserves Administration of the Slovak Republic to a designated location,

- urban passenger transportation by bus, suburban passenger transportation by bus and long-distance passenger transportation by bus to ensure transportation service within a specific territory.

The Ministry of Transport and Construction of the Slovak Republic will designate businesses or other legal entities to carry out measures for the organization of transportation as economic mobilization entities. For suburban bus transport, these businesses or other legal entities will be designated by a higher territorial unit (self-governing region). Measures for the organization of transportation will be carried out by means of issuing a written order.

Civilian duty and material performance

Civilian duty has been ordered throughout the entire territory of the Slovak Republic to implement economic mobilization measures in line with the requirements of crisis management bodies and designated economic mobilization entities. A written order to carry out a civilian duty is issued to a person by the competent district authority in favour of an economic mobilization entity. According to the Economic Mobilization Act, civilian duty consists of the following:

- an employee is required to stay in his or her job and also perform work in a location other than the agreed place of work and perform other type of work than agreed upon if his or her employer is an economic mobilization entity and if the respective work position is a position within the organizational structure of an economic mobilization entity during the crisis situation,
- a natural person is required to carry out duties necessary to handle economic mobilization measures during the crisis situation.

According to the Economic Mobilization Act, material performance means the obligation of a legal entity, sole trader and natural person to provide a designated asset for the implementation of economic mobilization measures; a designated asset means immovable and movable assets, including technological equipment, utilities, water and documentation.

Material performance has been ordered throughout the entire territory of the Slovak Republic to implement economic mobilization measures in line with the requirements of crisis management bodies and designated economic mobilization entities and for the purpose of replenishing designated assets and providing accommodation to the armed forces and rescue units of the Integrated Rescue System or ensuring quarantine of sick individuals. A written order to carry out material performance is issued to an entity by the competent district authority in favour of an economic mobilization entity.

Material performance does not apply to an economic mobilization entity carrying out an economic mobilization measure with respect to the provision of designated assets that the entity needs to ensure its implementation.

Other economic mobilization measures

- The Government Regulation has ordered the organization of healthcare for the following purposes: (i) reclassification of hospital beds of the Slovak Republic, (ii) implementation of sanitary measures and anti-epidemic measures to ensure healthcare. Healthcare providers within the competence of the Health Ministry of the Slovak Republic, the Interior Ministry of the Slovak Republic and the Defence Ministry of the Slovak Republic participate in the implementation of measures based on a written order.
- The Government Regulation has ordered the organization of social security within the competence of the Ministry of Labour, Social Affairs and Family of the Slovak Republic. The Ministry of Labour, Social Affairs and Family of the Slovak Republic or a higher territorial unit designates social service providers within its competence as economic mobilization entities by means of issuing a written order.
- An economic mobilization entity carrying out an economic mobilization measure may ask the competent district authority to provide additional human resources or designated assets if, based on the issued written order to implement an economic mobilization measure, the human resources

necessary to ensure its implementation or assets designated for its implementation are insufficient.

- An employee of a designated economic mobilization entity is required to remain in the employment relationship or similar labour relationship if his or her employer is carrying out an economic mobilization measure and his or her position in the organizational structure of the entity is needed to ensure the implementation of the economic mobilization measure. Such an employee is not ordered to carry out a civilian duty.