

**What do you need to know regarding the state of emergency declared in Georgia due to COVID-19?**

March 2020



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# Contents

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# Introduction



Georgia declared a state of emergency on 21 March 2020 in response to the continuing spread of the COVID-19 outbreak. It will last until 21 April 2020. Presidential Decree No. 1 sets out the key measures that must be taken during the state of emergency.

## **These measures authorise the Georgian government to, including among others:**

- Establish exceptions to general prohibitions in the decree on assemblies, manifestations, and gatherings;
- Establish exceptions to general prohibitions in the decree on passenger travel by air, land or sea;
- Where necessary, restrict the ownership rights, and use property and assets of individuals or legal entities for quarantine, isolation and medical purposes;
- Prohibit or restrict some business activities, or to instruct businesses to perform certain activities.

The decree expresses these restrictions in general terms and leaves it to the government to issue detailed guidance. On 23 March 2020, the Georgian government issued Ordinance No.181, which expands on these restrictions. The key points are provided on the following slides.

# Restrictions on travel and free movement

## 1. What do the restrictions entail?

All international passenger travel by air, land and sea are suspended during the state of emergency. Similarly, domestic regular passenger flights, passenger rail transport, and passenger transport by M2\* and M3\*\* category vehicles (save for specific cases) are also suspended for the duration of the state of emergency.

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## 2. What are the exceptions to these restrictions?

While all international regular flights are suspended, there are a few exceptions to these restrictions, including among others:

- Flights where an airplane that is not carrying passengers lands in Georgia from a foreign country to transport passengers from Georgia;
- Cargo flights;
- Emergency landings, etc.

The Civil Aviation Agency of Georgia is the body authorised to review individual applications for both international and domestic **charter** flights in agreement with the Georgian Ministry of Economy.

There are few specific exceptions in place for rail transport and transportation by M2 and M3 category vehicles.

*\* and \*\*: M2 and M3 categories refer to vehicles designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, with a mass less than 5 tonnes or exceeding 5 tonnes respectively.*

# Restrictions on gatherings

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## What is the scope of the restrictions?

Gatherings of **more than 10 people** in **public spaces** are prohibited. In this context, the term “public spaces” refers to any space, closed or open, other than places used by private individuals for residential purposes.

Assemblies and/or manifestations, as well as social events, are also prohibited until the end of the state of emergency.

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### Does this mean that you have to close your office?

Not necessarily. The ordinance provides for another conditional exception to the restrictions, which means that certain requirements must be met.

Namely, it is possible for more than 10 persons to gather in a “public space” (such as an office) if the persons maintain “**social distance**” of, at least, **two meters**. You can keep your office open if you have the relevant arrangements in place to comply with this rule.

Moreover, Ministry of Health recommendations must also be observed (as far as relevant) when relying on this conditional exception. The Georgian government has set up a website to update the public about COVID-19.

You can find the recommendations on the following link:

[www.stopcov.ge/en/Recommendation](http://www.stopcov.ge/en/Recommendation)

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## Are any organisations/activities exempt from the restrictions?

Yes, there are few exemptions from this rule:

- Gatherings of people in medical facilities and state bodies insofar as they are necessary to perform their professional duties;
- Public transport (unless specifically shut down by the government);
- Construction and infrastructure works.

# Restrictions on the right of ownership

## What is the scope of the restrictions?

The restrictions state that, in specific cases, individuals and legal entities may be required to make their property or assets available to the state at the request of the Ministry of Economy and follow the relevant instructions. The obligations imposed under this restriction vary based on the field in which companies operate, as shown below—

- **Air transportation:** companies may be required to provide charter flights to requested destinations to repatriate Georgian nationals and/or transport cargo to Georgia;
- **Road transportation:** companies may be required to transport people to quarantine zones and/or cargo to the relevant destination (in Georgia);
- **Accommodation Facilities:** companies may be required to provide hotels and/or similar accommodation facilities (including related services) and place people under mandatory quarantine by providing the appropriate conditions to prevent the spread of COVID-19.

# Restrictions on businesses

## 1. What is the scope of the restrictions?

Under the restrictions, certain activities are suspended for the duration of the state of emergency. All other (i.e. permitted) economic activities, regardless of their form and type, must be conducted according to the recommendations of the Georgian Ministry of Health.

## 2. Which activities are suspended during the state of emergency?

Businesses that are suspended during the state of emergency include:

- Business that supply or sell goods/products, unless exempt;
- Restaurants;
- Public catering establishments;
- Clubs;
- Sports and recreation centres;
- Cinemas;
- Beauty salons; and
- Nightclubs.



# Restrictions on businesses (continued)

## 3. Are any businesses exempt from this restriction?

Yes, there are few exceptions, namely:

- Retail of certain goods (food, animal feed, animal and plant products, personal hygiene products, veterinary drugs, pesticides and agrochemicals, seed and planting materials);
- Supply of electricity, natural gas, water, gasoline, diesel, liquefied gas;
- Sale of medical goods and pharmaceuticals;
- Slot machine games and gambling services may only be provided electronically;
- Food delivery or sales via take-out services (drive-through), without admitting customers or granting them access to the retail space;
- News kiosks;
- Retail/wholesale supply/selling of goods/products provided that:
  - The service is delivered on-site for retail supply/sale,;
  - In the case of wholesale supply/sale, the service is delivered either on-site or without admission/access of a customer to a retail space;
- Certain obligations are imposed on companies providing retail/wholesale services, which include the obligation to equip specific staff with gloves and facemasks and ensure that customers maintain a social distance of at least two meters;
- Finally, specific requirements apply to businesses that produce/process food and provide food delivery services.

These primarily concern sanitary and hygiene norms aimed at limiting the spread of COVID-19 (e.g. washing hands, wearing gloves and using disposable packaging).



# Liability for non-compliance



**Presidential Decree No.1 set out the liabilities for non-compliance with the decree and the relevant governmental ordinances:**

**First-time offenders face administrative liability—**

- Individuals: a fine of GEL 3,000;
- Legal entities: a fine of GEL 15,000.

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Re-offenders face **criminal liability—**

- **Individuals:** detention of up to three years;
  - **Legal entities:** a fine; prohibition of business activities; or a fine and liquidation.
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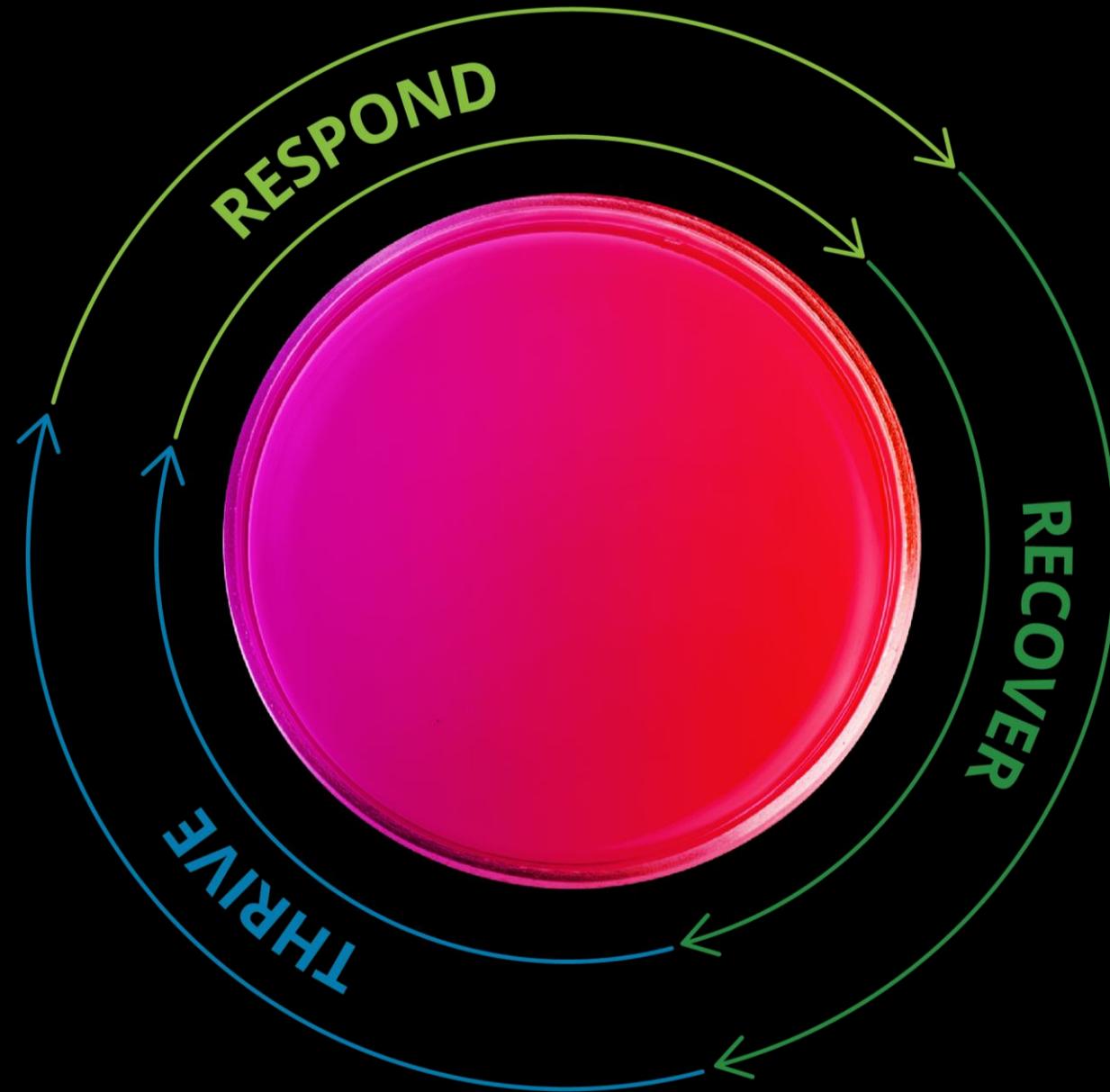
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