

Gugushev & Partners

L A W O F F I C E

LEGAL REVIEW

OF THE REGULATORY DEVELOPMENTS
IN RELATION TO THE COVID-19 PANDEMIC
AND THE STATE OF EMERGENCY

AMENDMENTS RELATED TO ANTI-EPIDEMIC MEASURES AND
SAFEGUARDS AND SANCTIONS FOR THEIR VIOLATIONS



The present legal analysis includes confidential information. The analysis or parts of it cannot be provided, copied or disclosed under any circumstances without the explicit written consent of Gugushev & Partners Law Office.

This analysis has been developed according to the applicable legislation, legal and administrative practice as per the above-mentioned date and it is restricted only to the questions analyzed in it. All examples and conclusions written here, should not be in any manner associated with other issues, which are not subjects of the present analysis.

In case this analysis is disclosed before third parties, even with the consent of Gugushev & Partners Law Office, the latter is not liable in any way and under any jurisdiction in relation to third parties, regardless of the basis on which it may be held responsible – contract, contract in favor of third party, negligence, incompetence, etc.

I. INTRODUCTION

The present document represents a general analysis of the main regulations and amendments, introduced by the Emergency Act Regarding the Measures and Safeguards During the State of Emergency declared by the National Assembly of Bulgaria with its Resolution from March 13th, 2020 („the Emergency Act“ or “the Act”) as published in State Gazette, issue 28 of March 24th, 2020 (special issue).

The present review, updated as of March 24th, 2020, presents an analysis of all legal changes introduced by the final version of the bill that became law. This report has been prepared by the legal specialists of Gugushev & Partners Law Office and is to be used for information purposes only. This report does not represent a legal advice/statement, cannot be relied upon in any way as such and shall not in any way be considered legally binding with regards to Gugushev & Partners Law Office.

For further information, including legal support and answers to your specific questions with regards to the present information, you can contact us by e-mail address: office@gugushev.com or telephone: 00359 2 815 75 10, as well as on our public profiles on [Facebook](#) и [LinkedIn](#).

II. AMENDMENTS RELATED TO ANTI-EPIDEMIC MEASURES AND SAFEGUARDS AND SANCTIONS FOR THEIR VIOLATIONS

1. Health Act

The Health Act provides the Minister of Healthcare with the authority to order mandatory isolation of sick or contagious persons, contact persons and persons who have entered the territory of the Republic of Bulgaria from other countries. The measures may be imposed at home conditions after an assessment of the existing epidemic risk has taken place. An appeal against the order for mandatory isolation issued by the head of the respective healthcare institution does not cease the execution of the order.

The following sanctions are provided for a violation:

- refusal of a contact person to conduct the necessary medical examination is punished with a fine of 50 to 500 BGN;
- in case of refusal of a voluntary attendance of a medical examination, a measure of coercion shall be imposed - forced bringing with the assistance of the Ministry of Interior authorities;
- in case of established carrier of infectious disease, refusal to perform compulsory isolation and treatment shall be punished by a fine of BGN 5,000;
- a fine of BGN 5,000 is imposed on those who enter the territory of the country who do not fulfill the imposed mandatory isolation.

2. Medical-Treatment Facilities Act

Amendments to the Medical-Treatment Facilities Act provide that within two months of the lifting of the state of emergency pharmacies shall dispense medicinal products only on a prescription booklet, in accordance with the recently given medicines. The Minister of Healthcare is entrusted

with the authority to order checks on compliance with anti-epidemic measures and to ban the export of certain medicinal products.

3. State Property Act

Amendments to the State Property Act provide that during a state of emergency personal protective equipment, medical supplies, medical and laboratory equipment, hygienic materials, privately owned by the state, may be provided for temporary free use of medical establishments.

CONCLUSION

The adoption of the Act introduces new rules related to the purchase of medicines and medical supplies with the state budget resources, the limitation of medicinal products export, the extension of study sessions, as well as the powers of the military personnel from the armed forces to participate in the implementation of anti-epidemic measures on the territory of the country. Penalties for violation or refusal of assistance in relation to the conduct of a medical examination, mandatory isolation and treatment, and other quarantine requirements shall also be provided.

We are looking forward to assisting you further, including for statements with the described topics.

*Faithfully Yours,
Gugushev & Partners Law Office Team*

*Victor Gugushev – Partner
Iliyan Trifonov – Associate
Elitsa Toleva - Legal Trainee*

*24 March 2020
Sofia, Bulgaria*