

Covid-19: Confinement - Measures taken by the Government and applicable penalties

On March 16, 2020, French President Emmanuel Macron decided to take exceptional measures to deal with the global Covid-19 pandemic that is spreading across France.

In this exceptional health context, what are the measures taken by the Government? What is the legal framework for such measures? What penalties for those who do not comply with the new rules?

The French Parliament has passed the health emergency Bill: What does this new legislation contain?

On Sunday March 22, 2020, the French Parliament definitively adopted the so-called “state of health emergency” legislation for two months (the “Law”). It has been published in the Official Gazette on March 23, 2020.

The Law creates a legal framework for the measures taken by the French Government since March 16, 2020. The extension of the state of health emergency for an additional period of more than one month can only be authorized by law, after the opinion of the scientific committee.

In practical terms, the state of health emergency allows the Prime Minister to take general measures by ways of Decrees, based on the report of the Minister of Health, to restrict or prohibit the movement of persons and vehicles; prohibit people from leaving their homes, subject to travels that are strictly essential for family or health reasons; order measures for the quarantine of persons likely to be infected; order measures for the placement and isolation of infected persons; order the closure of one or more categories of establishments opened to the public as well as meeting places with the exception of establishments providing basic goods or services; limit or prohibit gatherings in the streets and meetings of any kind; order the requisitioning of all goods and services needed to combat the health disaster; take temporary measures to control the prices of certain products made necessary to prevent or correct the tensions observed on the market for these products; take any measures allowing patients to be provided with appropriate drugs for the eradication of the health disaster; take any other regulatory measures by Decree in order to restrict entrepreneurial freedom.

The scientific committee is made up of eleven experts who make recommendations to the Executive for effective management of the health crisis.

The opinions of the scientific committee are made public and its chairman is appointed by Decree of the President of the Republic.

What are the measures taken by the Government since March 16, 2020?

Among the main measures taken by the President of the French Republic, confinement was certainly the one that was the most expected – but also the most feared – by French citizens. Who says confinement, says lockdown, social distancing and restrictions of individual liberties.

Indeed, non-essential outings have been banned since March 17, 2020 at noon, and for a minimum of 15 days. There are some exceptions and derogations, but only if you are in possession of a derogatory travel form duly completed and signed. A different form is required for each outing. Needless to say that health professionals are not affected by these measures, as they must be able to travel freely to their place of work as many times as and whenever their job dictates.

The main exception concerns persons working in establishments authorized to remain opened to the public: food markets, food shops, pharmacies, gas stations, banks, tobacco shops and press distribution shops. Any person working in an authorized establishment may travel between his/her home and place of work. Similarly, persons for whom teleworking is strictly impossible are allowed to travel to their place of work.

For all other people, derogations are possible, provided that they can present a form stating that they are travelling for:

- shopping for basic grocery supplies in authorized local shops;
- going to see a health professional;
- childcare or to help vulnerable people on the strict condition that so-called “*barrier gestures*” are duly respected (avoid contact, stay more than one meter away from each other, etc.);
- taking physical exercise only on an individual basis, around the home and without any gathering.

Any breach of these rules is punishable by a lump-sum fine of 135 euros.

This is a 4th class fine for violation of the travel ban or disregard of the obligation to carry a document justifying authorized travel.

Faced with too little compliance with governmental instructions during the first days confinement was in place, the Government decided to tighten sanctions. As such, in the event of repeated breaches of confinement rules, the lump-sum fine increases to 1,500 euros for a repeated offence within fifteen days of the first offence, and up to a maximum of 3,700 euros, plus a 6-month term of imprisonment and an additional term of community service in case of 4 repeated breaches within a period of thirty days.



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