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**IFRC COVID-19 Emergency Decree Research: France**

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- **Questions to be answered by close of business Friday, 20 March are listed below.**
- **Please be sure to include English translations of relevant text where possible.**

**1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?**

There are no specific measures in the French emergency decrees providing for a specific cooperation between the state and non-governmental organization (NGO).

However, all social and medico-social actors have already met to anticipate the spread of the Covid-19 and set up altogether rules to avoid the infection of their public, agents or volunteers.

Cooperation with NGOs are already in place. As examples:

- *Médecins Sans Frontières* organizes (in coordination with the French health authorities) the detection and promotion of the treatment of Covid-19 cases among the most vulnerable populations in Paris and certain departments of France;
- The Red Cross in France is voluntarily committed to working with the emergency medical services (SAMU) to help them taking care of the Covid-19 patients.

If the French health authorities do not allow NGOs to derogate from the rules established for private companies, these actors must abide by the measures of the emergency decree (i.e. telework, barrier measures and protective equipment for their employees and volunteers).

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**Latest developments - 23 March 2020**

Decree n° 2020-260 of 16 March 2020 regulating movements as part of the struggle against the spread of the covid-19 virus has been amended by a new decree. This decree introduced three new grounds for movements of people, one of which concerns missions of public interest, and therefore humanitarian organizations.

From now on, movements for the sole purpose of participating in missions of public interest are authorized if these movements are made:

- (i) at the request of the administrative authority; and

(ii) under conditions specified by the administrative authority.

This seems to indicate that the state actors and the non-state actors will coordinate to define the extent to which the non-state actors will be able to continue their activity and assist the state actors.

**2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?**

No specific measures concerning the Red Cross and, more generally, humanitarian actors are dealt with for the moment. It could be considered by legislative or regulatory authorities in the coming days.

The French Red Cross website provides daily updates on the situation and its interventions in the framework of Covid-19.

It recalls having accepted the State's request to ensure the logistics and the animation of the reception centre for French national repatriated from the Chinese province of "Hubei", at the end of January 2020, who were possibly contaminated by Covid 19.

The intervention of the Red Cross is still relevant, and no reference is made to a reduction in its intervention due to the period of confinement we are in today. Indeed, since the decree of 16 March 2020 n° 2020-260 following French President Emmanuel Macron's speech, containment measures have been pronounced, in particular for the movement of any person away from his or her place of residence. Article 1 of this decree sets out a restrictive list of activities for which a person may leave his or her home. No exception is expressly made for the time being for the activities of the Red Cross or other humanitarian actors.

Nevertheless, Red Cross calls for voluntary work and solidarity among all volunteers.

Authorization for the Red Cross to provide assistance to persons in need may be the subject of an express agreement by parliament or the government at a later date.

Furthermore, the Red Cross also has a preventive role in this fight against Covid 19 and reminds the gestures and behaviors to adopt in prevention.

Please note that the European Commission has not referred to the Red Cross or other humanitarian actors in the current context of Covid-19 yet.

**3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?**

This issue should be addressed at two levels:

I. At a French level

The executive power has formally prohibited people to go outside their premises from 17 March 2020 until 31 March 2020 (decree n° 2020-260 of 16 March 2020 regulating travel in the fight against the spread of the covid-19 virus). However, this decree also provides with an exemption for "*journeys between the home and the places of exercise of the professional activity and professional journeys, which cannot be deferred*". Under such exemption people working in the health sector who, notably work to tackle the Covid19, can freely circulate on the French ground.

In practice, to benefit from this exception, one should be able to present a certificate so to justify that he/she falls within the scope said exceptions.

French executive power has decided not to close its borders to the countries of the European Union.

## II. At the level of the European Union

On 17 March 2020, during a press conference, the President of the European Commission Ursula von der Leyen and the President of the European Council Charles Michel announced a temporary ban on non-essential journeys towards the "EU for a period of thirty days.

However, certain exemptions will set in place for European citizens wishing to join back their home-country and for cross-border workers.

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### **Latest developments - 23 March 2020**

As indicated for question 1, at a French level, movements for the sole purpose of participating in missions of public interest are now authorized if they are made (i) at the request of the administrative authority and (ii) under conditions specified by the administrative authority.

This new ground should facilitate the work of RC/humanitarian organizations.

#### **4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid) ?**

According to decree n° 2020-260 of 16 March 2020, any person is prohibited from moving outside of his or her home until 31 March 2020, except for the following very restricted situation:

1° Movements between the home and the place(s) where the professional activity is carried out and professional journeys that cannot be postponed;

2° Movements to make purchases of supplies necessary for the professional activity and purchases of basic necessities;

3° Movements for medical reasons;

4° Movements for urgent family reasons, for the assistance of vulnerable persons or for childcare;

5° Short movements, close to home, related to the individual physical activity of people, excluding any collective sports practice, and to the needs of pets.

This decree does not provide, per se, for any exception for RC/humanitarian organizations even if the exception to quarantine re the assistance of vulnerable persons could be a legal ground for humanitarian organizations to maintain their activities.

However, in France, the situation is handled as of today more on a case by case basis by the government, without any enforcement of specific regulation being taken.

In his address / speech on 16 March 2020, the President of the French Republic indicated that the main associations would be involved in the management of the crisis. The associations await / are awaiting the establishment of a general framework that would ensure the continuity of their activities.

As an illustration, authorizations have been given, by the Direction Départementale de la Cohésion Sociale to several humanitarian organizations to continue carrying out marauding activities. The local branches of the RC are especially involved in these marauds.

This situation may evolve as several bills (financial law, emergency law) are currently under discussion before the Parliament, which might be the occasion for specific legal measures to be taken.

Please note that this decree does not provide for any exception for the homeless either. In practice, cases of fines for homeless people who did not respect the confinement have been reported in several cities in France. However, these cases have been condemned by the competent authorities and the fines cancelled. In addition, the Government has indicated that it intends to put in place accommodation solutions for homeless persons (by requisitioning hotel rooms or opening new places in accommodation centres).

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### **Latest developments - 23 March 2020**

Please see question 1 for the amendment of the decree n° 2020-260 of 16 March 2020.

In practice, the amendment of this decree seems to confirm the current practice we mentioned in our first e-mail. Indeed, the humanitarian organizations that had continued their activity had obtained an authorization from the administrative authority, i.e. from the *Direction départementale de la cohésion sociale*.

**5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?**

At French level, no special legal facilities or exemptions have been put in place. The movement between each country continues considering the rules referred to in the question n° 3.

At the level of the European Union, the President of the European Commission Ursula von der Leyen and the President of the European Council Charles Michel stated that the human resources and medical supplies with respect to tackling the Covid-19 pandemic will be guaranteed to be able to freely circulate inside the EU territory.

**6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?**

Pursuant to the government order of 14 March 2020, supplemented by two other government decisions of 15 and 17 March, certain establishments open to the public (as defined by the fire security regulation) and classified as non-essential can no longer receive the public until 15 April 2020.

These businesses are as follows:

- under category L: Rooms for hearings, conferences, meetings, shows or multiple use;
- under category M: Sales shops and shopping centers, except for their delivery and order withdrawal activities;
- under category N: Restaurants and public houses, except for their delivery and takeaway activities, room service in hotel restaurants and bars and contract catering;
- under category P: Dance halls and games rooms;
- under category S: Libraries, documentation centers;
- under category T: Exhibition halls;
- under category X: Covered sports facilities;

- under category Y: Museums;
- under category CTS: Tents, marquees and structures;
- under category PA: Outdoor facilities;
- under category R: Early learning, education, training, holiday centers, leisure centers without accommodation (with exception).

Businesses falling under category M may, however, continue to receive the public for the activities listed in the annex to this government decision. In particular, food distributions by charities, short-term accommodations when such accommodations constitute a personal residence for the people living in.

In addition, the category including daycare structures for elderly and disabled persons is not subject to this prohibition.

Conclusion: humanitarian organizations may therefore continue to provide food distribution operations in places dedicated to this activity.

## 7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc)?

The French emergency decrees and administrative decisions provide for different measures, such as:

- **For all Workers in general :**
  - **Telework** is the mandatory rule for all positions that allow it until further notice;
  - If teleworking is not possible for parents of children under 16 years and an employee does not have childcare facilities for children under 16, he is entitled to request a **compensated work leave** (without no waiting period) aligned with the duration of the closure of the childcare facility. This sick leave does not require going to the doctor to obtain a certificate. The employer cannot refuse this leave, must declare it and send a certificate to the health insurance (<https://declare.ameli.fr>);
  - **Workers particularly exposed to a risk of serious Coronavirus disease can enjoy sick leaves** (persons having at least 70 years old, persons suffering from immunodeficiency, etc.), (<https://solidarites-sante.gouv.fr/actualites/presse/communiqués-de-presse/article/covid-19-procedure-d-arret-de-travail-simplifiée-pour-les-personnes-vulnérables>);
  - **Professional travels:**
    - Limitation (as much as possible), if not elimination of employees' travels (particularly in high-risk areas, and in view of the risks associated with border closures),
    - Management of the situation of employees coming back from high-risk areas by applying periods of isolation (quarantine) and identification of these individuals with the Regional Health Agency (with the benefit of an exceptional work stoppage).

- **For Health Workers :**
  - Taxi journeys and hotel accommodation to be paid by the State for health workers;
  - Several communications on the French health ministry website provide for the following information:
    - Information to health workers to deal with Coronavirus with videos to explain the disease, the protective equipment and the sanitary strategy (through pedagogic tools: [http://solidarites-sante.gouv.fr/soins-et-maladies/maladies/maladies-infectieuses/coronavirus/covid-19-informations-aux-professionnels-de-sante/article/covid-19-kit-pedagogique?fbclid=IwAR17EZexQnnvdzVq\\_nJlgK5V4\\_4rZ91OuGY\\_noXk9ZrPm06yQlifVst9joU](http://solidarites-sante.gouv.fr/soins-et-maladies/maladies/maladies-infectieuses/coronavirus/covid-19-informations-aux-professionnels-de-sante/article/covid-19-kit-pedagogique?fbclid=IwAR17EZexQnnvdzVq_nJlgK5V4_4rZ91OuGY_noXk9ZrPm06yQlifVst9joU));
    - Although kinder gardens and schools are closed, children of defined health workers enjoy childcare facilities in schools when the parents have no other solution (<https://solidarites-sante.gouv.fr/soins-et-maladies/maladies/maladies-infectieuses/coronavirus/covid-19-informations-aux-professionnels-de-sante/article/covid-19-prise-en-charge-des-enfants-des-personnels-de-sante>);
    - The use of telemedicine (<https://solidarites-sante.gouv.fr/soins-et-maladies/maladies/maladies-infectieuses/coronavirus/covid-19-informations-aux-professionnels-de-sante/article/covid-19-teleconsultation-des-medecins-et-infirmiers-comment-s-equiper-pour>);
    - The treatment circuit for individuals (including health workers) who have been infected but can follow outpatient treatments (<https://solidarites-sante.gouv.fr/soins-et-maladies/maladies/maladies-infectieuses/coronavirus/covid-19-informations-aux-professionnels-de-sante/article/covid-19-prise-en-charge-en-ambulatoire>).
- **For Homeless People :** the French government requisitions hotels to host homeless people and put in place emergency shelters in line with the relevant associations (<https://www.cohesion-territoires.gouv.fr/covid-19-letat-mobilise-50-millions-deuros-et-met-disposition-des-chambres-dhotel-pour-les-plus>);
- **For Women and Children:** the French authorities continue the existing programs fighting violence against women and children (<https://solidarites-sante.gouv.fr/actualites/presse/communiqués-de-presse/article/periode-de-confinement-violences-faites-aux-enfants-a-leur-domicile>);
- **For people under financial pressure:** extension of the prohibition to forced eviction until 30 May 2020 (<https://www.cohesion-territoires.gouv.fr/covid-19-prolongation-de-deux-mois-de-la-treuve-hivernale>);

- **For dependent Elderly people and patients:** a prohibited access to (i) dependent elderly people residences and long-term health care services and limited access to (ii) healthcare institutions (including maternity services), but in any case prohibited when a person is sick (<https://solidarites-sante.gouv.fr/soins-et-maladies/maladies/maladies-infectieuses/coronavirus/covid-19-informations-aux-professionnels-de-sante/article/covid-19-recommandations-pour-les-etablissements-medico-sociaux>).

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### **Latest developments - 23 March 2020**

Please note that, as part of the current discussions at the Parliament on the emergency bill to deal with the covid-19 epidemic, an amendment was adopted by the Senate to ensure that the future ordinance covers the scope of associations.

We expect that measures relating more specifically to humanitarian organizations will be adopted in the coming days.

### **8. Have restrictions been adopted or put in place that ban the export of protective medical equipment protective medical equipment?**

Thierry Breton, European Commissioner for Internal Market and Services, stated that restrictions on exports of medical devices have been lifted in France. At this stage, this statement has not been formalized in a legal text.

Initially, decree n° 2020-247 of 13 March 2020 relating to requisitions necessary in the context of the fight against the covid-19 virus, provided for requisitioning until 31 May 2020:

1° The stocks of respiratory protection masks of types FFP2, FFP3, N95, N99, N100, P95, P99, P100, R95, R99, R100 held by any legal entity under public or private law. Respiratory protection masks of types FFP2, FFP3, N95, N99, N100, P95, P99, P100, R95, R99, R100 and anti-projection masks produced between the publication of this decree and 31 May 2020 were to be requisitioned, for the same purposes, until that date;

2° The stocks of anti-projection masks held by the companies that manufacture or distribute them.

This decree has not yet been formally repealed.

In addition, at European level, an export authorization system for medical equipment has been set up. In practice, exports of medical equipment (protective spectacles and visors, face shields, mouth-nose protection equipment, protective garments, gloves) outside the European Union will have to be authorized by EU governments (according to the Commission implementing regulation (EU) 2020/402 of 14 March 2020 making the exportation of certain products subject to the production of an export authorization).

A draft emergency law to deal with the covid-19 crisis, introduced on 18 March 2020, provides for the government to declare a state of health emergency. Within this framework, the Prime Minister may proceed to the requisition of any necessary goods in order to combat the health disaster. However, there is no indication at this stage that restrictions on exports of medical devices will be decided.

Note: Please note that the Minister of Health announced on 20 March 2020 that the export of chloroquine has been prohibited since 2 weeks.

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### **Latest developments - 23 March 2020**

Despite Thierry Breton's statements, decree n° 2020-247 of 13 March 2020 on the requisitions necessary in the fight against the covid-19 virus has not been repealed. On the contrary, this decree has been amended by a new decree.

Henceforth, this decree states in particular that the requisitions are applicable to stocks of masks already present on the national territory and to masks produced on the national territory. Stocks of imported masks may give rise to total or partial requisitions until 31 May 2020, above a threshold of five million units per quarter per legal entity.

Thus, the requisitions for protective medical equipment referred to in the decree n° 2020-247 of 13 March 2020 appear, for the time being, confirmed.