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	Legal basis of extraordinary measures and activating organ	Continuation / prolongation of extraordinary measures	Maximum duration/cut-off date	Role of Parliament	Role of the Government	Constitutional constraints	Derogation from the European Convention on Human Rights
AUSTRIA 	no special legal order is provided for in the Constitution special measures are based on the Act adopted by the Parliament		until 31 December 2020 (specified by Parliament)	determination of the material scope (extent of authorization) and the duration of exceptional measures	submissions of proposals for legislative packages adoption of measures for the protection of health and safety of citizens within the limits of the authorization (Ministers)	No no special legal order is provided for in the Constitution	No
BELGIUM 	no special legal order is provided for in the Constitution Government (activation of a national emergency plan) Parliament (adoption of an authorization act)		3 months (specified by Parliament)	review of the measures taken by the Federal Government under the special authorization; (decision on extension)	the Federal Government may amend laws and adopt new ones, but only in the areas specified in the authorization act	the application of the Constitution may not be suspended other requirements were imposed by the Council of State (<i>Conseil d'État</i>) (e.g. fixed time, respect for rules of international law)	No
BULGARIA 	the state of emergency was declared by the Parliament and it falls within its competence to maintain it		1 month (specified - and already extended once - by Parliament)	declaration and maintenance of a state of emergency and establishment of a framework for measures	implementation of Parliament's decision to declare a state of emergency (in practice mainly through legislative amendments and operational measures)	with the exception of those specifically listed in the Constitution, further statutory restrictions on fundamental rights are possible Parliament's mandate is extended until the end of exceptional circumstances the operation of the Constitutional Court may not be suspended	No
CROATIA 	measures under the civil protection act (not a special legal order)		No	amendment of the civil protection act, framework for the procedure of the organs of the executive	coordination of protective measures the decision-making powers of the Civil Protection Headquarters have been extended	it is not a state of emergency as defined in the Constitution (the Constitution contains guarantees concerning e.g. restrictions on fundamental rights in case of threats to the existence of the state)	No
CYPRUS 	special measures imposed on the basis of the act on epidemic containment (not a special legal order) apply		No	the Government's room for manoeuvre is defined in the relevant act	decision on the applicability of the provisions of the relevant act in relation to a disease adoption of measures and decrees in areas defined by the relevant act	it is not a state of emergency as defined in the Constitution (during a state of emergency the Constitution allows for derogations from certain provisions of the Constitution and in such cases it does not contain any guarantees beyond the powers of the Parliament)	No
CZECHIA 	the Government has decided to declare a state of emergency	Government with the prior consent of the Chamber of Deputies	30 days (renewable – this has already been done once)	consent to the extension of the state of emergency, decision on the termination of the state of emergency before its expiry date a framework law shall specify the measures that may be taken by the Government	decision on the state of emergency exercise of the powers provided for in the act on crisis management	No (details of the state of emergency are regulated by law)	No
DENMARK 	special measures imposed on the basis of an amendment to the act on epidemic containment adopted in an accelerated procedure (not a special legal order) shall apply		the amendment to the relevant act is repealed on 1 March 2021 as a sunset clause is attached to the act	adoption of an amendment to the relevant act in an accelerated procedure	broad authorization granted to the Minister of Health	it is not an extraordinary situation as referred to in the Constitution (the Constitution refers to the King/Queen's powers in the event of an extraordinary situation)	No

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ESTONIA 	the Government has declared the emergency situation and decides on its extension		until 1 May 2020 (pursuant to a decision of the Government; it may be extended)	the emergency act determines the Government's room for manoeuvre	decision on declaration and termination of the emergency situation and exercise of the powers provided for in the emergency act	No (the Constitution lays down guarantees in case of state of emergency – e.g. duration, exclusion of elections, etc.)	Yes
FINLAND 	the Government decides in agreement with the President of the Republic, and the decision must be approved by the Parliament	Government, with the approval of the Parliament	6 months (extension for another 6 months – under the emergency powers act)	setting out of the framework for the application of the state of emergency in the emergency powers act decision on the approval of the declaration and extension of the state of emergency and on the approval of the government's emergency decrees	adoption of measures provided for in the emergency powers act initiation of the declaration and continuation of the state of emergency	measures taken on the basis of an authorization provided for in a separate act may restrict fundamental rights only in accordance with international obligations and to the extent necessary	No
FRANCE 	a specific state of health emergency is declared (on the basis of a separate law) and its extension is decided by the Parliament		2 months (extension provided for by law)	provision of the framework provided for in the Public Health Code (authorization), decision to maintain it beyond 1 month	declaration of health crisis application of measures under separate laws	No	No
GERMANY 	no special legal order applicable in state of civil crisis; general provisions of the Infection Protection Act are to be applied		until the termination of the epidemiological situation, or 31 March 2021 at the latest	on the basis of an amendment to the Infection Protection Act adopted at the end of March, the Bundestag declares the existence or termination of a nation-wide epidemic	the Federal Government plays primarily a coordinative role, substantial competences belong to the Minister on the basis of the Infection Protection Act	No (it is not a state of emergency as defined in the Constitution; detailed rules on special legal order only relate to the state of military protection)	No
GREECE 	acts of legislative content adopted by the Government and ratified by the Parliament (not a special legal order)		the Acts of Legislative Content expressly provide that these measures are taken for a specific period of time	approval of acts of legislative content in a special situation (authorization)	adoption and execution of acts of legislative content	it is not a state of emergency as defined in the Constitution (for special legal orders, detailed provisions are included in the Constitution)	No
HUNGARY 	Government may declare the state of danger	Government on the basis of authorisation by the Parliament	15 days, unless the Government, on the basis of authorisation by the Parliament, extends the temporal scope of the decrees on measures taken in the state of crisis (the Parliament authorised the Government in an Act to prolong the temporal scope of the government decrees until the termination of the state of danger)	decision on maintaining in force the measures taken by the Government in the state of crisis; determination in Acts of the margin of manoeuvre for the governmental measures revocation of the authorisation before the end of the state of danger repeal of the Act upon the end of the state of danger	taking necessary and proportional measures as laid down in the relevant acts	the application of the Fundamental Law may not be suspended, and the operation of the Constitutional Court may not be restricted the Fundamental Law contains the list of those fundamental rights which may not be restricted beyond the extent specified in the Fundamental Law	No
IRELAND 	authorization granted by way of amendment of public health legislation applies (not a special legal order); extension with the consent of the two Houses of Parliament		until 9 November 2020 (renewable with the consent of the two Houses of Parliament)	it created the possibility of specific action by amending the public health act	implementation of measures contained in the public health act (at ministerial level)	No (Constitution refers to the state of war as a special legal order)	No

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ITALY 	the Government decides on the declaration and withdrawal of national state of danger on the basis of the Legislative Decree on civil protection		12 months, which can be extended once by a further period of 12 months	adoption of amendments to Acts related to crisis management	declaration and withdrawal of state of danger, taking necessary measures through governmental decrees	No (it is not a state of emergency as defined in the Constitution; the Constitution only refers to the state of war)	No
LATVIA 	the state of emergency has been declared by the Government, with the approval of the Parliament	the Government may decide on the prolongation of the state of emergency with the approval of the Parliament	max. 3 months, which can be extended by 3 months (an amendment of the relevant Act in April made the prolongation more than once possible)	approval of the governmental decision on the declaration and prolongation list of possible measures is set out in the Act on special legal order	initiating the declaration and prolongation of the state of emergency as well as deciding on the termination thereof list of possible measures is set out in the Act on special legal order	No (provisions relating to the possible limitation of fundamental rights and to the maintenance of the operation of constitutional institutions are laid down in the Act on special legal order)	Yes
LITHUANIA 	state of danger on the basis of the Act on civil protection (not a special legal order)		No	legal framework of the possible measures are laid down in the Acts on epidemiological situation and civil protection	declaration of state of danger, taking measures on the basis of the Act on civil protection	it is not a special legal order as defined in the Constitution (the Constitution contains detailed rules for the case of special legal order)	No
LUXEMBOURG 	Grand Duke (on the proposal of the Government)	House of Representatives by a 2/3 majority	10 days, which can be extended for 3 months (as set out in the Constitution)	role is limited only to the prolongation of the state of crisis	the Government (via the Grand Duke) may take measures without the approval of the Parliament, but these measures shall be necessary and proportional, as well as in line with the Constitution and international law	the basic rules relating to the state of crisis (duration, necessity, proportionality, conformity with international law) are laid down in the Constitution; the Parliament cannot be dissolved during the state of crisis	No
MALTA 	public health emergency on the basis of the Public Health Act		No	legal framework for the possible measures is laid down in the Public Health Act	Superintendent of Public Health may decide on the declaration of public health emergency and take measures as set out in the Act	No (it is not a special legal order as defined in the Constitution)	No
NETHERLANDS 	special measures ordered on the basis of the health act (not a special legal order) apply the applicability to the COVID epidemic was decided by ministerial decree (to be submitted to the Parliament in the form of an amendment to the law within 8 weeks)		No (it may be determined by Parliament's decision – by means of the rejection of an amendment to the law)	decision on the amendment of the health act for the purpose of its applicability to the epidemic (no longer applicable in case of rejection by any house)	the health act determines the powers of ministers, local and administrative authorities extensive authorization to adopt decrees granted to the Minister	it is not a state of emergency as defined in the Constitution (the Constitution contains detailed rules in the event of a state of emergency)	No
POLAND 	the state of epidemic has been declared in a decree by the Minister of Health on the basis of the 2008 Act on preventing and combating infection and infectious diseases (not a special legal order)		No	the applicable provisions are set out in the Act on preventing and combating infection and infectious diseases	the declaration of the state of epidemic falls under the competence of the Minister of Health; provisions applicable to the COVID outbreak are set out in a separate Act	it is not a state of emergency as defined in the Constitution (the Constitution contains detailed rules in the case of special legal order)	No
PORTUGAL 	by presidential decree, following a consultation with the Government and with the authorisation of the Parliament	It may be renewed following the same procedure	15 days (after the cut-off date it needs to be renewed) The state of emergency expired on May 2nd and was not renewed.	approving the declaration and prolongation of state of emergency, as well as monitoring the measures taken during the state of emergency, assess the detailed report of all the measures taken, to be submitted by the government after the state of emergency is lifted.	implementation of measures of state of emergency; confirmation of presidential decree on the withdrawal and restriction of scope after the state of emergency is lifted, submit the parliament a detailed and documented report of all the measures taken.	Parliament cannot be dissolved, the constitution cannot be reviewed; detailed provisions on the suspension of the exercise of rights	No

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ROMANIA 	the state of emergency may be declared by the President, and the Parliament shall decide on its approval within 5 days	the President shall decide on the termination and the amendment of its scope with the approval of the Parliament	30 days (extendable)	approving the declaration, amendment, and termination of the state of emergency	exercising the competences determined in the presidential decree declaring the state of emergency	Parliament cannot be dissolved (the Emergency Decree on special legal order contains the list of those fundamental rights which cannot be subject to any restrictions)	Yes
SLOVAKIA 	declaration and withdrawal of state of emergency falls under the competence of the Government		90 days	the margin of manoeuvre of the Government is determined by legislative acts relating to the special legal order (other legislative amendments adopted in accelerated procedure)	the margin of manoeuvre of the Government is determined by legislative acts relating to the special legal order	fundamental rights may be restricted only by law and in line with the conditions laid down in the Constitution	No
SLOVENIA 	extraordinary measures taken on the basis of the Act on infectious diseases are applicable (not a special legal order)		termination pursuant to a decision of the Government upon epidemiological situation reviewed every seven days (based on a decision by the Constitutional Court)	the margin of manoeuvre of the Government is determined by the Act on infectious diseases	the Government decides on the declaration and termination	it is not a state of emergency as defined in the Constitution (the Constitution contains detailed rules for the case of state of emergency)	No
SPAIN 	the initial declaration of the state of alarm has been decided by the Government	the Government proposes every prolongation which has to get the approval of the Parliament (House of Representatives)	15 days (extendable)	authorizing every prolongation of the state of alarm, determining the conditions applicable in case of prolongation	initial declaration of state of alarm for 15 days, proposal of extension and implementation of necessary measures	Parliament cannot be dissolved, operation of the constitutional organs is not affected, the special legal order does not alter the ordinary legal and constitutional accountability and responsibility of the Government	No
SWEDEN 	there is no possibility for declaring special legal order during the state of civil crisis; the Government decided on the applicability of the Act on epidemiological situation an amendment to the Act on epidemiological situation provides authorisation for the Government to issue decrees		authorisation for adopting decrees from 18 April to 30 June 2020 (the cut-off date does not apply to other exceptional competences)	the amendment to the Act on epidemiological situation enumerates the areas which may be regulated by Government decrees in case there is no possibility for waiting until the decision of the Parliament. decision on the maintenance of, or the amendment to the Government decree adopted on the basis of the above-mentioned Act	issuing Government decrees and taking measures in accordance with the Act on epidemiological situation (submitting other bills according to the normal procedures)	No (there is no possibility for declaring special legal order during the state of civil crisis)	No