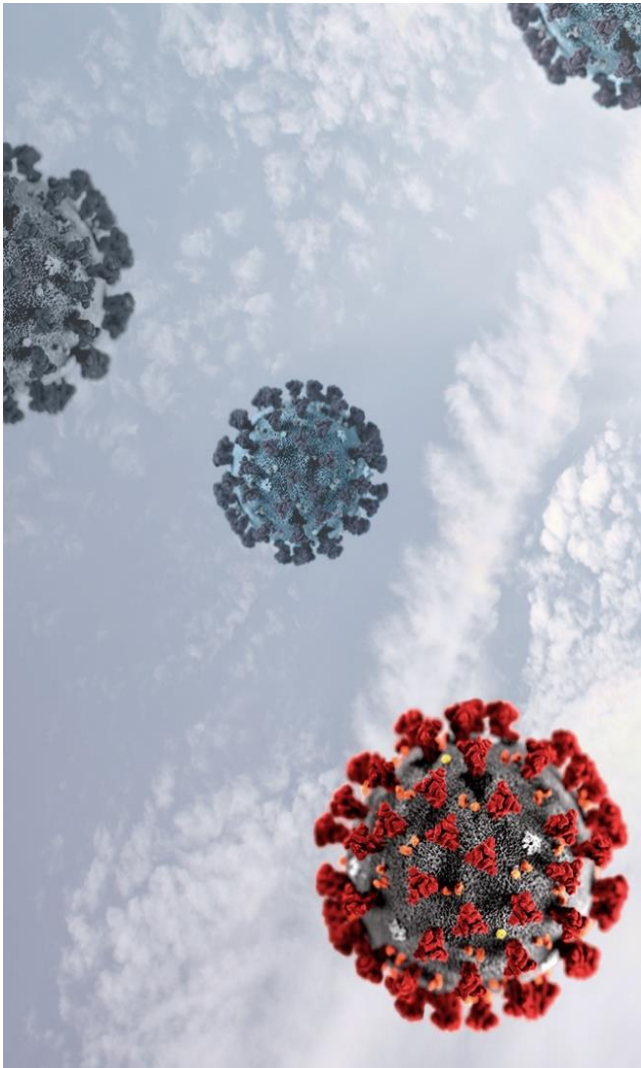

New normality in Spain following the state of emergency: regional regulations

Legal flash

July 9, 2020

The state of emergency came to an end on June 21, revoking the measures adopted under [Royal Decree 463/2020](#), of March 14, and its subsequent extensions and rules for development. From that date, restrictions to productive activity and services are applied, as determined for each sector by the regional governments, implemented under [Royal Decree-Law 21/2020](#), of June 9. These restrictions will continue to apply until the Spanish government declares the end of the health crisis.



Although the state will continue to regulate national restrictions, such as those provided under [RDL 21/2020](#) (compulsory use of masks, conditions under which employees can return to the workplace), or those set out in orders [PCM/531/2020](#) (ports and airports for entering Spain from outside the EU or Schengen area), [INT/550/2020](#) and [INT/551/2020](#) (temporary restrictions on traveling from outside the EU or Schengen area), now the autonomous regions are responsible for setting out the regulations on capacity, disinfection, prevention and refurbishment that will be imposed in each region following the state of emergency, and for monitoring compliance.

This legal flash sets out applicable regional regulations and summarizes their content:

- > Measures applicable to all activities
- > Retail establishments
- > Restaurant and catering establishments
- > Common areas in hotels and tourism establishments
- > Other activities



MEASURES APPLICABLE TO ALL ACTIVITIES

All autonomous regions now regulate, in a similar way, common health and safety measures affecting all activities to prevent the risk of infection. For example:

- > Due to the risk or existence of new outbreaks, many regional governments have imposed the **obligation on citizens to wear masks** in public and outdoor spaces, and in indoor spaces for public use or open to the public, even if social distancing is respected, e.g., Catalonia, Basque Country, Aragón and the Balearic Islands.
- > Business owners are responsible for adopting **adequate cleaning and disinfection measures**.
- > The regional governments have imposed **measures concerning capacity** on establishments and facilities open to the public, such as informing the public of the maximum capacity allowed, having a system to measure and monitor capacity, changing the organization and movement of people within establishments and redistributing the space if necessary, as well as monitoring parking lots to ensure that customers arrive and leave the premises gradually. Also, some autonomous regions, including **Catalonia**, have imposed an **interpersonal security distance of 2.5 m² between people**. If these requirements are not met, the competent authority can suspend the activity if there is a risk of infection.
- > The regional governments have also imposed obligations such as **disinfecting work spaces** shared by more than one employee; washing and disinfecting work uniforms and work clothes; ventilating the workplace on a daily basis; taking the stairs whenever possible (masks must be worn inside elevators and use is restricted to one person or people who live together); limiting the use of restrooms and changing rooms to one person (and one attendant if that person requires assistance); fostering payment using means that do not involve physical contact; providing waste bins that must be cleaned daily; and disinfecting shared materials.
- > They refer to **health and safety measures for employees**: risk assessment; compliance with the recommendations provided by health and safety services; compulsory use of masks; supply of sanitizers and personal protection equipment; reducing shared equipment; training and information; welcome plan for new recruits; scheduled times for employees to arrive at and leave work gradually; encouraging administrative staff to continue to work remotely; not allowing the return to work of staff in preventive isolation or quarantine; and having an operational protocol in case employees present symptoms.
- > In some cases, they impose **preventive measures on those providing services** to work centers.
- > They establish a daily register of people that enter the work center.



RETAIL ESTABLISHMENTS

Regardless of the useful display and sales area, restrictions are imposed that may vary from one region to the next, including the following:

- > The autonomous regions of **Andalusia** and **Valencia** have restricted the **maximum capacity** to 75%, while the region of **Madrid** has limited the capacity to 60% until July 5, and to 75% after that date. **Catalonia**, on the other hand, has chosen to maintain the 50% capacity limit until June 25, and, from that date onwards, will apply the capacity limit resulting from observing the interpersonal security distance of 2.5 m² between people.
- > Most autonomous regions establish a minimum distance of **1.5 meters between clients, and between clients and employees.**
- > Regulations include the obligation to display **signs, posters and other visible signals** to ensure the security distance.
- > They also regulate the **cleaning and disinfection of surfaces** (particularly restrooms when their use is allowed) at regular intervals throughout the day.
- > **Changing rooms can only be used** by one person at a time, and must be cleaned and disinfected after every use. Clothes that have been tried on and not bought must also be disinfected.
- > It is mandatory to make **hand sanitizer dispensers** or authorized anti-viral disinfectants available to customers, who are obliged to wear face masks.

RESTAURANT AND CATERING ESTABLISHMENTS

In this sector, the regional governments all impose hygiene and health and safety measures, laying down similar conditions to conduct the activity:

- > **Frequent cleaning and disinfection** of tables, chairs, bar counters and all high-contact surfaces.
- > **Table cloths** can only be used once or, failing this, must be changed after each sitting and washed at 60-90° C.
- > **Shared paper menus** must be substituted for electronic devices, boards and posters.
- > **Tableware, glassware, cutlery and linens** must be kept in closed spaces.
- > Serviettes, toothpicks, and oil and vinegar **must be provided in disposable single units or sachets.**
- > In self-service areas customers **should be prevented from directly handling food.**



- > **Staff serving tables and working behind the bar** must observe the required security distance and wear a mask at all times.
- > **The maximum capacity for consumption inside the premises** is 75% (60% in Madrid until July 5).
- > There is a general obligation to observe the **1.5-meter interpersonal security distance between customers at the bar or between tables** (the same applies to outdoor terraces), with a **maximum of 25 people per table** or group of tables.
- > In Catalonia, for example, these establishments are required to **foster reservations**.

HOTELS AND TOURISM ESTABLISHMENTS

The regional governments have laid down measures and conditions to carry out activities in common areas of hotels and tourism establishments:

- > The **capacity of common areas** is limited in some autonomous regions, such as Andalusia, to 50%. Most regions have set this limit at 75%, including Madrid, from July 5 (60% until that date). In other autonomous region, such as the Balearic Islands, each establishment is allowed to set its own limit.
- > **Informative posters** must be displayed in the languages commonly used by customers, listing the restrictions they must observe when using the facilities, as well as the hygiene measures to avoid infection.
- > Reception and caretaker areas must ensure the **1.5-meter separation** between workers and customers.
- > In areas where crowds or queues are likely to form, **floor signals are required to indicate the interpersonal security distance**.
- > Elevator and machine buttons, handrails, doorknobs, bells and faucets in shared restrooms must be **cleaned and disinfected** regularly.
- > Closed spaces where events or energizer activities will be carried out, and gymnasiums **must be ventilated two hours before they are used**.

OTHER ACTIVITIES

As well as the sectors highlighted above, regional regulations also impose health and safety measures on other activities, including those listed below:



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- > Tourist activities
- > Cultural activities and performances (limiting the capacity and public in cinemas, theaters and at public performances by pre-assigning seats in open and closed venues, for example)
- > Congresses, trade fairs and similar events
- > Public facilities in natural areas
- > University and non-university educational centers
- > Sports activities
- > Leisure, recreational and free-time activities
- > Gambling and betting establishments and venues
- > Metropolitan transport and parks
- > Vocational training for employment
- > Waste management

For additional information, please contact Cuatrecasas.

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