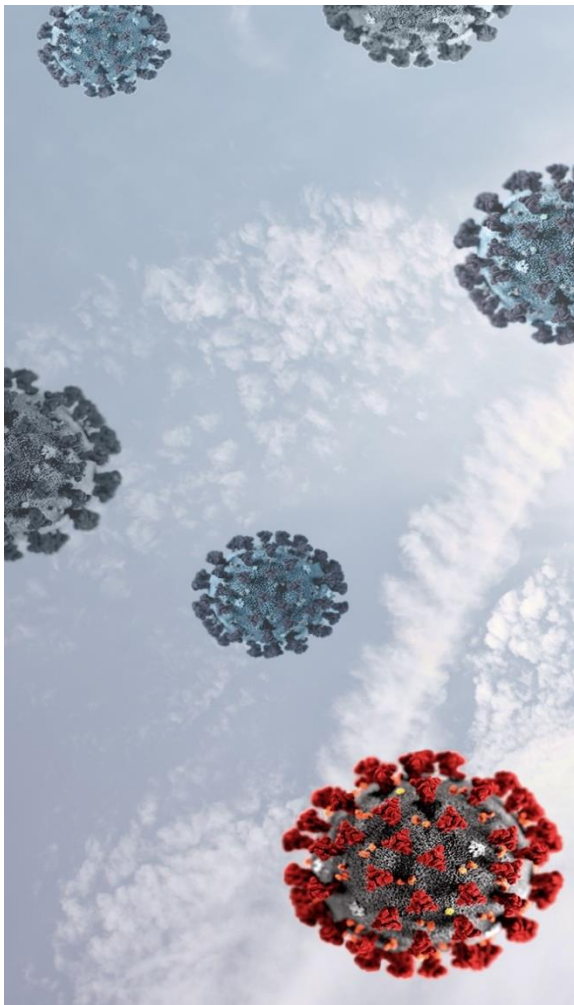

PHASE 0 IN SPAIN: Reopening of retailers, restaurants and catering services, and building works

Legal flash

May 4, 2020

The *Official Gazette of the Spanish State* of May 3, 2020, has published several Orders on the conditions required to partially resume certain activities that were suspended or restricted during the state of emergency. Particularly noteworthy are Orders [SND/388/2020](#) and [SND/385/2020](#), allowing retailers, restaurants and catering services, and building works in inhabited buildings to resume activity, subject to restrictions, during Phase 0 of the Spanish government's transition plan to normality (starting on May 4, 2020).



Both Orders loosen some restrictions applied during the state of emergency, as explained below.

- > Which business premises and establishments can reopen?
- > What health and safety measures must be taken to protect employees?
- > What hygiene and protection measures must be taken to protect customers?
- > What new exceptions have been approved regarding suspensions affecting building works in inhabited buildings?
- > Some doubts yet to be resolved once Phase 0 begins.



Entry into force and validity

The measures set out in Order SND/388/2020, applicable to retailers, and premises or establishments providing restaurant and catering services, came into force at 0:00 hours (or midnight at the beginning of the day) of May 4, 2020, and will remain in force during the state of emergency and any potential extensions.

The new exceptions to the suspension of building works in inhabited buildings, approved under Order SND/385/2020, came into force on May 3, 2020.

Reopening of retailers and premises or establishments providing equivalent services

Which business premises and establishments are allowed to reopen?

- Surfaces of **less than 400 m²** with direct and independent access from the outside.
- This does not apply to shopping centers.
- Opening is allowed on an appointment-only basis: one customer per worker and no waiting areas inside.
- **Individual attention to customers with a two-meter physical separation** or, if this is not possible, installing counters or protection screens.
- Preferential times slots for customers over 65 years of age.
- Customers can **collect goods by appointment** at the establishments, avoiding crowds.

Occupational risk prevention measures

- Compliance with general **health and safety measures** to tackle COVID-19.
- Adequate **personal protective equipment (“PPE”)**: hand sanitizers and masks when it is impossible to guarantee the two-meter safety distance.
- Prior **training and information** for own, contracted and subcontracted workers on the correct use of PPE.



> Physical distance between people

BETWEEN WORKERS	BETWEEN WORKERS AND CUSTOMERS
2 meters (masks must be used if this distance cannot be guaranteed)	<ul style="list-style-type: none">• 2 meters, without partitions/protection structures• 1 meter, with partitions/protection structures• 0 meters, using PPE in hairdressing and beauty salons, and physiotherapy centers

- > **Change fingerprint recognition devices** for one that does not require contact or disinfect the device.
- > Employees in any of the following situations **cannot provide services**:
 - Those in home isolation due to COVID-19.
 - Those who are asymptomatic, but are confined at home after coming into contact with a person with symptoms or diagnosed with COVID-19.
 - Those who have symptoms that are compatible with COVID-19, in which case they must leave their workplace and immediately ring the phone number provided for the autonomous region or health center.

Hygiene and health and safety measures to protect customers

- > Distance of **two meters between customers**.
- > **Cleaning and disinfection**
 - Facilities (commercial area) must be cleaned at least twice a day (once at the end of the day), paying particular attention to surfaces that are touched the most.
 - Workspaces must be cleaned before the change of each shift, paying particular attention to areas and objects that workers touch the most.
 - Private areas for workers (when there is more than one), such as changing rooms, lockers, toilets, kitchens and rest areas.
 - Uniforms, work clothes, and garments workers wear when they come into contact with customers must be disinfected daily.
- > The premises must be **adequately ventilated**.
- > **Customers cannot use toilets** unless necessary, in which case they must be cleaned immediately.
- > **Waste bins must be available**, if possible, with a pedal and lid. These bins must be disinfected at least once a day.



- It is possible to **travel to collect products, yet only within the municipality of the place of residence**, unless the service or product is not available in that municipality.

Reopening of restaurants and catering services

Which activities are allowed to resume?

- **Home delivery**, with preferential time slots for customers over 65 years of age, dependents and those that are particularly vulnerable to COVID-19.
- **Customers can collect orders**, provided they observe the following conditions:
 - Orders must be made by phone or online (webpage or app), unless there is a drive-through order and delivery system.
 - Orders will be collected and paid in an area set up for this purpose, with signs, always guaranteeing the two-meter distance or installing protection screens.
 - Collection times must be organized to avoid crowds gathering outside the establishment.
 - Opening hours to the public only include those in which customers can collect orders.
- It is still **strictly forbidden to consume food or beverages inside** these establishments.

Occupational risk prevention measures

- Compliance with general **health and safety measures** to tackle COVID-19.
- Adequate **personal protective equipment (“PPE”)**: hand sanitizers and masks when it is impossible to guarantee the safety distance.
- Employees in any of the following situations **cannot provide services**:
 - Those in home isolation due to COVID-19
 - Those who are asymptomatic, but are confined at home after coming into contact with a person with symptoms or diagnosed with COVID-19
 - Those who have symptoms that are compatible with COVID-19, in which case they must leave their workplace and immediately ring the phone number provided for the autonomous region or the health center.

Hygiene and health and safety measures to protect customers

- The following must be made available to customers:
 - On entering: authorized **hand sanitizers**, which must be in good condition.



- On leaving: **waste bins with a non-manual lid**, and fitted with a bin liner.
- Only the time strictly necessary is allowed for customers to **remain on the premises** while collecting goods.
- **Individual and simultaneous attention** to more than one customer (never by the same worker):
 - If possible, **use floor signals, other visible signals, signs or posters** to indicate the **two-meter security distance** required between customers.
 - If this is not possible, customers must enter **one by one**, except adults escorting a person with a disability, regardless of that person's age.

New exceptions to the suspension of building works in inhabited buildings

Suspended activity

- **Refurbishment and renovation works** are still suspended in existing buildings where, for residence, work or other reasons, **there are people that could interfere** with those works, with the movement of workers or of materials.
- This measure does not apply to inhabited buildings that require the urgent repair of installations or breakdowns, or where the building is only being used by surveillance staff.

New exceptions

- Building works can be carried out in inhabited buildings if the type of works, the compartmentalization of the property, or the spaces and routes to move around the building avoid all contact with the construction workers.
- These works can be carried out in uninhabited areas of the building or those to which residents and inhabitants have no access, if the corresponding measures are taken with regard to movement of workers, the times they enter and leave the building, and safety and hygiene to avoid infection.



Some employment-related doubts yet to be resolved once Phase 0 begins

The possibility of these sectors resuming their activity, with the additional restrictions and burdens placed on businesses, raises a number of doubts that will require some analysis and individual, case-specific clarification in the coming days:

- Can a business continue applying a temporary redundancy plan and remain closed?
- If a business decides to open, can it go back on this decision and include the employees previously subject to the temporary redundancy plan?
- If a business opens, what working conditions are likely to change and under what procedure?
- How should the business inform its employees that they must go back to work?

For additional information, please contact Cuatrecasas.

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