



LEGAL PROVISIONS ADOPTED BY THE GOVERNMENT IN THE APPLICATION OF REAL DECRETO 463/2020, OF 14 MARCH, DECLARING THE ALARM STATE FOR THE MANAGEMENT OF THE HEALTH CRISIS CAUSED BY COVID-19.

16th March 2020

On the occasion of the declaration of the state of alarm and the appointment as competent authorities of four Ministries of the Government of Spain to take the necessary measures to combat the international pandemic that the COVID-19, or "Coronavirus", is causing, the Ministries of Defence, Interior, Transport, Mobility and Urban Agenda and Health have recently adopted orders and instructions using their new powers. The following is a summary of the decisions taken by these Authorities.

MINISTRY OF DEFENCE.

- Instruction of 15 March, 2020, of the Ministry of Defence, through which certain measures are taken for the management of the health crisis in the area of the Ministry of Defence.

This instruction, which has been published in the Official State Gazette (BOE) on the same day of its approval, is applicable to all military personnel of the Armed Forces, to the statutory personnel of the military health network and other civilian personnel in the service of the Ministry of Defence, and aims to take the necessary measures to comply with Royal Decree 463/2020, of 14 March, which

declares the state of alarm for the management of the health crisis situation caused by COVID-19 (hereinafter, "RD 463/2020").

By virtue of the Instruction, all the members of the Armed Forces, whether active or in reserve, must be permanently available to enter into service, while the health personnel must be ready to join their posts as soon as they are required to do so, reducing the number of leaves they can take to assist the national health system.

Basically, **by means of this Instruction, the Ministry of Defence orders the provision of all Armed Forces' means and the military health network to fulfil the purposes of Royal Decree 463/2020, which may be put to use if necessary, to tackle the health crisis the country is facing.**

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MINISTRY OF INTERIOR.

- Order INT/226/2020, of 15 March, by which the acting criteria of the Armed Forces and Security Bodies in relation to the Royal Decree 463/2020, of 14 March, by



which the state of alarm is declared for the management of the health crisis caused by COVID-19.

The purpose of this Order is **to make available to the Ministry of the Interior and to coordinate all the security bodies and forces, whether state, regional or local, and even private security companies, throughout the national territory** in order to guarantee compliance with the provisions of Royal Decree 463/2020.

The Regional Security Forces and Corps will carry out, under the instructions and with the cooperation of the State, activities of verification and inspection of compliance by the population with the restrictions imposed by the state of alarm, both in goods or places and in persons. Such measures will consist, for example, of identifying persons or entering premises and establishments. This shall be done by means of **fixed and mobile security devices on roads, public spaces and transport networks.**

Additionally, police measures shall be strengthened to ensure the proper functioning of health centres, pharmaceutical processing and storage facilities, and support for health or emergency travel.

In this sense, **the necessary protocols and measures will be adopted to ensure the supply of food and other essential goods and services,** as provided for in Royal Decree 463/2020. These measures may consist, for example, in accompanying vehicles transporting such products to avoid disturbances, or **in prioritizing inspections of shipments of essential goods at border posts (customs offices at ports and airports).**

Similarly, with regard to **critical operators and essential services,** the Security Forces and Bodies will provide full assist to ensure that essential services continue to be provided. To this end, critical operators will be asked to provide information on the personnel involved in the necessary maintenance tasks of their essential services, so that the necessary **accreditations can be issued to enable these persons to make the necessary journeys,** given the existing limitations on freedom of movement. These accreditations must be shown to the Security Forces and Corps when required.

The same staff accreditations **may be granted to other organizations which, although not critical operators, are given special consideration in view of the prevailing situation,** such as food, drug or commodity supply chains, emergency services or emergency repairs.

Finally, with respect to this Order 226/INT/2020, it should be borne in mind that the Security Forces and Corps **may carry out confiscation of goods and services that are necessary for the performance of their functions and the fulfilment of the purposes of Royal Decree 463/2020.** In this same sense, this

Order ensures that those persons who do not comply with the limitations that the state of alarm entails will commit infractions that may lead to the corresponding administrative and even criminal responsibilities.

- Order INT/227/2020, of 15 March, in relation to the measures adopted in the area of Penitentiary Institutions under Royal Decree 463/2020, of 14 March, declaring the state of alarm for the management of the health crisis situation caused by COVID-19.

In an effort to limit the spread of COVID-19 among the inmate population and to comply with the limitation on freedom of movement provided for in Royal Decree 463/2020, this Order **suspends ordinary communications for all inmates during the state of alarm, as well as permits and releases.**

Inmates in the third degree who are in social integration centres or similar, may circulate with the same limitations as the rest of the citizens (only to go to work, provide themselves with basic necessities, go to a health centre, return to their habitual residence, etc.).

Additionally, in order to try to alleviate the negative effect of these measures, **authorized telephone communications will be extended, especially those made to lawyers,** in order to guarantee inmates' right of defense at all times.

- Order INT/228/2020, of 15 March, by which several criteria are established to apply Royal Decree 463/2020, of 14 March, declaring the state of alarm for the management of the health crisis situation caused by COVID-19, in the area of the National Civil Protection System.

By virtue of this Order, the Ministry of the Interior makes available to all the civil protection and security bodies in the territory which must be coordinated through the State Coordination Committee, in order to be able to comply with the provisions of Royal Decree 463/2020.

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MINISTRY OF TRANSPORT, MOBILITY AND URBAN AGENDA

- Order TMA/229/2020, of 15 March, which lays down provisions regarding the access of professional transporters to certain services necessary to facilitate the transport of goods in the national territory.

The purpose of this ministerial order is to give the necessary instructions to facilitate the transport of goods throughout the national territory by taking three measures towards improving the conditions of professional carriers:

- Obligation for supply establishments and loading and unloading centres to facilitate the use of toilet facilities by professional drivers.
- Access for professional drivers to those toilet facilities according to the instructions of the Ministry of Health
- Facilitate de catering services to the professional carrier

to allow for the necessary breaks in compliance with the regulation regarding the periods of driving and resting.

These measures are applicable as from their publication in the Official State Gazette.

- Order TMA/230/2020, of 15 March, specifying the actions of the regional and local authorities with regard to the establishment of public transport services owned by them.

Public transport is one of the most sensitive sectors in which more restrictive measures have been taken as a result of the approval of RD 463/2020.

Accordingly, this Ministerial Order legitimises **each competent regional or local authority to set the reduction percentages and to establish the specific conditions for the provision of their public transport services**, that it considers appropriate, guaranteeing, in any case, that citizens can access their jobs and basic services.

Given the avalanche of provisions foreseen, in order to coordinate actions throughout the national territory, this Order provides that local authorities adopting any of the above measures must notify the corresponding Autonomous Community. In turn, the Autonomous Communities must communicate the information regarding the measures adopted by the local authorities as well as their own to the Ministry of Transport, Mobility and Urban Agenda.

- Order TMA/231/2020, of 15 March, determining the obligation to provide mandatory messages in the online ticketing systems of all maritime, air and land transport companies, as well as any other person, whether natural or legal, involved in the marketing of tickets for travel to and/or from Spanish territory.

The purpose of this order is to define the content of the message contained in article 14.2.f) of RD 463/2020.

Therefore, **as of 00:00 hours on 17 March 2020**, all maritime, air and land transport companies, as well as any other natural or legal person involved in the marketing of transport tickets that enable a journey to be made to and/or from Spanish territory, are required **to include at the start of the ticket sales process a message** guaranteeing legibility on any electronic device, with the appropriate format and size for full understanding. The text of the message must be:

«INFORMACIÓN IMPORTANTE

El Real Decreto 463/2020, de 14 de marzo, por el que se declara el estado de alarma para la gestión de la situación de crisis sanitaria ocasionada por el COVID-19 determina en su artículo 7, relativo a la limitación de la libertad de circulación de las personas, que durante la vigencia del estado de alarma las personas únicamente podrán circular por las vías de uso público para determinadas actividades tasadas.

En este sentido, y salvo que el billete se adquiera para la realización de cualquiera de dichas actividades:

SE DESACONSEJA VIAJAR SALVO POR LAS CIUDADES RAZONES INAPLAZABLES.

En todo caso, en cualquier desplazamiento deberán respetarse las recomendaciones y obligaciones dictadas por las autoridades sanitarias.»

Additionally, the user's consent to continue with the purchase process must also be obtained by establishing a **button with the message "I understand the warning"**.

MINISTRY OF HEALTH

- Order SND/232/2020, of 15 March, adopting measures in the area of human resources and means for the management of the health crisis situation caused by COVID-19.

The purpose of this Order is to establish special measures in terms of human resources and material means to strengthen the National Health System throughout the national territory during the management of the health crisis caused by COVID-19.

With regard to **the human resources**, the measures adopted are:

- a) Health professionals in training:
 - Extension of the recruitment of residents in the last year of training, in the specialities of Geriatrics, Occupational Medicine, Family and Community Medicine, Intensive Care Medicine, Internal Medicine, Preventive Medicine and Public Health, Pneumology, Paediatrics and its Specific Areas, Radiodiagnosis, Microbiology and Parasitology, Occupational Nursing, Family and Community Nursing, Geriatric Nursing and Paediatric Nursing.
 - Suspension of current or scheduled resident rotations.
 - Management by the Ministry of Health of the transfer of residents from one Autonomous Community to another one according to care needs.
 - Determination by the corresponding authorities of the Autonomous Communities for residents who are not in their final year of training to provide services in units with special needs.
- b) Optional and non-optional personnel hiring:
 - Authorisation for the contracting of those persons with a Degree or Bachelor's degree in Medicine and who do not have the title of specialist, for the performance of the functions of a specialty, in the following cases: a) Professionals who took the 2018/2019 selective tests for specialised health training who, having passed the minimum score in the exercise, were not awarded a position. The modality of contracting is special employment relationship of residence for the training of specialists in Health Sciences, and the term of the contract is 3 months, which may be extended for successive

periods of 3 months; b) Professionals with a specialist degree obtained in States that are not members of the European Union, who do not have the specialist degree, but who have been evaluated positively by the Evaluation Committee or who have passed the theoretical part of the theoretical-practical tests regulated in the abovementioned Royal Decree. They will be contracted by the regional authorities to provide care services for a period of 3 months, which may be extended for successive periods of 3 months; c) Professionals with a specialist title obtained in European Union Member States through an open recognition procedure, for which the necessary means will be provided to finalize the procedures in the competition.

c) Retired health professionals:

- Possible reincorporation into active service by the Autonomous Communities of retired health professionals, doctors and nurses under the age of 70.
- Voluntary return to active service for the provision of health care for emeritus personnel appointed by the Autonomous Communities.

In both cases, priority will be given to these professionals to provide their services in primary care centres, performing triage and home care functions.

d) Personnel with a dispensation for the exercise of union functions:

- Voluntary reincorporation in order to carry out assistance tasks.

e) Hiring of students in the degree of Medicine and Infirmary:

- The health authorities of the Autonomous Communities may sign fixed-term employment contracts for health assistance for medical and nursing students in their final year of training.

In this case, such personnel shall be limited to carrying out support tasks, always under the supervision of a health professional.

Measures may also be taken for the temporary suspension of exemption from duty, compatibility authorisations for the exercise of other activities, measures relating to working hours, breaks, permits, leave or holidays, with the exception of pregnant women. In any case, it must be ensured that the sum of the breaks to be taken in a whole week is not less than seventy hours, with an average rest period between working days of ten hours.

With respect to **material means**:

For the purposes of RD 463/2020, "**medical establishments**" are defined as those in which the provision by health professionals of the necessary assistance is required to solve health problems that could have an unfavourable evolution if their treatment is delayed.

One of the most important measures is to make available to the health authorities **private health centres and establishments, their staff, and the Mutual**

Insurance Societies for accidents at work, during the time in which the COVID-19 epidemic is progressing or affecting, and when the health care of the population cannot be adequately ensured with the material and human resources assigned to each autonomous community, which will have important consequences for the private medical network in this country.

Finally, a provision is made for the fitting of spaces for sanitary use in public or private premises that meet the necessary conditions for the provision of health care.

Additionally, the Autonomous Communities may adopt the necessary measures to guarantee the protection of persons, goods and places, and may impose on public employees and workers in their service, whatever their professional category, extraordinary services due to their duration or nature, and may entrust them with functions different from those of their professional category or agreeing on geographical mobility measures.

All these measures to be applied from 15 March 2020, will apply for an initial period of 3 months from its entry into force, and can be extended by the Minister of Health for successive periods of 3 months or less depending on the organizational and welfare needs arising from the evolution of the health crisis.

- Order SND/233/2020, of 15 March, establishing certain information obligations in accordance with the provisions of Royal Decree 463/2020, of 14 March, declaring the state of alert for the management of the health crisis situation caused by COVID-19.

This Order is intended exclusively for **those legal entities, national or foreign located in the national territory, whose activity is the manufacture and/or import or have the capacity to develop any of the following products:**

- Surgical masks, type II and IIR.
- FFP2 protection mask.
- Protection mask FFP3.
- COVID-19 diagnostic PCR kits and their consumables.
- Rapid diagnosis kits (antigen detection).
- Swabs.
- Protective glasses.
- Nitrile gloves, with and without powder.
- Disposable and waterproof gowns.
- Hydroalcoholic solution (biocide and cosmetic) and its raw materials.
- Invasive mechanical ventilation (VMI) devices.
- Fungibles or consumables of VMI equipment.
- Sanitary alcohols.
- Chlorhexidine.

Such legal entities are **obliged to submit the information provided in accordance with the model provided by the Ministry of Health in the annex to this order, within two calendar days of the publication in the Official State Gazette of that order.**

Failure to comply with this duty of information or its falsity may result in penalties of up to 600,000 euros.

- Order SND/234/2020, of 15 March, on the adoption of provisions and measures for containment and referral of information to the Ministry of Health in the event of

The purpose of this Order is twofold, on the one hand to determine the scope of competence in the adoption of regulations aimed at containing the COVID-19, and on the other hand to establish an obligation for the Autonomous Communities to provide information on the epidemiological situation.

Thus, all the provisions and measures to contain the COVID-19 in the matters indicated below, which fall within the competence of the Autonomous Communities, will be adopted by the Minister of Health *ex officio* or at the justified request of the Autonomous Communities. Likewise, when they fall within the scope of competence of the Local Entities, they shall be adopted by the competent Autonomous Community *ex officio* or at the justified request of the competent local authorities.

The Autonomous Communities must communicate to the Ministry of Health within three days all the provisions and containment measures that the competent authorities of the Autonomous Communities and local entities have adopted on the occasion of the COVID-19 until the entry into force of RD 463/2020, in relation to the following areas

- a) Limitations to the freedom of people's movement.
- b) Establishments, equipments and activities whose opening to the public has been suspended or conditioned.
- c) Ensurance in the supply of products necessary for the protection of public health.

In addition, the Autonomous Communities must send the Ministry of Health the epidemiological information, the situation of care capacity and the needs for human and material resources, under the terms established in the Annex to this Ministerial Order.

Thus, it can be seen that the measures adopted by all the Ministries are aimed at having all the means within their reach to ensure compliance with the provisions of Royal Decree 463/2020 and the limitations posed by the state of alarm, coordinating all the means, personal or otherwise, within their reach throughout Spanish territory for the management of the current health crisis.

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