

LEGAL ALERT

SPAIN: NEW URGENT MEASURES

Health Department orders the closure of all hotels and touristic accommodations

19 March 2020

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In recent days, the Spanish Government has been taking urgent measures at all levels to fight against the progress of COVID-19 pandemic. All these measures are having a profound impact on all the Spanish business areas, including the hoteling sector.

In this particular background, yesterday, Thursday 19 March 2020, the Spanish Official Gazette (BOE), published the Order SND/257/2020 (the “Ministerial Order”) that orders the closure of all tourist accommodation establishments, following the Royal Decree 463/2020 of 14 March, that declared the state of emergency.

The Ministerial Order issued by the Ministry of Health came into force from this same date and will remain in effect until the end of the state of emergency.

According to the Ministerial Order, the concentration of people in tourist accommodation, who may share common spaces, implies an increased risk of contagion. Therefore, given the restricted mobility of people, it is necessary, to guarantee the containment of the pandemic, to restrain these establishments from opening to the public.

In a nutshell, the Ministerial Order includes the following stipulations:

- 1. General rule: closure of hotels and similar establishments**

- The Ministerial Order forces **the immediate suspension of the public opening of all hotels and similar accommodations**, including tourist and other short-stay accommodation, campsites, caravan parks and other analogous establishments, located in the Spanish national territory.
- The provision of surveillance, security and maintenance services is permitted.
- The closure of these establishments shall take place when it does not have any customers and, in any case, **within a maximum period of seven calendar days** from the entry into force of this rule.

2. **Exception: tourist establishments with customers staying while the state of emergency is declared**

- The Ministerial Order allows remaining open those tourist establishments that host customers who were lodged seasonally and stably when the state of emergency was declared.
- These clients should have the services, in their own living spaces, to carry out the essential needs in the terms established by the Royal Decree that declared the state of emergency.
- However, these establishments may not admit new customers until the end of the suspension.

3. **Regulatory development of the Ministerial Order by the competent regional authorities.**

- According to the Ministerial Order, the competent authorities of each Spanish region (*Comunidad Autónoma*) will issue the resolutions, provisions and instructions necessary to ensure the effectiveness of the provisions of this order.

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