



## Decree 397/2021, of 30-11-2021 on new exceptional measures due to the evolution of the health emergency situation caused by the SARS-CoV-2 coronavirus.

Government

Other provisions

Decree 397/2021, of November 30, 2021

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### Statement of reasons

The current situation of the pandemic, both in the Principality and in the rest of the countries around us, is evolving negatively and the growth in the infection rate in recent days is leading to an increase in hospital income. In this context, the Government is forced to re-strengthen the measures to try to contain this trend.

The Government's intervention is based on the provisions of the General Health Law, of March 20, 1989, and of Law 30/2018, of December 6, classified as public security, in the terms established by Law 19 /2020, of December 23, which modified them.

Thus, the mask is once again mandatory in public indoor spaces and in urban outdoor spaces for people aged six or over. On the other hand, in most everyday activities the capacities are reduced again, and it should be noted above all that the night entertainment establishments are closing again, all in order to prevent the situation from getting worse. The use of the COVID-19 vaccination, diagnostic test or recovery certificate is maintained for access to numerous establishments and events and will also be required at ski resorts and snow fields, which will start activity shortly, as well as in fairs and open-air markets.

The situation also leads to the insistence that it is necessary to work remotely whenever the type of activity allows it.

With the intention of promoting maximum clarity and respecting legal certainty, this rule takes over all the current measures to include them in a single text, incorporates the points already mentioned through the necessary modifications and repeals [Decree 379/ 2021](#) , from 11-24-2021.

This Decree enters into force on December 1, 2021 and will be in force until the following December 9, although it may be extended or modified depending on the evolution of the pandemic.

For everything that has been presented, at the proposal of the Minister of Health, the Government, in the session of November 30, 2021, approves this Decree with the following

content:

#### Article 1. Basic prevention measures

1. The use of the mask is mandatory for all people aged six or over in the terms established in this Decree.
2. The masks that can be used can be surgical, homemade, hygienic or FFP2.
3. The use of the mask is mandatory in closed spaces for public use and in outdoor urban spaces.
4. A safety distance of 1.5 meters must be respected between people who do not live together.
5. Crowds must be avoided in any situation or activity.
6. Hand hygiene must be maintained before and after any activity.
7. In any activity, material must not be shared if it has not previously been cleaned and disinfected between uses.
8. Spaces, facilities and equipment must be cleaned and disinfected frequently.
9. In the interior spaces, air renewal must be guaranteed through natural or forced ventilation. If it is with natural ventilation, the facilities must be ventilated for fifteen minutes every hour, without the need to stop the activity.
10. A person who meets any of the following conditions is considered an immunized person:
  - a) She is vaccinated against COVID-19 and fourteen calendar days have passed since the date of administration of the last dose of the complete vaccine regimen.
  - b) The disease has passed in less than six months.
  - c) The illness has passed, she is vaccinated against COVID-19 with a dose of the vaccine and fourteen days have passed since it was administered.

#### Article 2. Access control with COVID-19 certificates

1. The use of COVID-19 vaccination, diagnostic test or recovery certificates is established as mandatory for users or customers to access the establishments or events detailed below:
  - a) Cultural and sporting events in outdoor spaces with 500 or more people in which the Ministry of Health determines, based on the risk of the activity, the need for the measure, after presentation of a specific protocol delivered to the Ministries of Health and of Culture and Sports.
  - b) Events, acts or groupings in indoor spaces of more than twenty people.
  - c) Establishments with restaurant, bar, cafeteria and similar establishments, in interior spaces.
  - d) Thermal and spa activities.
  - e) Ski resorts and snow fields.
  - f) Indoor cultural and sports facilities (museums, cinemas, libraries and gymnasiums, among others).

g) Recreational games rooms, operating recreational machines and other activities related to games of chance.

h) Hairdressers and beauty salons.

i) Tourist accommodation.

j) Socio-health assisted residences and residential homes in the terms provided for in article 17.

k) Day centers and manor houses in the terms provided for in articles 18 and 19, respectively.

l) Indoor playgrounds, for people from sixteen years of age.

m) Fairs and outdoor markets.

2. The use of COVID-19 vaccination, diagnostic test or recovery certificates is established as optional for access to the establishments or events detailed below:

a) Sports competitions for athletes, in the terms provided for in article 5, section 2.

b) Events, acts or groupings in indoor spaces of between six and twenty people.

3. The establishments provided for in sections 1 and 2 must make public, in a visible place before access to the interior of the establishment, that they carry out access control using COVID-19 certificates. In the case of services contracted in advance, this requirement must be announced before the contract is formalized. Likewise, event organizers must indicate this prior to the purchase of tickets and access to the event.

4. The staff of the establishments or the organizers of the events indicated in sections 1 and 2 must verify through an access control that the attendees have a COVID-19 certificate certifying that they meet one of the following conditions:

a) Be vaccinated against COVID-19 and that fourteen calendar days have passed since the date of administration of the last dose of the complete vaccination schedule, or have the certificates attesting that the person has passed the disease and is vaccinated against COVID-19 with a dose of the vaccine and that fourteen days have passed since it was administered.

b) Having passed the disease in less than six months.

c) Have a negative diagnostic test for SARS-CoV-2 infection (PCR or TMA done in the previous 72 hours or rapid antigen test done in the previous 12 hours).

5. Access control is carried out from the age of sixteen.

6. For access control, establishment staff or event organizers can accept certificates in paper or digital format. No copy of the certificates should be kept.

7. [Decree 356/2021](#) , of 10-11-2021, which approves the Regulation that regulates the creation of digital COVID-19 certificates issued by Andorra and the acceptance of COVID-19 certificates issued by third parties, establishes the requirements that must be met by the COVID-19 certificates accepted in Andorra.

8. To verify the validity of the COVID-19 certificates, the competent authorities or the staff of the establishments provided for in sections 1 and 2 and empowered to apply certain access

controls can carry out an identity check, to ensure that the people are the holders of the certificates.

#### Article 3. Services of the General Administration

1. The maximum capacity in the General Administration Procedures Service is limited to 50%.

2. For reasons of public service, the services of Administration staff may be required to carry out priority tasks other than those of their workplace.

#### Article 4. Physical activities in gymnasiums, sports centers and other similar spaces

1. Directed activities in gymnasiums, sports centers or other similar spaces must be carried out with groups limited to a maximum of six people in indoor spaces and a maximum of ten people in outdoor spaces. In the case of spaces with sufficient capacity, several groups can be made, with a separation of four meters between groups.

2. In gymnasiums it is necessary to guarantee compliance with the safety distance and a capacity of 50%.

#### Article 5. Measures for sporting activities

1. It goes to phase 1-2, regulated in the Plan of the federated sports practice, in relation to the health situation of the country.

2. For sports competitions in indoor spaces, athletes can dispense with the use of the mask if they are subject to an access control with a COVID-19 certificate. In case the organizer decides not to apply this control, the athletes must use the mask.

3. For indoor sports competitions, facilities cannot exceed 50% of capacity. The safety distance between the space where the competition takes place and the presence of the public cannot be less than four meters.

4. For outdoor sports competitions, facilities may allow 70% of capacity and masks must be worn at all times.

#### Article 6. Measures for thermal activities and spas

The maximum capacity of thermal activities and spas is limited to 50%.

#### Article 7. Measures for workplaces

1. The telecommuting modality is prescribed as long as the type of activity does not require the physical presence of the professional and taking into account article 30.6 of Law 31/2018, of December 6, on labor relations.

2. The use of a mask is mandatory in workplaces.

3. Meetings by telematic means must be prioritized.

4. Face-to-face work meetings cannot exceed six people.

5. Meetings that have an institutional, notarial and judicial nature, as well as those of the staff of health and socio-health centers, educational, training, personnel selection tests currently open in the public administration that are necessary, can exceed six people to carry out face-to-face meetings of the communities of owners, as well as those that have a specific

protocol, always strictly preserving the prevention measures provided for in article 1 and the protocols established by the health authority.

6. Face-to-face meetings must be carried out strictly preserving the basic prevention measures provided for in article 1.

Article 8. General hygiene and prevention measures in catering establishments (restaurants, bars, cafes and similar establishments)

1. The maximum number of people who can be grouped per table in indoor dining establishments is six, unless it is a larger cohabiting group, understanding that the cohabiting group is made up of the parents and their children and that they live habitually and permanently in the same home.

The number of people can be increased up to a maximum of ten in the outdoor spaces.

2. The distance between tables, which must be measured taking into account the backs of the surrounding chairs, must be at least one and a half meters; the protective screens inside the premises are only a complementary measure.

3. The establishment must calculate the maximum capacity of customers inside to ensure that the distancing measures are respected, and this information must be stated, as a minimum, at the entrance of the establishment and in a place visible

4. The use of the mask by customers is mandatory for all people aged six or over until the time they are served the food or drink, and they must put it back on in the travel and between services.

5. The buffet is allowed in the self-service modality as long as access to the area is controlled and a signalized unidirectional circuit is established in order to guarantee the interpersonal safety distance, that there is availability of hydroalcoholic gel at several points of the circuit, that the self-service utensils are changed at most every 30 minutes, that the contact points of the vending machines are frequently disinfected and that there is constant supervision by the establishment to organize the customers.

6. In order to maintain the safety distance between people, customers cannot consume rights, only sitting.

7. The premises and dining rooms, as well as the outdoor spaces where meals are offered for celebrations such as baptisms, birthdays, communions, weddings and other social events, can accommodate a maximum number of 30 people in indoor spaces and 50 people in outdoor spaces. Attendees from the age of eight must have the negative result of a TRA test carried out in an authorized health establishment within a maximum period of 12 hours prior or those carried out in the weekly school screenings.

Article 9. General hygiene and prevention measures in establishments with nightclub, dance hall, pub or similar activities

Establishments authorized as pubs, discos, dance halls or similar for the exercise of these activities are closed.

Article 10. Recreational games rooms, operating recreational machines and other activities related to gambling

The rooms for recreational games, the operation of recreational machines and other activities related to games of chance can open with a capacity limited to 50% of the space where the activity takes place.

#### Article 11. Commercial establishments, fairs and markets

1. The maximum capacity of commercial establishments with public participation is one person for every four square meters.
2. In outdoor fairs and markets, the organizers must ensure that the capacity does not exceed 70%.

#### Article 12. Meetings of relatives and friends

1. In gatherings of family and friends, the maximum number of people who can gather is six indoors and ten in outdoor spaces, unless the number of people living together is greater.
2. Meetings are allowed at the funeral home and in the vigil rooms in groups of no more than six people. You cannot match more than one grouping at a time.
3. In religious celebrations inside, the capacity cannot exceed 50%.

#### Article 13. Organization of cultural activities

1. Facilities hosting cultural events cannot exceed 50% of capacity indoors and 70% outdoors.
2. Guided tours must be carried out with groups limited to a maximum of six people in indoor spaces and a maximum of ten people in outdoor spaces. In the case of spaces with sufficient capacity, several groups can be made, with a separation of four meters between groups.

#### Article 14. Measures for schools, universities, higher education centers and extracurricular activities

1. The use of the mask is mandatory in indoor and outdoor spaces with students older than six years.
2. The use of the mask is mandatory for the staff in the interior and exterior spaces. In the maternity ward it is recommended to use an FFP2 mask.
3. All the activities that the students do in the school premises, both inside and outside, have been done without mixing coexistence units.
4. School activities outside the school grounds that are not related to physical education are suspended, which will only be done with the coexistence unit.
5. School activities that involve interaction between families and the coexistence unit are suspended.
6. Indoor and outdoor extracurricular activities for children over the age of six must be carried out with a mask.
7. It is mandatory to wear a mask on school transport for all age groups.

#### Article 15. Kindergartens

The use of the mask in the indoor and outdoor spaces is mandatory for the staff of the children's homes. For staff in close contact with children, it is recommended to use an FFP2



mask.

#### Article 16. Indoor playgrounds

1. Indoor playgrounds can open between 7am and 9pm.
2. Children's equipment and facilities in indoor spaces must have a capacity limited to 50% of the total.
3. It is necessary to establish well-defined and separated groups in time or in different spaces of a maximum of ten children.

#### Article 17. Preventive measures aimed at the hospital, health centers and social and health assisted residences and residential homes for people with disabilities

1. Visits are authorized to patients who remain admitted to the hospital, always following the directions of the center's management.
2. The managements of assisted social and health residences must allow the visits of a family member or similar per resident as long as the following conditions are met:
  - a) Carry out an access control for the visiting person, who must present the COVID-19 certificate.
  - b) Do a rapid antigen test (TRA) in the same socio-health center. The Ministry of Health provides centers with TRAs to be able to test visitors.
  - c) People visiting social and health assisted residences must sign the center's certificate of self-responsibility as long as they do not present symptoms of acute illness and are not subject to a home isolation measure.
3. The managements of the assisted residences can allow the departure of immunized residents or those under the age of sixteen, following the following requirements:
  - a) On the day of departure, the management of the assisted living facilities must verify that the relatives or equivalents who collect the user from the center meet the following conditions:
    - (i) They have the COVID-19 certificate.
    - (ii) They have a negative result in a rapid antigen test (TRA) done in the same social and health center. The Ministry of Health provides centers with TRAs to be able to test visitors.
  - b) In the event of an overnight stay outside the centre, on the same day of return to the centre, a TRA must be carried out and the test repeated on the fifth day of the return to the centre. This section is also applicable to residential homes for people with disabilities.
  - c) In case of departures without an overnight stay, a TRA will be made on the fifth day of departure outside the center, or two weekly TRAs in case of daily departures.
4. The managements of assisted social and health care homes and residential homes for people with disabilities can make the use of masks more flexible among users of the centers when these people are immunized and when they are with their usual coexistence group within the center. Users will need to wear a mask when traveling within the center or with visits.

5. Residents of social and health centers for the elderly and people with disabilities must be screened weekly using TMA. This test is not given to residents who have the full course of vaccination against COVID-19 and a booster dose, or the full course of vaccination and have passed the disease.

6. The non-immunized staff of socio-health centers for the elderly and disabled must use an FFP2 type mask and take a TRA when joining each shift at their workplace and a TMA on a monthly basis.

7. The immunized staff of socio-health centers for the elderly and disabled must use a mask and be screened with TRA once a week and with TMA on a monthly basis. Screenings must also be carried out on the staff of the hospital center and health centers whose internal protocols so establish, given the risk of contagion and the vulnerability of the people they serve. In this case, the type and frequency of the screenings are those established by the internal regulations of each center.

8. The cost of additional diagnostic tests for non-immunized personnel without justifiable cause, with respect to diagnostic tests for immunized personnel, is borne by the worker.

9. The control of the performance of these tests rests with the same center or service. Those in charge of social and health centers must keep a record of the information on the screening carried out on workers to meet the requirements set out in this article.

Registration is the responsibility of the Ministry of Health, and social and health centers act as service providers in order to contain the pandemic.

This record must be kept with security and confidentiality measures. The duration of conservation is up to one month after the validity of this Decree and, once completed, the record must be destroyed. This register must always be available to the members of the Police Force and the officials or workers of the General Administration with functions related to the control of the pandemic and authorized by the Ministry of Health.

#### Article 18. Socio-health day centers

Social and health day centers must comply with the following health measures:

1. Indoor activities must be carried out in small groups of a maximum of six people.
2. Users' activities outside the premises of the day centers are canceled when there is interaction with people outside the center's coexistence unit.
3. Service users must sign a certificate of self-responsibility as they do not present symptoms of acute illness and are not subject to a home isolation measure.
4. Those responsible for these spaces must ensure that users who access the interior of the day centers have a COVID-19 certificate.
5. The day center managements can make the use of the mask more flexible among users when they are with their usual coexistence group inside the center. Users will need to wear a mask when traveling within the centre.
6. People using day centers must be screened with a TRA test on a weekly basis.
7. The non-immunized staff of the day centers must use an FFP2 type mask and take a TRA when joining each shift at their workplace and a TMA on a monthly basis.



8. The immunized staff of the day centers must use the mask and be screened with TRA once a week and with TMA on a monthly basis.

9. The cost of additional diagnostic tests for non-immunized personnel without justifiable cause, with respect to diagnostic tests for immunized personnel, is borne by the worker.

Those in charge of the day centers must keep a record of the information on the screening carried out on the workers to meet the requirements set out in this article.

Registration is the responsibility of the Ministry of Health, and the day centers act as service providers in order to contain the pandemic.

This record must be kept with security and confidentiality measures. The duration of conservation is up to one month after the validity of this Decree and, once completed, the record must be destroyed. This register must always be available to the members of the Police Force and the officials or workers of the General Administration with functions related to the control of the pandemic and authorized by the Ministry of Health.

#### Article 19. Manor houses and retirement homes

Manor houses and old people's homes must comply with the same sanitary measures as the day centers provided for in article 18, with the exception of section 4, and the use of the mask is mandatory according to current regulations.

#### Article 20. Petrol stations

The sale of alcoholic beverages at gas stations is prohibited from 10 p.m. until 7 a.m.

#### Article 21. Public transport

1. The capacity in public transport vehicles cannot exceed 70%.
2. Public transport vehicles must be equipped with hydroalcoholic gel in the front and the back, at least.
3. It is necessary to promote that people travel sitting down.
4. Vehicles must be thoroughly cleaned and disinfected after each journey.
5. It is necessary to delimit, by means of marks on the ground, the areas for traveling upright.

#### Article 22. Measures addressed to the Immigration Service

The person from the age of sixteen who applies for an immigration authorization that involves a stay in the Superior Principality or equal to 30 consecutive days must prove, through the presentation of the corresponding certificates, the fulfillment of one of the cases provided for in article 1, section 10, for immunized persons.

#### Article 23. Duration of the measures

This Decree is valid until December 9, 2021 and may be extended depending on the evolution of the pandemic.

#### Article 24. Non-compliance and sanctioning regime

Any breach of these measures is sanctioned in accordance with the General Health Law or the applicable specific legislation.

#### Derogatory provision

With the entry into force of this Decree, the provisions of equal or lower rank that oppose it are repealed, and specifically [Decree 379/2021](#) , of 24-11-2021, of new exceptional measures due to the evolution of the health emergency situation caused by the SARS-CoV-2 coronavirus.

#### Final provision

This Decree enters into force on December 1, 2021.

Which is made public for general knowledge.

Andorra la Vella, November 30, 2021

Xavier Espot Zamora

Head of Government

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