

# Legal Impacts of COVID-19

in the Travel, Tourism and  
Hospitality Industry



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# Legal Impacts of COVID-19 in the Travel, Tourism and Hospitality Industry

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## The Legal Impacts of COVID-19 in the Tourism Accommodation Establishments in Spain<sup>1</sup>

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Introduction; I. Measures Adopted in Spain in Response to COVID-19 Concerning Tourism; II. The Suspension of Opening to the Public of Tourist Accommodation Establishments; III. Declaration of Essential Services to a Series of Tourist Accommodation: Accommodation for Workers; IV Tourist Accommodation and Accommodation for People Especially Vulnerable; Conclusions; Bibliography.

### INTRODUCTION

The World Health Organisation (WHO) assessed that COVID-19 can be characterised as a pandemic, on 11 March 2020<sup>4</sup>. From those moments, Spain is one of the countries most affected by COVID-19, having declared a state of alarm by Royal Decree No. 463/2020, of 14 March, for the management of the health crisis caused by the virus<sup>5</sup>, and which was modified by Royal Decree No. 465/2020, of 17 March, amending Royal Decree No. 463/2020<sup>6</sup>.

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<sup>1</sup> Paper written within the framework of I+D+i Project “Retos investigación” (Research Challenges) of the I+D+i State Program, oriented to the Challenges of the Society on the Ministry of Science, Innovation and Universities: RTI2018-097354-B-I00 (2019-2022).

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<sup>4</sup> WORLD HEALTH ORGANIZATION [online], 2020, available in: <https://www.who.int/es> [consulted on 05 April 2020].

<sup>5</sup> BOE No. 67, 14 March 2020.

<sup>6</sup> BOE No. 73, 18 March 2020.

Royal Decree No. 476/2020, of 27 March<sup>7</sup>, later extended this state of alarm, which has led to the adoption of a series of measures, including the restriction of the free movement included in Article 17 of the Spanish Constitution<sup>8</sup>, which section 1 states: “Every person has the right to freedom and security. No one may be deprived of his or her freedom except in accordance with the provisions of this section and in the cases and in the manner provided for by the law”.

Prior to the declaration of the state of alarm, Royal Decree-Law No. 6/2020, of 10 March, had already been published, adopting certain urgent measures in the economic sphere and for the protection of public health<sup>9</sup>, which, at that moment, demanded an immediate response.

This pandemic situation has not only affected Spain, but it is widespread throughout Europe and the rest of the continents<sup>10</sup>.

This state of alarm is based, as indicated by Royal Decree No. 463/2020, on determined actions of the Spanish Government to protect the health and safety of citizens, to contain the progression of the disease and to strengthen the public health system. This Royal Decree states that the extraordinary temporary measures that have been adopted by all levels of government must be intensified without delay to prevent and contain the virus and mitigate the health, social and economic impact<sup>11</sup>. This Royal Decree was adopted pursuant to Article 116.1 and 2 of the Constitutional Text, which establishes:

<sup>7</sup> BOE No. 86, 28 March 2020. See also: *Resolución de 25 de marzo de 2020, del Congreso de los Diputados, por la que se ordena la publicación del Acuerdo de autorización de la prórroga del estado de alarma declarado por el Real Decreto 463/2020, de 14 de marzo* (BOE No. 86, 28 March 2020).

<sup>8</sup> BOE No. 311, 29 December 1978.

<sup>9</sup> BOE No. 62, 11 March 2020.

<sup>10</sup> RAMOS, C., “Covid-19: la nueva enfermedad causada por un coronavirus” [online], *Salud Pública de México*, vol. 62, No. 2, 2020, 225-227, available in: <http://saludpublica.mx/index.php/spm/article/view/11276/11857> [consulted on 09 April 2020].

<sup>11</sup> See about it, ÁLVAREZ GARCÍA, V. J., “El coronavirus (COVID-19): respuestas jurídicas frente a una situación de emergencia sanitaria” [online], *El Cronista del Estado Social y Democrático de Derecho*, No. 86-87, 2020, 6-21, available in: <http://www.elcronista.es/El-Cronista-n%C3%BAmero-86-87-Coronavirus.pdf> [consulted on 30 March 2020]; COTINO HUESO, L., “Confinamientos, libertad de circulación y personal, prohibición de reuniones y actividades y otras restricciones de derechos por la pandemia del Coronavirus” [online], en *Diario La Ley*, No. 9606, 2020a, 1-20, available in: [https://diariolaley.laleynext.es/Content/Documento.aspx?params=114sIAAAAAAIEAMtMSbFICTEAAMMDewrjM7WylKLiZPw8WymDI6CYsYFaXn5Kacil\\_s21pXkpgWmZcagpISWZapU-ckhlQaptWm\]Ocapaa\]-fjaKSFjwEwBQINdLYwAAAA==WKJ](https://diariolaley.laleynext.es/Content/Documento.aspx?params=114sIAAAAAAIEAMtMSbFICTEAAMMDewrjM7WylKLiZPw8WymDI6CYsYFaXn5Kacil_s21pXkpgWmZcagpISWZapU-ckhlQaptWm]Ocapaa]-fjaKSFjwEwBQINdLYwAAAA==WKJ) [consulted on 06 April 2020]; COTINO HUESO, L., “Los derechos fundamentales en tiempos del coronavirus: Régimen general y garantías y especial atención a las restricciones de excepcionalidad ordinaria” [online], en *El Cronista del Estado Social y Democrático de Derecho*, No. 86-87, 2020b, 88-101, available in: <http://www.elcronista.es/El-Cronista-n%C3%BAmero-86-87-Coronavirus.pdf> [consulted on 03 April 2020]; NOGUERA LÓPEZ, A., “Confinar el coronavirus: Entre el viejo Derecho sectorial y el Derecho de excepción” [online], *El Cronista del Estado Social y Democrático de Derecho*, No. 86-87, 2020, 22-31, available in: <http://www.elcronista.es/El-Cronista-n%C3%BAmero-86-87-Coronavirus.pdf> [consulted on 30 March 2020]; VELASCO CABALLERO, F., “Estado

“1. An organic law shall regulate the states of alarm, emergency and siege (martial law) and the corresponding powers and limitations. 2. The state of alarm shall be declared by the Government, by means of a decree decided upon by the Council of Ministers, for a maximum period of fifteen days. The Congress of Deputies shall be informed and must meet immediately for this purpose. Without their authorisation, said period cannot be extended. The Decree shall specify the territorial area to which the effects of the proclamation shall apply”.

The organic law to which the Spanish Constitution refers is the current Organic Law No. 4/1981, of 1 June, on the states of alarm, exception and siege<sup>12</sup>.

The main objective of this work is to analyse the measures adopted concerning COVID-19 and its repercussion in the tourist field in Spain, especially in the case of tourist accommodation.

The methodology used will focus on the study of the main applicable regulations, as well as the position of the doctrine in relation to the measures adopted, in order to obtain conclusions that allow us to assess the situation and the social and economic consequences in the tourism sector regarding tourist accommodation in the state of alarm by COVID-19.

## I. MEASURES ADOPTED IN SPAIN IN RESPONSE TO COVID-19 CONCERNING TO TOURISM

The limitation of circulation determined by Royal Decree No. 463/2020 affects tourism very directly. The mobility of people fosters the spread of infections, and this is the reason why the confinement of the population has been established. This confinement has the exception of those considered essential services, regulated by Order SND/310/2020, of 31 March, by which specific centres, services and sanitary establishments are considered as essential services<sup>13</sup>, not including the hostelry, catering or tourist accommodation.

Previously, in order to reduce the mobility of the population to control the expansion of COVID-19, Royal Decree-Law No. 10/2020, of 29 March, was approved, regulating recoverable paid leave for employees who do not provide

de alarma y distribución territorial del poder” [online], *El Cronista del Estado Social y Democrático de Derecho*, No. 86-87, 2020, 78-87, available in: <http://www.elcronista.es/El-Cronista-n%C3%BAmero-86-87-Coronavirus.pdf> [consulted on 05 April 2020].

<sup>12</sup> BOE No. 134, 05 June 1981.

<sup>13</sup> BOE No. 91, 01 April 2020.

essential services, in order to reduce population mobility, in the context of the fight against the coronavirus<sup>14</sup>. On 30 March, Order SND/307/2020 was published, establishing the interpretative criteria for the application of Royal Decree-Law No. 10/2020<sup>15</sup>.

Article 10.6 of Royal Decree No. 463/2020 included a series of containment measures related to commercial activity, among which included hotel and restaurant activities, as well as other additional ones. It considers the closure of certain establishments, and, not being an exhaustive list, there is no *numerus clausus* established with respect to them.

It was also indicated that the Minister of Health could modify, expand or restrict the measures, places, establishments and activities indicated, for justified reasons of public health, and this suspension could be extended to other assumptions deemed necessary.

Royal Decree-Law No. 11/2020, of 31 March, adopting supplementary urgent measures in the social and economic field to deal with COVID-19<sup>16</sup>, precisely mentions the tourism sector within the measures to sustain economic activity in transitional difficulties because of COVID-19, when it refers to support for industrialisation and indicates that it is necessary to continue supporting companies in the tourism sector. This crisis has led to the total paralysis of the tourism sector: from the limitation to the free movement of people and the limitations on national and international connectivity to destinations, to the closure of tourist establishments, including accommodation, restaurants and others companies of the value chain. In order to ensure the liquidity and, therefore, the viability of the tourist companies, the payment of interest and repayment of the loans granted by the Secretary of State for Tourism, in the framework of the Emprendetur R+D+i program, the Emprendetur Young Entrepreneurs program and the Emprendetur Internationalization program.

Within Chapter II on measures to sustain economic activity in transitional difficulties as a result of COVID-19, and within measures to support industrialisation, Royal Decree-Law No. 11/2020 regulates the modification of the time and period for the submission of guarantees provided for in the announcements for loans granted by the General Secretariat of Industry and Small and Medium Enterprises (SGIPYME), pending resolution at the time of entry into force of Royal Decree No. 462/2000 (Article 38). It also regulates the refinancing of loans granted by the SGIPYME (Article 39), the reimbursement

<sup>14</sup> BOI: No. 87, 29 March 2020.

<sup>15</sup> BOI: No. 89, 30 March 2020.

<sup>16</sup> BOI: No. 91, 01 April 2020.

of expenses and the granting of aid for cancellation of activities promoting international trade and other international events (Article 40) and the suspension, without prior request, and with a duration of one year, of the payment of interest and repayment of the loans granted by the Secretary of State for Tourism, concerning the following regulations (Article 41):

- a) Order IET/2481/2012, of 15 November, which approves the regulatory bases for granting aid for projects and actions within the Emprendetur program R+D+i lines comprising Emprendetur R+D and Emprendetur development of innovative products within the framework of the National Comprehensive Tourism Plan<sup>17</sup>;
- b) Order IET/476/2013, of 14 March, amending Order IET/2482/2012, of 15 November, which establishes the regulatory bases for granting aid for projects and actions within of the Emprendetur Young Entrepreneurs program, within the framework of the National and Comprehensive Tourism Plan<sup>18</sup> and ;
- c) Order IET/2200/2014, of 20 November, which approves the regulatory bases for granting aid for projects and actions within the Emprendetur Internationalisation program within the framework of the Comprehensive National Tourism Plan<sup>19</sup>.

The payments of interest and repayment of the loans before the entry into force of Royal Decree-Law No. 11/2020 will be required the following year, on the same dates, but without accruing additional interest for it.

Moreover, another measure closed the internal land borders in relation to what is indicated in Article 28 of Regulation (EU) 2016/399, of the European Parliament and of the Council of 09 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)<sup>20</sup>, with the maximum duration allowed, of ten days. Thus, Article 28 of Regulation (EU) 2016/399 provides that:

“Specific procedure for cases requiring immediate action:

1. Where a serious threat to public policy or internal security in a Member State requires immediate action to be taken, the Member State concerned

<sup>17</sup> BOI: No. 279, 20 November 2012.

<sup>18</sup> BOI: No. 73, 26 March 2013.

<sup>19</sup> BOI: No. 285, 25 November 2014.

<sup>20</sup> DOUE: No. 77, 23 March 2016.



may, on an exceptional basis, immediately reintroduce border control at internal borders, for a limited period of up to ten days.

2. Where a Member State reintroduces border control at internal borders, it shall at the same time notify the other Member States and the Commission accordingly, and shall supply the information referred to in Article 27(1), including the reasons that justify the use of the procedure set out in this Article. The Commission may consult the other Member States immediately upon receipt of the notification.
3. If the serious threat to public policy or internal security persists beyond the period provided for in paragraph 1 of this Article, the Member State may decide to prolong the border control at internal borders for renewable periods of up to 20 days. In doing so, the Member State concerned shall take into account the criteria referred to in Article 26, including an updated assessment of the necessity and the proportionality of the measure, and shall take into account any new elements. In the event of such a prolongation, the provisions of Article 27(4) and (5) shall apply *mutatis mutandis*, and the consultation shall take place without delay after the decision to prolong has been notified to the Commission and to the Member States.
4. Without prejudice to Article 25(4), the total period during which border control is reintroduced at internal borders, on the basis of the initial period under paragraph 1 of this Article and any prolongations under paragraph 3 of this Article, shall not exceed two months.
5. The Commission shall inform the European Parliament without delay of notifications made under this Article<sup>21</sup>.

In this sense, the following were approved: Order INT/239/2020, of 16 March, reestablishing internal land borders controls due to the health crisis caused by COVID-19<sup>21</sup>; Order INT/283/2020, of 25 March, extending the internal land borders controls restored due to the health crisis caused by COVID-19<sup>22</sup>; and, noteworthy, Order TMA/285/2020, of 25 March, which adopts extraordinary flexibility measures in the areas of civil aviation not regulated by the regulations of the European Union in relation to the situation created by the global crisis of COVID-19<sup>23</sup>.

<sup>21</sup> BOE No. 70, 16 March 2020.

<sup>22</sup> BOE No. 83, 26 March 2020.

<sup>23</sup> BOE No. 83, 26 March 2020.

## II. THE SUSPENSION OF OPENING TO THE PUBLIC OF TOURIST ACCOMMODATION ESTABLISHMENTS

In the tourist field, the case of tourist accommodation is complex, since there are common spaces that are shared, and this carries a high risk of contagion. For these reasons, it was considered appropriate, to avoid the spread of the pandemic, the suspension of tourist accommodation establishments regarding their public opening, following the provisions of Article 10.4 of Royal Decree No. 463/2020.

On 19 March, the Order SND/257/2020 was approved, declaring the suspension of opening to the public of tourist accommodation establishments, in accordance with Article 10.6 of Royal Decree No. 463/2020<sup>24</sup>. In this regard, hotels and similar accommodation, tourist accommodation and other short-stay accommodation, as well as camping sites and caravan parks, are included in this suspension, with the scope of the application being in the entire national territory. However, the provision of surveillance, security and maintenance services of the indicated establishments are exempt from this suspension.

The closure of these establishments will take place when there are no customers to attend and, in any case, within a maximum period of seven calendar days from the effective date of the regulation that was the same day of its publication in the Official State Gazette (BOE), 19 March 2020. Regarding the calculation of the deadlines, it is necessary to pay attention to what is indicated in Article 5 of the Civil Code<sup>25</sup>.

The problem arises with subjects who are housed in the indicated establishments for an extended period: people who “live” in hotels or campsites, for example. For these people, the establishment is their habitual residence and, as such, they must comply with the mandatory confinement due to the decreed

<sup>24</sup> BOE No. 75, 19 March 2020.

<sup>25</sup> This article provides that: “1. Unless otherwise provided, for periods stated in number of days, counting from a particular date, the latter shall be excluded from the calculation, which shall begin on the following day; and periods set in number of months or years shall be calculated from date to date. Where on the month of expiration date there should be no date equivalent to the initial date of the period, the period shall be deemed to expire on the last day of the month; 2. Calculation of periods according to civil law shall not exclude non-business days.” (“Siempre que no se establezca otra cosa, en los plazos señalados por días, a contar de uno determinado, quedará éste excluido del cómputo, el cual deberá empezar en el día siguiente; y si los plazos estuviesen fijados por meses o años se computarán de fecha a fecha. Cuando en el mes del vencimiento no hubiere día equivalente al inicial del cómputo, se entenderá que el plazo expira el último del mes; 2. En el cómputo civil de los plazos no se excluyen los días inhábiles”).

state of alarm<sup>26</sup>. This possibility is contemplated, and it is indicated that the establishments contemplated in Order SND/257/2020 are allowed to open to the customers who were already guests when the state of alarm was declared, and they may remain open on a stable and seasonal basis. This will require the establishments to have adequate infrastructure for the guests to be able to carry out the essential activities indicated in Royal Decree No. 463/2020. Even though these establishments are open, they are not allowed to admit new customers, until the end of the suspension contemplated in Order SND/257/2020.

This Order is applicable to the entire national territory, however, some questions are raised, considering that the regulation of tourist accommodation is profuse and it is necessary to take into account the regional regulation<sup>27</sup>. The problems raised have been dealt with by the doctrine<sup>28</sup>.

For example, and to cite the case of our Valencian Community, Article 64 of Law No. 15/2018, June 7, of the Generalitat Valenciana, on tourism, leisure and hospitality of the Valencian Community<sup>29</sup>, contemplates the following types of tourist accommodation: hotel establishments, tourist apartment blocks and complexes, tourist apartment blocks and complexes, housing for tourist use, campsites, overnight transit areas for motorhomes, rural tourist accommodation and tourist hostels. Bearing also in mind the different collaborative economy platforms<sup>30</sup>, such as Airbnb<sup>31</sup>. Thus, both apartments and dwellings for tourist use are included, but it would be necessary to attend to each regional regulation to see what is included within the concept of tourist accommodation<sup>32</sup>.

<sup>26</sup> BAÑO ÁLVAREZ, M. y DÍAZ-BAUTISTA CREMADES, A., "Estado de alarma como medida de "contención social" ante el COVID-19", *Diario La Ley* No. 9592, 2020.

<sup>27</sup> BUSTO, DEL, E., CEBALLOS MARTÍN, M. M. y PÉREZ GUERRA, R., "Marco normativo de los apartamentos y viviendas de uso turístico en España: Especial mención a la Comunidad Autónoma de Madrid" [online], *Journal of Tourism Analysis. Revista de Análisis Turístico*, vol. 26, n° 1, 2019, 62-92, available in: <https://www.emerald.com/insight/content/doi/10.1108/JTA-05-2018-0015/full/html> [consulted on 09 April 2020].

<sup>28</sup> MORENO GIL, S., PICAZO PERAL, P. y KORSTANIE, M. E., "La investigación sobre la imagen de los alojamientos turísticos y las dimensiones que la componen: situación actual y retos de futuro" [online], *Anuario Turismo y Sociedad*, vol. 25, 2019, 217-252, available in: <https://revistas.uexternado.edu.co/index.php/tursoc/article/view/6004/7737> [consulted on 09 April 2020].

<sup>29</sup> BOE No. 157, 29 June 2018.

<sup>30</sup> On this topic, it can be consulted: GOSÁLBEZ PEQUEÑO, H. (dir.), *El régimen jurídico del turismo colaborativo*, Wolters Kluwer, Madrid, 2019.

<sup>31</sup> See, JIMÉNEZ HORWITZ, M., "La situación jurídica de la plataforma Airbnb en el marco de la economía colaborativa", n° 3, 2019;

<sup>32</sup> COSTAS DE VICENTE, B., "26 de marzo 2020: Cierre de alojamientos turísticos por crisis COVID-19 y sus consecuencias" [online], Sepin, 2020, available in: <https://blog.sepin.es/2020/03/cierre-alojamientos-turisticos-coronavirus/> [consulted on 10 April 2020].

All this supposes very high economic losses, since the tourist sector in Spain is one of the most important economic engines<sup>33</sup>.

### III. DECLARATION OF ESSENTIAL SERVICES TO A SERIES OF TOURIST ACCOMMODATION: ACCOMMODATION FOR WORKERS

We will now refer to the declaration of essential services of tourist accommodation. Two regulation will be taken into account, Order TMA/277/2020, of 23 March, declaring certain tourist accommodations as essential services and adopting complementary provisions<sup>34</sup>, and Order TMA/305/2020, of 30 March, amending the annex to Order TMA/277/2020<sup>35</sup>.

Royal Decree No. 463/2020 referred to Law No. 8/2011, of 28 April, which establishes measures for the protection of critical infrastructures<sup>36</sup>, regarding the fact that essential critical operators will adopt the measures that are necessary for the provision of the services considered essential, as well as measures by companies and providers that are not critical but are essential to ensure the services considered essential. Along with this, Royal Decree No. 463/2020 also includes measures to ensure the supply of goods and services for the protection of public health.

Royal Decree-Law No. 8/2020, of 17 March, on extraordinary urgent measures to face the economic and social impact of COVID-19<sup>37</sup>, contains measures to face the economic and social impact on the business environment, in order to avoid the negative impacts derived from the health crisis on the productive sector. For the adoption of the measures, the mobility of the workers who are going to carry out the activities should be guaranteed so that they can have food and accommodation. The sectors of maintenance, health, repair and works, supply and transport, as well as certain essential services and workers, which are included in Articles 17 and 18 of Royal Decree No. 463/2020, fall under that spectrum.

Other groups are mentioned, such as people in vulnerable situations, the elderly, minors, disabled, and also for reasons of force majeure or a state of need

<sup>33</sup> CASILLAS, C., "Un coronavirus toma el relevo de la guerra comercial: Lujo, aerolíneas y hoteles son los sectores más afectados por esta nueva amenaza para las bolsas", *Inversión: el semanario líder en bolsa, economía y gestión de patrimonios*, n° 1170, 2020, 30-32.

<sup>34</sup> BOE No. 82, 25 March 2020.

<sup>35</sup> BOE No. 89, 30 March 2020.

<sup>36</sup> BOE No. 102, 29 April 2011.

<sup>37</sup> BOE No. 73, 18 March 2020.

that require accommodation, including tourists who have not been able to return to their places of origin within the period provided in the third section of Order SND/257/2020. Furthermore, Order TMA/277/2020 indicates that in all these cases, it may be necessary to use accommodation for people who need to move or who may need to ensure timely accommodation urgently. Consequently, to guarantee their mobility and security throughout the national territory, the declaration of the tourist accommodation listed in the annex to this Order is an appropriate one. As it is allowing the provision of the service to the groups affected by the rest of the tourist accommodation and allowing the provision of other complementary services.

In this way, Article 1 establishes the declaration of essential service of certain tourist accommodation for the provision of accommodation service to workers. In the Article 3, the possibility that this service is provided by other tourist accommodation (not listed in the annex to Order TMA/277/2020) is regulated, but as long as they provide the service to the groups indicated in the Articles 1 and 2 of the aforementioned Order, and comply with the protection measures to avoid infections. The accommodations, as indicated in Article 4, will provide catering services and any other services necessary for the provision of the accommodation service to the people staying there. Access to cleaning and catering facilities and services to the professional goods transporters will be allowed, even if they are not staying in the tourist accommodation.

#### IV. TOURIST ACCOMMODATION AND ACCOMMODATION FOR PEOPLE ESPECIALLY VULNERABLE

During the state of alarm, there are many especially vulnerable groups<sup>38</sup>. Article 2 of Order TMA/277/2020 contemplates the provision of the accommodation service in other exceptional cases, including vulnerable groups, for the care of the elderly, dependents, people with disabilities, especially vulnerable people or with health care needs, following the provisions of Royal Decree No. 463/2020 [Article 7, sections b), c), e) and g)], as well as people who, due to force majeure or situations of need require urgently ensure timely accommodation. These groups include people who are victims of gender

<sup>38</sup> PRISNO LINERA, M. Á., "Estado de alarma por coronavirus y protección jurídica de los grupos vulnerables" [online], *El Cronista del Estado Social y Democrático de Derecho*, n° 86-87, 2020, 56, available in: <http://www.elcronista.es/El-Cronista-n%C3%BAmero-86-87-Coronavirus.pdf> [consulted 08 on April 2020].

violence. This violence is not only centred on women, but also on minors who are in confinement along with them<sup>39</sup>.

The measures adopted by the executive during the state of alarm pose a critical situation for people who are victims of gender violence<sup>40</sup> since house confinement or isolation and coexistence with the aggressor constitute a risky situation.

At first, no specific measures were contemplated in Royal Decree No. 463/2020, but later in Royal Decree-Law No. 12/2020, of 31 March, on urgent measures in the field of protection and assistance to victims of gender violence<sup>41</sup>. Accordingly, Article 3.3 regulates the reception services for victims of gender violence and other forms of violence against women. It also indicates that, when necessary to guarantee the reception of victims and their sons and daughters at risk, the Administrations Competent publics may arrange the use of tourist accommodation establishments, referred to in Order TMA/277/2020, of 23 March, declaring essential services to specific tourist accommodation and adopting complementary provisions.

The measures are translated into the declaration of essential services; the operation of the services during the 24 hours referring to the information and legal advice, telecare and social assistance; victim reception services; establishment employing information and communication technologies (ICTs) of telematic means of compliance with precautionary measures and restraining orders to guarantee the safety of victims, and measures relating to personnel who provide comprehensive social assistance services to them, adapting to the lack of presence<sup>42</sup>.

It is necessary to take into account what is indicated in the provisions of Organic Law No. 1/2004, of 28 December, on comprehensive protection measures against gender violence<sup>43</sup>, in Royal Decree-Law No. 9/2018, of 3 August, on urgent measures for developing the State Pact against gender

<sup>39</sup> RAMÓN FERNÁNDEZ, F., "Medidas de protección del menor en los casos de violencia de género", *Reinad. Revista sobre la infancia y la adolescencia*, n° 4, 2013, 60, available in: <http://ojs.upv.es/index.php/reinad/article/view/1391> [consulted 02 April 2020]; *Menor y violencia de género: Aspectos y retos jurídicos en la sociedad actual*, Tirant lo Blanch, Valencia, 2018, 50; "La monoparentalidad derivada de la violencia de género: análisis de la cuestión" en *Reinad. Revista sobre la infancia y la adolescencia*, n° 16, 2019, 3, available in: <https://polipapers.upv.es/index.php/reinad/article/view/10844/11250> [consulted 02 April 2020].

<sup>40</sup> Cfr. BAELO ÁLVAREZ, M. y DÍAZ-BAUTISTA CREMADES, A., "Estado de alarma como medida de "contención social" ante el COVID-19", *Diario La Ley*, n° 9592, 2020<sup>4</sup> y "Estado de alarma como medida de "contención social" ante el COVID-19", *Diario La Ley*, n° 9594, 2020b.

<sup>41</sup> BOE No. 91, 01 April 2020.

<sup>42</sup> See: MAGRO SERVIET, V., "Casuística sobre la violencia de género y la declaración del estado de alarma a raíz del Coronavirus", *Diario La Ley*, n° 9601, 2020.

<sup>43</sup> BOE No. 313, 28 December 2004.

violence<sup>44</sup> and in Law No. 3/2019, of 01 March, on improving the orphan situation of daughters and sons victims of gender violence and other forms of violence against women<sup>45</sup>, as well as the Council of Europe Convention on preventing and combating violence against women and domestic violence, held in Istanbul, on 11 May 2011, and ratified by Spain<sup>46</sup>.

## CONCLUSIONS

The state of alarm due to COVID-19 in Spain has led to the adoption of a series of multidisciplinary measures, which have also affected the tourism sphere.

The confinement of the population, which have been quarantined, and the survival of only essential services meant a change in the economic and social scenario, causing a severe decline in the country's economy, whose one of the most important resources it is the tourism industry. A sector that has disappeared during the period that we are living - and this is not an exaggeration -, since no type of displacement is allowed for these reasons, in addition to the temporary closure of land borders.

We have differentiated the measures concerning tourism in general, and then we have considered measures that affect certain groups of persons that have been placed in tourist accommodation due to the COVID-19 situation, such as the especially vulnerable employees and people. The motivation is to be able to provide accommodation and food to groups that have to carry out different activities, and that for reasons of limited mobility may be limited. The possibility of accessing tourist accommodation to professional transporters of goods is also expanded so that they can clean and feed themselves.

In addition, of the tourist accommodations that are included in the annexes of the Orders that regulate this possibility, other tourist accommodations are also allowed to provide accommodation and restaurants, despite not being included in the list, as long as they comply with the conditions of protection to prevent the expansion of the COVID-19.

This disaffection occurs after being considered as essential services of this type of establishments in some of them, in order to collaborate and cooperate in the fight against the economic and social crisis generated by COVID-19, after

<sup>44</sup> BOE No. 188, 04 August 2018.

<sup>45</sup> BOE No. 53, 02 March 2019.

<sup>46</sup> BOE No. 137, 06 June 2014.

the declaration of the state of alarm in Spain and the suspension of the opening of tourist accommodation establishments to the public.

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