Restrictions

A new Royal Decree - Law 10/2020 was issued at midnight on 29 March, containing new measures to increase the confinement rules by implementing mandatory paid holiday leave from 30 March to 9 April, for those working in areas deemed non-essential.

Those forced to take holiday can only continue work after 30 March if essential tasks, already in progress prior to the publication of the law, must still be completed.

This mandatory holiday does not apply to the following employed persons, among others:

- those working in the area of both market supply chain and operations, related to the production of basic goods and services, including food, beverages, animal feed, hygiene products, medicines and sanitary products;
- those considered essential for the maintenance of productive activities in the manufacturing industry, ie. supplies, equipment and materials necessary to maintain the development of essential activities;
- those performing transport services, for both persons and goods, that have continued since the declaration of the state of emergency.

It is recommended that road freight transport and logistics companies check with their customers/clients based in Spain to verify whether their activity is among those running during those days.

In addition, the Royal decree 463/2020 published on 14/3 aims at banning traffic on some national routes. The following vehicles / services are exempted from the provision:

- Roadside assistance and road maintenance vehicles
- Vehicles distributing medical, food and fuel supplies
- Vehicles collecting solid waste
- Vehicles transporting live cattle and perishable goods (ATP)

Moreover, the 6-month period during which the holder of a foreign driving license (valid for driving in Spain) can drive in the national territory is suspended.

On 30 March, the Spanish Ministry of Transport published a list of tourist accommodation that will remain open to host, among others, drivers engaged in the transport of passengers and goods. An interactive map can be found here. The Government also released a website with information on restaurants, service stations and parking areas available for road carriers.

On 31 March, the Spanish Ministry of Industry, Trade and Tourism published an explanatory note on the application of Royal Decree 10/2020, which regulates paid leave for people working in nonessential sectors. The Ministry clarifies that the status of “essential” applies to types of workers and not to types of goods, so there is no list of “essential goods”. The last paragraph of the explanatory note clearly states that people working in import or export activity of any kind of goods or materials are exempted from the application of the decree.

Therefore, the transport sector is considered essential regardless of the type of goods being carried.

In addition to the above mentioned measures, the Spanish government announced that, as from March 17th 00:00, borders are closed for movement of persons. Are exempted Spanish citizens, Spanish residents, cross-border commuters and anyone justifying a case of Force majeure. As already stated, freight transport remain exempted to guarantee economic activity and supply chain.

On 9 April, the Spanish parliament backed the government’s proposal to extend the state of emergency until 26 April.

Relieves

From 29 March until 12 April, Spain has introduced the following flexibility relating to compliance with EU Regulation 561/2006:
• Extension of the daily driving time from 9-10 hours twice per week, as long as the daily and weekly breaks are complied with.

• A 45-hour regular weekly rest and one 24-hour reduced weekly rest can be taken in a two-week period without the need to compensate the latter.

• The regular weekly rest can be taken in the cabin, provided that it is properly equipped to do so.

Driving restrictions have also been lifted by the competent authorities (Direction of Traffic for the Spanish territory except Catalonia and the Basque Country, Catalan Government and Basque Country Government). In all cases, the lifting does not apply to the mandatory itineraries for dangerous goods. The following restrictions are suspended for the entire duration of the state of emergency

• Week traffic bans for vehicles over 7.5 tonnes

• Weekend and festive bans for ADR vehicles

• Week, festive and weekend bans for abnormal transport

• All traffic bans for transport vehicles in Catalonia and in the Basque Country

The following derogations apply:

• Licenses, permits and any driving authorization expiring during the state of emergency is automatically extended until up to 70 days after its end

• The validity of temporary authorizations for circulation are extended up until 60 days after the end of the state of emergency

More detailed information for Spain, Catalonia and the Basque Country.

On 25 March, the Spanish Government published derogations to live animal transport rules:

• Certificates, authorisations related to drivers and vehicles engaged in the transport of live animals expiring after 1/3/2020 are valid until 120 days after the end of the state of emergency or extensions thereof. In addition, this term may be extended by the Ministry of Agriculture, Fisheries and Food for a maximum of 30 more days.
• The logbooks or route sheets will be valid despite not having been sealed by the competent authority until 7 days after the end of the state of emergency or its extensions, and may be extended 7 more days by the General Directorate of Agricultural Productions and Markets.

• Exemptions granted on the rest times related to the protection of animals during transport and related operations. This applies to all animal movements that are carried out during the state of emergency. The total duration of the trip will be the maximum allowed for each species in Chapter V of Annex I of Regulation (EC) No. 1/2005, of the Council, of 22 December 2004, except for rest time.

• These measures apply to the entire territory of Spain. The Government will notify the EC, aiming to extend the validity of such measures to other countries.

In light of uncertainties over procedures and controls being done on road transport operations and until further clarification is provided, ASTIC encourages drivers to have onboard a certificate signed by the sender or the consignee that states that goods being carried are essential, in accordance to the annex of Royal Decree 10/2020. Drivers are also advised to have onboard the declaration of liability, signed by the company, contained in the annex of Ordinance 307/2020.

Concerning the state of emergency and road transport in particular, members are reminded that traffic bans are lifted for the entire duration of the state of emergency and its possible prolongations.

**SOURCE:** ASTIC, CETM and Confebus