

I. GENERAL PROVISIONS

MINISTRY OF HEALTH

5142 *Order SND/422/2020, dated 19th May, regulating the conditions for the obligatory use of masks during the health crisis situation caused by COVID-19.*

As a consequence of the accelerated development of the public health emergency situation caused by COVID-19 at a national and international level, the Government, within the scope of the provisions of article four, sections b) and d) of Organic Law 4/1981, dated 1st June, on states of emergency, exceptions and locations, declared, via Royal Decree 463/2020, dated 14th March, a state of emergency throughout the entire national territory with the aim of tackling the health crisis, which has been extended on four occasions, on the last occasion by Royal Decree 514/2020, dated 8th May, until 00:00 hours on 24th May 2020, in the terms set out in these regulations.

Article 4.2.d) of the abovementioned Royal Decree 463/2020, dated 14th March, determines that, for the exercise of the functions contained in this and under the higher direction of the Prime Minister, the Ministry of Health will be the delegated competent authority, both in its own area of responsibility and in other areas that do not fall within the specific remit of competencies of the other Ministries delegated as competent authorities for the purposes of this royal decree.

Specifically, in accordance with the provisions of article 4.3 of Royal Decree 463/2020, dated 14th March, the Ministry of Health is empowered to hand down any orders, decisions, provisions and interpretative instructions which, within its area of action as delegated authority, may be required in order to ensure the provision of all ordinary or extraordinary services for the protection of people, goods and places, via the adoption of any of the measures set out in article eleven of Organic Law 4/1981, dated 1st June.

Similarly, article 8 of Royal Decree 463/2020, dated 14th March, establishes that the delegated competent authorities can impose the carrying out of obligatory personal provisions essential for achieving the purposes of the aforementioned royal decree.

The communication “Common European Route Map for the Lifting of COVID-19 Lockdown Measures”, presented on 15th April by the president of the European Commission and the president of the European Council, considered the extraordinary measures adopted by the member States to be essential. It has been confirmed that these measures, based on current available information relating to the characteristics of the disease and its method of transmission, and adopted according to a criteria of precaution, have permitted a reduction in the morbidity and mortality associated with COVID-19, at the same time allowing a strengthening of health systems and ensuring the necessary provisioning to tackle the pandemic.

For its part, on 16th April 2020, the World Health Organisation defined the principles to be taken into account when proposing a lifting of lockdown measures. Among these principles, special attention is given to the need to minimise risks in places with a high potential of contagion, such as closed spaces and public spaces where there is a large concentration of people, ensuring the commitment of the whole population to applying the adopted measures in order to continue protecting the right to life, physical integrity, and people’s health.

The development of the health crisis, which has unfolded within the framework of the state of emergency, obliges continuous adaptation and specification of the adopted measures, in order to ensure efficiency in dealing with the crisis. Within this framework, and faced with the high

transmissibility of SARS-CoV2, especially in the initial stages of the illness and in asymptomatic people, it has been necessary to hand down a ruling in order to regulate the use of masks, establishing the cases and events where their use will be obligatory, without prejudice to the recommendations set out by the health authorities in other cases.

The general use of masks by the general population in order to reduce community transmission of SARS-CoV2 is justified not only by its high transmissibility, but also by the capacity that they have demonstrated in blocking the emission of infected droplets, which is very important when it is not possible to maintain the safety distance.

Similarly, it is necessary to follow a principle of caution that allows us to continue along the path of reduction of cases of contagion of the illness in our country, especially as we do not have other measures such as vaccination.

This order therefore generally makes the use of masks obligatory for people aged 6 and over in the street, in open-air spaces, and in any closed public space or space open to the public, provided that it is not possible to maintain an interpersonal safety distance of at least two metres, their use being recommended for the infant population aged from three to five years.

Exceptions to this obligation are those persons presenting some kind of respiratory difficulty that may be aggravated by the use of a mask, and those for whom this use is contraindicated for reasons of health or disability. Similarly, its use is not required when carrying out activities that are incompatible with it, such as the ingestion of food or drinks, as well as in circumstances where there exists a cause of force majeure or situation of need.

The provisions of this order should be understood without prejudice to the need to continue complying with the recommendations from the health authorities relating to interpersonal distance, hand washing, and other preventive measures.

By virtue of this, in accordance with the powers set out in article 4.3 of Royal Decree 463/2020, dated 14th March, I declare:

Article 1. *Subject.*

This order is to regulate the obligatory use of masks by the population.

For the purposes of the provisions of this order, it is understood that the obligation referred to in the previous situation will be met by the use of any kind of mask, preferably hygienic or surgical, covering the nose and mouth. In all cases, the indications from the health authorities regarding their use must be observed.

Article 2. *Those obliged to wear masks.*

1. All persons aged six years and over are obliged to use masks in the spaces indicated in article 3.

2. The obligation contained in the previous paragraph will not be required in the following cases:

a) Persons presenting some kind of respiratory difficulty that may be aggravated by the use of a mask.

b) Persons for whom the use of a mask is contraindicated for duly justified health reasons, or whose situation of disability or dependency may give rise to alterations in behaviour making the use of a mask unfeasible.

c) Carrying out activities which, due to their nature, are incompatible with the use of a mask.

d) Reasons of force majeure or situations of necessity.

Article 3. *Spaces where the use of a mask is obligatory.*

The use of a mask is obligatory in the street, in open-air spaces, and in any closed space used by the public or open to the public, provided that it is not possible to maintain an interpersonal safety distance of at least two metres.

First final provision. *Appeal rules.*

Administrative appeals can be made against this order within a deadline of two months from the day following its publication, before the Administrative Chamber of the Supreme Court, in accordance with the provisions of article 12 of Law 29/1998, dated 13th July, regulating Administrative Jurisdiction.

Second final provision. *Effects and validity.*

This order will come into effect from the day following its publication in the "Official State Bulletin", and it will be valid throughout the state of emergency and any possible extensions.

Madrid, 19th May 2020. Salvador Illa Roca, Minister of Health.