

ANAVE – Circular de Régimen Interior

Madrid, 17 de marzo de 2020
Ref: SMA 18/2020/MH

Asunto: Coronavirus: Nueva actualización de las últimas informaciones recibidas

Muy Srs. nuestros:

En el día de hoy, hemos recibido de varias fuentes nueva información sobre el brote del Coronavirus (COVID-19), que por su interés les adjuntamos en varios Anexos y que incluiremos en el repositorio de documentos dedicado a este asunto en la web de ANAVE.

Las últimas novedades a este respecto son las siguientes:

- **BIMCO** ha puesto a disposición del público, de forma gratuita, el contenido de su página web relativo al COVID-19, por un periodo inicial de 3 meses. En el siguiente [enlace](#) encontrarán información y consejos relacionados con la tripulación, restricciones portuarias y problemas contractuales, así como otros asuntos en relación con la pandemia COVID-19. Los contenidos se actualizan diariamente.
- **La Cámara Naviera Internacional (ICS)** nos está enviando información sobre la extensión de la epidemia, que no es la más actualizada. La misma se puede seguir en tiempo real en el siguiente [enlace](#).

También nos han enviado una **guía** “*ICS Guidance for shipping Company operatios during the COVID-129 outbreak*” (ver **Anexo 1**), de 5 páginas, que trata diversos temas relacionados con los empleados, vacaciones, pagos, qué hacer en caso de emergencia nacional y, además, incluye varios anexos, en inglés, para elaborar planes de contingencia en situaciones relacionadas con el coronavirus que puedan tener impacto en la empresa:

- Modelo para establecer un protocolo de emergencia / Plan de continuidad del negocio
 - Modelo de carta a los trabajadores sobre el COVID-19
 - Modelo de carta a los trabajadores sobre las responsabilidades en relación con el control de COVID-19.
 - Modelo de ICS sobre medidas aplicables para controlar los riesgos de COVID-19.
- **La CEOE** ha elaborado y difundido entre sus asociados un “Modelo de certificado acreditativo de prestación de servicios de forma presencial” (ver **Anexo 2**). Con independencia de las gestiones realizadas con el Gobierno a este respecto, CEOE estima que, con el fin de facilitar que los trabajadores puedan acudir a sus centros de trabajo, cuando así se haya establecido por la empresa, y dar cumplimiento a lo requerido por las Fuerzas y Cuerpos de Seguridad, es conveniente que las empresas expidan a sus trabajadores, a la mayor brevedad, un certificado acreditativo de que continúan prestando sus servicios de forma presencial en sus respectivos centros de trabajo, con indicación expresa de los datos identificativos del trabajador, de la empresa y de su centro de trabajo, así como la ubicación del mismo.

Muy atentamente,

Manuel Carlier
Director General

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Annex 1 ICS GUIDANCE FOR SHIPPING COMPANY OPERATIONS

DURING THE COVID-19 OUTBREAK

INTRODUCTION

A shipping company's greatest responsibility and duty is to protect employee health and safety. Shipping companies should: -

- Calmly but urgently focus planning and prevention measures on all areas to immediately protect staff and plan for possible disruptions.
- Be prepared and well-informed of the ongoing developments around COVID-19, and official advice distributed by Governments and ICS.
- Tell employees to take precautions, avoiding unnecessary travel to affected areas or approaching potentially infected individuals and animals.
- Advise employees what to do if they think they contract COVID-19.
- Develop a contingency plan for all eventualities on business impact of COVID-19 based on:
 - Annex A - pandemic contingency plan policy template.
 - Annex B - emergency protocol business continuity template.
 - Annex C - Model Employee Letter Regarding COVID-19
 - Annex D- Model Employee Letter regarding responsibilities in relation to control of COVID-19.
 - Annex E - ICS model policy to control risks of COVID-19
- Appoint a pandemic lead to prepare corporate plans using official advice.
- Tell employees returning from affected areas to follow health advice and self-isolate.
- Update employees on latest developments, advice and resources.
- Consider actions if an employee needs to self-quarantine or is sent home as a precaution (on the advice of national health authorities or a doctor).
- Consider employee contracts and national advice on paying employees. This includes potential carriers of COVID-19 who may not have symptoms.

- Allow employees asked to self-isolate to work from home if possible.
- Use discretion around the need for medical evidence for a period of absence where an employee is advised to self-isolate.
- Reduce spreading infection by providing soap and hand sanitiser gels, especially in kitchens and coffee areas and providing staff with hand sanitisers.
- Frequently wipe down communal spaces such as kitchens, handrails on stairs, lift buttons, door handles, etc. with disinfectant.
- Increase office cleaning frequency and intensity and consider a deep clean on a regular basis.
- Encourage remote working and working from home where possible.
- Provide laptops for staff who do not normally work from home. Encourage team working / external meetings through video conferencing, etc.
- Consider staggering shifts, this may help people avoid public transport during the rush hour.
- Implement two teams to reduce employees working together and infection risk.
- Consider banning handshakes.
- Review transferrable skills – are there enough people to maintain business critical areas if staff numbers deplete. Start training people now.

IN THE EVENT OF A NATIONAL EMERGENCY

- In the event of a national emergency a shipping company should:
- Be flexible and act fast, covering various outcomes assists effectiveness.
- Ensure contingency plan handlers meet regularly to review preparations remain appropriate. Act early, even if contingencies are not then needed.
- Increase employee communications and ensure all staff know your plan, developments, resources and advice available and communicate any updated policy changes when adopted.
- Ensure contact numbers and emergency contact details are updated.
- Continue to communicate as the situation changes.
- Know how to spot COVID-19 and relevant processes, e.g. sickness reporting and pay.
- Ensure all potential incidents are advised to HR to evaluate the business risk.
- Consider anyone who may be more vulnerable due to age, pregnancy or a pre-existing condition and consider flexible arrangements.

- Advise visitors to affected areas in last 14 days to stay home to avoid contact with others and notify health authorities even if without symptoms.
- Tell employees who visit affected areas who try to attend work, to go home and follow government guidance to protect the health and safety of all.

EMPLOYEES REQUESTING TO ATTEND WORK FOR FEAR OF NOT BEING PAID

Employees with colds often go to work but COVID-19 is different and everyone must take it seriously and collaborate to protect health and safety. If someone is sick, or exposed at all, consider awarding sick leave to ensure recovery.

EMPLOYEE SICKNESS AT WORK

An employee who becomes sick at work should be moved at least 2 metres away from others and if possible, to an isolation room or area with a closed door, ideally, open a window for ventilation. Call health authorities advising on location for the last 14 days and outlining symptoms. Whilst awaiting advice or for an ambulance, keep the employee 2 metres away from others and: -

- Avoid touching people, surfaces and objects.
- Cover their mouth and nose with a tissue when they cough or sneeze.
- Place tissues in a bag or pocket and throw tissues in the bin.
- If tissues are unavailable, they should cough and sneeze into the crook of their elbow.
- Use a separate bathroom, if available, if the need arises whilst awaiting medical assistance.

ALTERNATIVE WORKING ARRANGEMENTS

To encourage alternative working employers should:

- Consider and facilitate flexible working practices for all employees.
- Investigate ways to harness use of technology to limit face-to-face contact. For example, video conferencing to facilitate remote meetings.
- Consider meetings via videoconferencing instead of business travel.
- Lay-offs cover situations are relatively rare provisions for when there is insufficient work. The employer will ask an employee to stay at home and not attend work or be paid temporarily.
- Short-time working is also rarely used as a legal provision when the employer requires employees to work less than their regular contractual hours, e.g. a three-day week.
- Only implement lay-offs or short-time working if employees agree it is the only alternative to redundancy and where: -
 - Express, correctly drafted contractual clauses exist. Employees affected may be able to claim redundancy pay.

- Given consent by employees to such a period at the relevant time.

EMPLOYEE PAY

If offices close to prevent spread of COVID-19: -

- Pay employees on standard employment contracts, if asked to stay home.
- Lay-offs and short-time working may provide greater flexibility and salary savings during a temporary closure if clauses exist in employee contracts or if employees subsequently give consent. Clauses should reserve the right to reduce pay due to work reduction. Such plans detrimentally affect morale and should only be considered alongside other options.
- Home workers should treat it as a usual working day.
- Pay an employee requested to work from home but who cannot do so. This includes individuals who may carry COVID-19 without symptoms.
- Employment contracts may contain a right to suspend briefly without pay but only in limited circumstances and unlikely to apply to a 'suspected illnesses. Without such a contractual right an employer could face breach of contract and unlawful wage deduction claims.

TRAVEL ON WORK RELATED BUSINESS

Employees should ask their line manager or HR department about options. Consider if international travel is appropriate and potential risks, cancelling all but essential travel to high risk areas.

EMPLOYEE HOLIDAYS

Employee personal activities are beyond an employer's control. Employers may: -

- Encourage employees to consider if travel to potentially affected areas is appropriate from their own health perspective. Those travelling should take the necessary health precautions.
- Cancel pre -authorized annual leave by giving some notice depending on national laws and regulations. Take decisions carefully and review from an employee relations perspective.
- Discuss post-visit isolation and impact on the employee and wider team.
- Ask staff to voluntarily disclose where they went or plan to go on holiday. It is hoped that employees would voluntarily disclose this. Avoid threatening employees with dismissal or disciplinary proceedings for not revealing a destination. It is unlikely to be justified as employees have a right to a private and family life.
- If the destination is not revealed assume an employee travelled to an affected or high-risk area. Request the employee to self-isolate for 14 days upon return and to follow official advice and call their doctor with any COVID-19 symptoms. Pay a self-isolating employee, even if warned against travelling beforehand.

- Openly discuss proposed personal travel plans with employees using governmental guidance. Asking an employee to cancel an already booked approved holiday may cause financial loss, consider compensation or allowing the employee to go on holiday but to self-isolate on return.
- Ban private travel to high-risk areas disproportionately affecting certain groups. This may be considered indirect race discrimination. However, employers may wish to protect staff and argue the 'proportionate means of achieving a legitimate aim' defence. Fairness of a travel ban depends on destination, level of risk, the reason for wishing to travel and overall situation. An absolute ban may be unreasonable if an employee can self-isolate upon return.
- Face direct discrimination claims if targeting certain staff and requesting them not to travel or attend work. Requests should apply to all staff and linked to potential exposure to COVID-19.
- Grant requests where possible to enable employees to rebook leave if a country imposes travel restrictions. Employees should also carefully investigate travel insurance policies to see if they cover travel affected by COVID-19.

PRECAUTIONS TO TAKE BEFORE BOARDING A VESSEL OR MEETING SEAFARERS

Ship Security Plan provisions offer measures preventing unauthorized access to ships and may also prevent spread of COVID-19 on ships and to seafarers and may assist other precautionary methods and enhance the health and safety of seafarers and their contacts. These include:

- Conducting a risk assessment before entry into an affected port and assess preventive measures taken by the ports.
- Diligent application of access controls.
- Only persons cleared by local port officials, authorities and the Master should be allowed on board, including marine/harbour pilots, technicians, ship agents, etc.
- Limit visitor vessel access and direct entry to internal spaces where possible.
- Minimize interpersonal exchanges ashore, avoiding contact with anyone showing symptoms of flu or high temperature and ensuring personal hygiene with frequent handwashing, etc.
- Designating a central location/room with direct external access and an enclosed toilet to receive authorized persons from shore to avoid unnecessary physical contact and possible contamination inside the vessel.
- Ensure authorized persons going onboard wear applicable PPE, or if possible, provide them.
- Avoid shaking hands.
- Clean areas & items visitors touch or might touch with disinfectant wipes or sprays.
- Hand washing and disinfection will reduce infection passing from person to person and hands should be washed before and after every contact, using alcohol-based gels or liquids or soap. Use of gloves does not replace the need for regular hand – washing.



GUIDANCE ON ESTABLISHING A COVID-19

EMERGENCY PROTOCOL/ BUSINESS CONTINUITY PLAN

INFECTIOUS DISEASE PROCEDURES

Where the World Health Organisation or the Government recognise that COVID-19 creates a public health emergency, a Company should assess the risk posed to all employees. Always seek, Government advice on managing employees regarding infection control, overseas travel, isolation periods and other matters. Depending on the severity of the risk, the Company may decide to:

- Stagger start and finish times to ensure fewer people are together at once
- Cancel non-essential overseas travel to affected countries
- Cancel non-essential training sessions
- Handle clients/customers by phone and email
- Ensure facilities minimise spread of infection by allowing a distance of at least two metres between participants if face to face meetings must occur.
- Deploy greater flexibility permitting office employees to work from home. Remind employees that they have a role to play in ensuring infection is kept to an absolute minimum and they must adhere to Government guidance.

BUSINESS CONTINUITY MANAGEMENT PLAN (BCMP)

A successful Business Continuity Management Plan should outline plans to continue business in various circumstances, regardless of how farfetched they may seem. The steps below are structured to ensure continuity and minimal effects on the business. Test the plans to ensure suitability and effectiveness.

1. INTRODUCTION

Outline the organisation, its interested parties and how long full implementation of should be to minimise disruption. Also highlight the aims and objectives of the plan.

2. ROLES AND RESPONSIBILITIES

Summarize the process to invoke the plan and ensure those effecting it are aware. List the contact details of those responsible for plan development, operation and testing and authorised to activate and escalate the plan.

3. BCMP TEAM

The team will comprise key staff mobilised to invoke the plans after approval from those authorising activation. This section should contain:

- details of the team, their allocated tasks and how to contact these. Contact details should include business and home contact details.
- a pre-defined location to run and coordinate business activities from
- location and contents of an emergency kit containing what is required as a minimum to ensure business activities can be undertaken.

4. OTHER CONTACTS

Details of other key contacts who can impact the effectiveness of the BCMP should be included, such as suppliers, emergency services etc.

5. RISK REGISTER

Maintain a register of tasks categorised by their impact on the organisation's continuity of business and safety, health and welfare. Management should implement appropriate controls and ensure they are communicated to employees.

6. OTHER INFORMATION

Any other information that might apply should be detailed, including suppliers, provisions to communicate with employees, the media and transport if required.

7. ACTION PLANS

Recovery plan to ensure that critical business activities, as identified in the risk register, can be resumed following, or during, serious damage/incident. This may involve ensuring employees conduct normal working tasks at home.

Phased return to operations to establish how quickly normal operations can be resumed. This should outline functions to establish within a certain timeframe. Contractual and legal requirements should take priority followed by support services.

Equipment and resources may be required to work from home, or elsewhere. Identify when it should be made available, including how many desks, any hardware and access to software applications, diversion of telephones, connectivity, stationery, back up processes, documentation and records etc.

8. TESTING

Test all elements of the BCMP.

Highlight each element and ensure that individual components can be mobilised. This can be tested role plays, desktop exercises and full drills.

Produce a bespoke set of arrangements and requirements for business continuity.



MODEL EMPLOYEE LETTER REGARDING COVID-19

[Insert name]

[Insert address]

[Insert date]

Dear *[insert name]*,

Due to the recent increased focus on COVID-19, we would like to explain the Company's position on various issues that may arise. Firstly, we would like to reassure you that although case numbers are rising globally the number of deaths remains comparatively low. However, we appreciate that the situation is dynamic so we have included information to hopefully answer questions you may have.

MEASURES TO REDUCE VIRUS SPREAD

Please follow the World Health Organisation guidelines on infection control:

- frequently clean hands by using alcohol-based hand rub or soap and water
- when coughing and sneezing cover mouth and nose with flexed elbow or tissue – throw tissue away immediately and wash your hands.
- avoid close contact with anyone who has fever and cough.

UPDATES ON TRAVEL PLANS

Some employees may soon plan to travel, including pre-booked holidays. Certain countries have been severely affected by COVID-19 and we would request you to consider for your own health reasons, whether travel is necessary. If you travel, please advise your manager of countries you intend to visit so that we can manage your return appropriately.

Additionally, please regularly review countries requiring self-isolation upon return. If you wish to cancel any pre-booked annual leave, please contact your manager.

SELF-ISOLATION

Governments are encouraging employees to self-isolate by their governments if they recently returned from certain countries even if they show no symptoms, which means staying at home and not having contact with other people.

If this applies to you:

- you must not attend work during the isolation period.
- You must contact your manager to advise that you are required to self-isolate
- You should keep your manager updated on any developments.

Where feasible, we may consider whether you can work from home during this period, or if we can agree a period of paid annual leave *[optional – or [insert other arrangements]]*.

Where no other agreement is made *[Insert details on pay during self-isolation e.g. you will be on authorised absence and time off work will be unpaid/this time off will be treated under our normal sickness absence policy and you will receive statutory sick pay subject to*

normal qualifying criteria/this time off will be treated under our normal sickness absence policy and you will receive contractual sick pay subject to normal qualifying criteria/you will be on authorised absence and receive full pay during this time off].

If you return from an area which does not require automatic self-isolation, and have no symptoms, you should attend work. If you have symptoms on your return including a cough, fever or difficulty breathing, you should self-isolate and follow normal sickness reporting procedures. You will be treated as being on sickness absence.

SENDING EMPLOYEES HOME

If we are concerned that you may have been exposed to COVID-19 even if not displaying symptoms, we may send you home and require you not to attend work. You will receive full pay during this time off.

CONTRACTING COVID-19

If you develop symptoms, you should follow advice provided, updating us on your condition. Once confirmed that you have contracted COVID-19, time off work will be treated as for any other sickness absence. You must comply with normal sickness notification rules.

SCHOOL / CARE CENTRE CLOSURES (IF APPLICABLE)

If your child's school or parent's care centre closes and you must remain at home whilst making alternative arrangements for their care, time will be treated under our normal rules on time off for dependants. This time off will be *[delete as applicable according to normal rules – paid/unpaid]*.

[OPTIONAL] EMPLOYEE ASSISTANCE PROGRAMME

Should you have worries or concerns about anything, you can access to a 24-hour telephone counselling service on *[insert details]*.

Rest assured we are monitoring any developments and will provide updates if necessary.

Please do not hesitate to contact me if you have any queries regarding this letter.

Yours sincerely,

[Insert name]
[Insert job title]



Model Employee Letter regarding responsibilities in relation to the control of Covid-19

[Insert name]

[Insert address]

[Insert date]

Dear *[insert name]*,

The Company takes all reasonable precaution to ensure that illness and infection do not spread in the workplace. Employees are also responsible for taking measures to assist the Company to prevent the spread of infectious diseases.

In light of the recent Covid-19 outbreak, we wish to ensure all employees maintain high levels of hygiene to reduce infection to an absolute minimum. Risk of contamination is low, however as a precautionary measure, please:

- Wash your hands frequently with soap and water or alcohol based hand sanitizer.
- Cover your mouth and nose with your bent elbow or tissue when you cough or sneeze and throw the tissue away immediately.
- Avoid touching your eye, nose and mouth.
- Keep at least one metre away from anyone coughing and sneezing..

Certain countries are more severely affected than others and require self-isolation upon return from travel. If you go to these countries, please regularly review the current status of the country visited to see if self-isolation is needed.

Please advise your line manager if:

- you self-isolate as soon as possible by telephone, but do not attend work during the period of self-isolation.
- you have not been overseas but have been near someone with Covid-19, but please do not attend work.
- you are in work and develop a cough, fever or breathing problems.

All absence should be reported in line with the Company's absence notification procedures. You should not return to work until you receive expert medical advice that you are no longer infectious.

Please contact me if you have any queries about the contents of this letter.

Yours sincerely,

[Insert name]

[Insert job title]



ICS MODEL POLICY TO CONTROL RISKS OF COVID-19

INTRODUCTION

All employees may risk infection, or of spreading infection, especially if their role involves contact with blood or bodily fluids like urine, faeces, vomit or sputum which may contain bacteria and viruses which can spread if adequate precautions are not taken. Those preparing and handling food also risk spreading infection and must maintain strict hygiene standards.

RISK CONTROL MEASURES

Our risk control rules for infectious diseases must always be strictly followed particularly during the current COVID-19 outbreak. To restrict and reduce infection, the Company will ensure:

- systems to assess the risk of and prevent, detect and control infection are instituted.
- a lead for infection prevention and control is designated.
- sufficient resources to secure effective prevention and control of infection.
- employees, contractors and others directly or indirectly providing work gain suitable information, instruction, training and supervision in precautions required.
- information is obtained from and shared with other businesses.
- audits for policies and procedures are implemented and conducted.
- a suitable appropriate risk assessment to prevent and control infection is conducted.
- that premises are maintained in good physical repair and condition with an appropriate standard of cleanliness and hygiene.
- appropriate standards of cleanliness and hygiene for equipment.
- that a suitable cleaning schedule is in place and followed.
- suitable and sufficient hand washing facilities and hand rubs where appropriate
- the supply and provision of linen and laundry is appropriate
- suitable health information is provided to visitors, including regarding hand washing.
- information on infection is passed on to anyone else, as necessary.
- those developing an infection are identified promptly to receive treatment and care.
- the local health authority of any outbreaks or serious infection are informed.
- all staff co-operate with infection control procedures.
- regular suitable training on prevention and control of infection are provided.

- all training and updates to staff are recorded.
- prevention and control of infection responsibilities in job descriptions are outlined.
- start and finish times of staff are staggered.
- non-essential overseas travel to affected countries are cancelled.
- non-essential training sessions are cancelled.
- clients/customers by phone and email are contacted.
- if meetings are needed facilities are suitable to minimise spread of infection
- considering whether employees may work from home
- appropriate vaccines are offered to employees and record relevant immunisations
- optional policies are considered and if appropriate are in place and current

(Tick if applicable)

	standard infection prevention and control
	outbreaks of communicable infection
	isolation of service users with an infection
	safe handling and disposal of sharps
	closure of rooms or premises
	disinfection
	decontamination
	single use medical devices
	control of outbreaks and infections
	safe handling and disposal of waste
	use and care of invasive devices
	equipment purchase, cleaning, decontamination, maintenance and disposal
	dissemination of information
	isolation facilities
	uniform and dress code

PROCEDURE

To control the risk of infectious diseases the Company will:

- Advise employees to follow Government guidance on self-isolation/quarantine.
- Encourage staff to report symptoms of infectious diseases.
- Ensure staff with infectious disease symptoms do not come to work.
- Report notifiable outbreaks to the relevant authority.
- Co-operate with any investigation by a relevant authority and comply with findings.
- Minimise employees supporting affected persons and not allow them to handle food.
- Prioritise cleaning, particularly cleaning and disinfecting toilets, handles, support handrails, taps and wash basins.
- Ensure staff strictly infection control procedures, including washing hands and wearing protective clothing if required.
- Provide antibacterial hand wash in all hand washing areas and outbreak rooms.
- Inform visitors of the outbreak and discourage unnecessary visits.
- Receive external advice, if necessary.

This document is for guidance only, professional advice should be sought before use.

[LOGO – Nombre Organización/Empresa]

**A LA AUTORIDAD COMPETENTE
A QUIEN CORRESPONDA**

D./D^a [Nombre] [Apellido 1] [Apellido 2], con D.N.I [XXXXXXXXXX], en mi condición de [cargo] de (la) [Organización/Empresa], con CIF [XXXXXXXXXX] y domicilio social en la calle [XXXXXXXXXX]

MANIFIESTO

Que la persona portadora de la presente es empleada de (la) [Organización/Empresa], con centro de trabajo en la calle [XXXXXXXXXX], siendo preciso su desplazamiento para efectuar su prestación laboral, tanto a las citadas oficinas como a dependencias ministeriales u organismos oficiales.

Por lo expuesto,

SOLICITO, que permita el desplazamiento y circulación del portador de la presente por las vías públicas, de conformidad con lo dispuesto en el artículo 7.1.c) del Real Decreto 463/2020 de 14 de marzo, por el que se declara el estado de alarma para la gestión de la situación de crisis sanitaria ocasionada por el COVID-19.

En Madrid, a [XX] de marzo de 2020.

El [cargo],

[Firma y sello]

[Nombre] [Apellido 1] [Apellido 2]