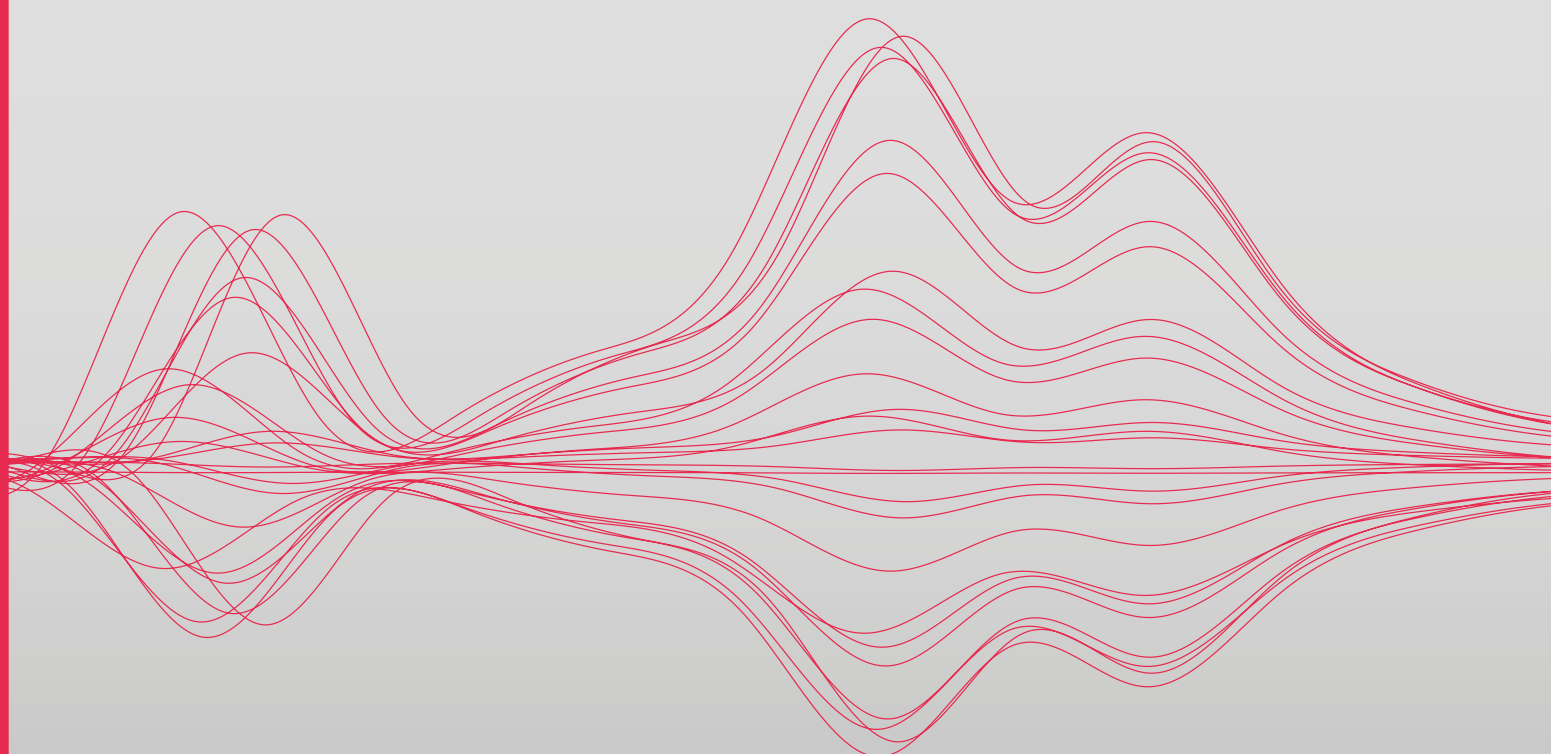


DLA Piper's global industry guide to resuming production post-pandemic



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Introduction

Now that many countries are slowly beginning to experience COVID-19 lockdown restrictions easing and a push to restart industries, we have compiled this comprehensive report on the key considerations for resuming film and TV productions across 15 jurisdictions. Production sets, large and small, will be very different from pre-pandemic. Social distancing, sanitation and PPE regulations, for example, will impact almost every aspect of the production process and we examine what this means for production at a local level.

We are closely monitoring developments and will update this report regularly to reflect current guidance and law.

For more information or to discuss specific issues, please contact your local COVID-19 media response teams as outlined in this guide.



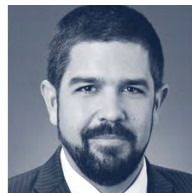
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Australia



1. Local general COVID-19 resources and data:

Official government resources for key territories

- Australia – <https://www.australia.gov.au/coronavirus-updates>
- Australia, Department of Health – <https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/coronavirus-covid-19-current-situation-and-case-numbers>
- Australia, Safe Work Australia – <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces>
- Australia, Office of the Australian Information Commissioner – <https://www.oaic.gov.au/privacy/guidance-and-advice/coronavirus-covid-19-understanding-your-privacy-obligations-to-your-staff/>
- New South Wales – <https://www.nsw.gov.au/covid-19>
- Australian Capital Territory – <https://www.covid19.act.gov.au/>
- Victoria – <https://www.vic.gov.au/coronavirus>
- Queensland – <https://www.covid19.qld.gov.au/>
- Northern Territory – <https://coronavirus.nt.gov.au/>
- Western Australia – <https://www.wa.gov.au/government/covid-19-coronavirus>
- South Australia – <https://www.covid-19.sa.gov.au/>
- Tasmania – <https://coronavirus.tas.gov.au/>

For information about other jurisdictions, please visit our [Coronavirus Resource Center](#) or contact us.



2. What governing laws, regulations, orders, ordinances and decrees apply, where applicable?

a. What federal laws and materials apply?

- Various federal laws apply in respect of COVID-19, these are detailed on the government websites above.

b. State Laws, if applicable?

- Each State and Territory has passed its own legislation relating to COVID-19, see government websites set out above for further information.

- Are there any County and City Orders? If so, what and how do they apply?
- Some local councils have specific orders, however, these are constantly changing (for example, Sydney City Council had specific rules in place relating to parking in the city during the COVID-19 pandemic, but these are now being reversed as restrictions on movement are eased).



3. How do penalties for non-compliance apply?

- This is dependent on geographical location and is enforced by the States/Territories who each have different approaches/measures in place. Penalties can range from fines to criminal enforcement.



4. What general considerations in engaging cast and crew must you provide?

a. Testing (e.g. before shooting and during production)

- Generally, employers should not require employees to be tested for COVID-19 prior to returning to work, or during work unless there is some additional factor that suggests the individual is likely to have COVID-19. Where an individual has been confirmed to have COVID-19, the States and Territories have differing guidelines relating to the clearance from isolation of that individual. For example, in NSW, where the individual managed their illness at home, they may leave isolation once ten days has passed since the onset of symptoms and they have been symptom-free for 72 hours. However, if the individual will be entering a high-risk setting such as an aged care facility or a school, there are additional criteria that need to be met before leaving isolation (i.e. two negative test results).

b. Health questionnaires

- Employees can be requested to complete health questionnaires if the employee is working in an environment where they are potentially physically interacting with other individuals. Ideally, the employee should be asked to consent to the collection and use of this information and any information collected should be held in accordance with the organization's privacy policy. In the event that an employee does not provide consent or refuses to complete the questionnaires, we recommend further advice is sought prior to taking any disciplinary action.

This information is correct as at Tuesday 7 July 2020.

- Organizations should also take care to limit how much information they collect and hold, and for how long they hold it. For example, such information should only be held for a short period of time (i.e. a matter of weeks) in order to facilitate contact tracing if necessary to do so and afterwards the information should be securely destroyed. This information can also be included on any collection notice and consent form to provide transparency to individuals about how their information will be used.

c. Riders

- Riders cannot waive rules regarding safe working conditions, the employer's/engaging entity's obligation to take all reasonably practicable steps to address all risks to health and safety or any of the Government's distancing or other requirements in relation to COVID-19.

d. Temperature and wellness checks

- Temperature and wellness checks can be conducted provided that any information collected is held in accordance with the organization's privacy policy and consent is provided by the employee to the collection of the information. In the event that an employee does not provide consent or refuses to participate, we recommend further advice is sought prior to taking any disciplinary action.
- It is less likely that an organization could rely on there being a 'permitted general situation' under the Privacy Act 1988 (Cth) as the basis for collecting this information, since the individuals must be physically present to have their temperature taken and so it is difficult to make a case that it is "unreasonable or impracticable" to obtain the individual's consent to the collection of their personal information.
- As noted above, organizations should take care to limit how much information they collect and hold, and for how long they hold it. For example, such information should only be held for a short period of time (i.e. a matter of weeks) in order to facilitate contact tracing if necessary to do so and afterwards the information should be securely destroyed. This information can also be included on any collection notice and consent form to provide transparency to individuals about how their information will be used.

e. Quarantines; Mandated isolations from family and friends for the duration of the shoot

- It is unlikely that a direction of this kind, to an employee, would be enforceable. It would be enforceable only if it were a 'reasonable and lawful direction'. Unless there was some additional factor which made this a reasonable direction,

such as an employee have a member of their household with COVID-19, we think it highly unlikely that this would be a reasonable direction. This is not something we are seeing in Australia.

f. Training and supplies (e.g. masks, gloves, disposable makeup supplies, etc.)

- Any sites should ensure they have personal protective equipment (PPE) available in the event that an individual is suspected to have COVID-19, for example, disposable surgical masks, hand Sanitizer, tissues and gloves.
- PPE such as masks, gloves, eye protection and screens may be part of the risk control measures an employer implements. Certain PPE is reserved for healthcare workers only.
- Training and supplies should be in accordance with relevant Safe Work Australia guidance.

g. Worker safety rules regarding potential exposure

- The Australian Government has recommended that everyone is to maintain a 1.5 metre distance from one another and where possible, and a space of four square metres per person should be maintained. Safe Work Australia has published guidance and resources for various industries on its website: <https://www.safeworkaustralia.gov.au/>.
- Where there is a potential exposure of COVID-19, employers must note the areas that the individual has been within the workplace, who they have been in contact with and for how long. Any areas where an individual has been who is suspected to be infected with COVID-19 should be cleaned and disinfected.
- An organization may inform staff that a colleague or visitor has or may have contracted COVID-19 but the organization should only use or disclose personal information that is reasonably necessary in order to prevent or manage COVID-19 in the workplace. For example, depending on the circumstances, it may not be necessary to reveal the name of the individual, or disclosure of the name of the individual may be restricted to a limited number of people on a 'need to know' basis.

h. Worker concerns – refusals to work

- Where a worker refuses to work, the steps available to the employer depend on the reasonableness of the worker's refusal. Provided that the worksite is safe and compliant with social distancing requirements and assuming that the

worker has no personal characteristics that make them highly vulnerable to COVID-19, the worker's refusal is likely to be unreasonable.

- Whether or not the employer can withhold pay from a worker refusing to work, or take disciplinary action, depends on the applicable industrial instruments and contract of employment and we recommend further advice is sought.

i. Privacy laws vs. obligation to keep staff informed of any outbreaks

- An organization may inform staff that a colleague or visitor has or may have contracted COVID-19 but the organization should only use or disclose personal information that is reasonably necessary in order to prevent or manage COVID-19 in the workplace. For example, depending on the circumstances, it may not be necessary to reveal the name of the individual, or disclosure of the name of the individual may be restricted to a limited number of people on a 'need to know' basis.



5. What employment law and union/guild considerations must be taken into account with respect to the resumption of production activities?

a. What union/guild is involved?

- A number of unions/guilds are involved in the media and entertainment industry in Australia, including:
 - Media, Entertainment & Arts Alliance;
 - Screen Producers Australia;
 - Australian Writer's Guild;
 - Australian Director's Guild; and
 - Australian Guild of Screen Composers.
- The above unions and guilds are collaborating with various other bodies such as Screen Australia, the Australian Film Television and Radio School, ABC, SBS, and others to formulate guidelines for the return to filming.

b. How can you address tension between social distancing and mandated union/guild rules regarding certain number of production positions on major film sets?

- The mandated union/guild rules cannot override any work health and safety requirements in relation to social distancing required on film sets. Guidelines relating to the return to filming are expected to be developed and released by governments over the coming weeks.

c. What are the applicability of employment laws and regulations?

- Safe Work Australia guidelines – <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces>
- Work health and safety legislation will continue to apply, in full force and effect.



6. What are the general considerations for filming on location or outdoors?

a. How do social distancing and public assembly issues apply?

- The Australian Government and States and Territories require that everyone is to maintain a 1.5 metre distance from one another and that, to the greatest extent possible, a space of four square metres per person must be maintained in premises like cafes, restaurants and indoor workplaces.

b. What are the new food/craft services protocols?

- Given the Government's recommendations of 1.5 metre distance from each other and limiting the number of employees in an enclosed area to one person per four square metres, any areas where food may be served should observe these requirements. Employees should also be encouraged to wash hands regularly and be provided with handwashing facilities. Specific regulations apply to food services and specific advice will be required, depending on the nature of the service.



7. What are the general considerations for filming on stages or at production facilities?

a. How do social distancing issues apply?

- See 6a.

b. What are the new food/craft services protocols? Are they different from above?

- See 6b.

c. What sanitary products are necessary?

- It is necessary to provide handwashing facilities to employees and suggested to provide hand sanitizer etc (especially when it is not possible to wash hands).
- Comply with Safe Work Australia guidelines.

d. What specific COVID-19 riders are provided by production facilities related to COVID-19?

- Riders cannot waive rules regarding safe working conditions, or any of the Government's distancing or other requirements in relation to COVID-19.



8. What general contractual principles must be considered?

a. How are force majeure, impracticability and impossibility defenses relating to the performance of contracts involved?

- Generally, whether force majeure will be involved is dependent on how those provisions are drafted in the relevant contractual arrangement and will particularly centre upon how "force majeure" is defined, see further information here: <https://www.dlapiper.com/en/australia/insights/publications/2020/02/coronavirus-covid19-the-legal-impact-on-force-majeure-events/>.

- Under Australian law, there is a doctrine of frustration, however, this has a high threshold, and will be dependent on the contract and the effect of the frustrating event, see further information here: <https://www.dlapiper.com/en/australia/insights/publications/2020/03/is-coronavirus-a-force-majeure-event/>.

b. What notices are required under contract?

- This will again depend on the notice provisions drafted into the relevant arrangement. It is important to ensure that any notices are given within a reasonable timeframe and that written record is kept.

c. Is an application to the resumption of contracts suspended due to COVID-19? What are the impacts?

- As above, generally, this will be dependent on how those provisions are drafted in a contractual arrangement.



9. What are the travel restrictions?

- There are currently travel restrictions in place in Australia both internationally and domestically. Australia's borders are closed to all non-citizens and non-residents, those individuals who are citizens/residents are also subject to a government-supervised 14-day quarantine.
- Each State and Territory has different restrictions and border closures in place, see further information here: <https://www.interstatequarantine.org.au/state-and-territory-border-closures/>.

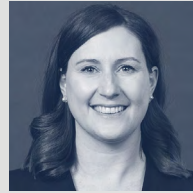
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China



1. Local general COVID-19 resources and data:

Official government resources for key territories

- a. China, <http://zmqgs.mofcom.gov.cn/article/zgdwjjmywg/zhl/>
National Government Affairs Service Platform – COVID-19
<http://gjzfwfwww.gov.cn/col/col633/index.html>
- b. Beijing, <http://www.beijing.gov.cn/so/zcdh/fcfg>
- c. Shanghai,
<http://www.shanghai.gov.cn/nw2/nw2314/nw32419/nw48614/nw48636/u21aw1435142.html>

<http://whlyj.sh.gov.cn/zcfg/20200217/0022-34172.html>
(policies supporting cultural companies)

<http://www.shanghai.gov.cn/nw2/nw2314/nw32419/nw48614/index.html> (for service companies)
- d. Guangdong Province,
http://www.gdrcn.cn/pub/gdrcn2012/rdzt/20200131/xgtz20200131/202004/t20200413_171609.html

For information about other jurisdictions, please visit our [Coronavirus Resource Center](#) or contact us.



2. What governing laws, regulations, orders, ordinances and decrees apply?

The State Council and its departments, the government of each province (or municipal city), and some cities and districts have issued regulatory documents with respect to COVID-19.

a. National laws and materials

- Law on Prevention and Treatment of Infectious Diseases ("Infectious Disease Law").
- Measures on Emergency Response to Public Health Emergencies ("Emergency Measures").
- Law on Penalties for the Violation of Public Security Administration.

b. Regulatory documents of each province

- Guidelines on Preventing and Controlling Pandemic by Film Industry in Beijing to Resume Work during COVID-19 (Version 1.0) on February 26, 2020 ("Film Industry Guidelines") <https://www.bjcdc.org/article/61270/2020/2/1582699695984.html>
- Guidelines on Preventing and Controlling Pandemic by Shooting Crew in Beijing to Resume Work during COVID-19 (Version 1.0) on March 27, 2020 ("TV Show Guidelines") http://gdj.beijing.gov.cn/zwx/tzgg2/202004/t20200408_1796856.html
- Guidelines on Preventing and Controlling Pandemic by Recording Studio in Key Audio-visual Base to Resume Work during COVID-19 (Version 2.0) on April 23, 2020 ("Recording Studio Guidelines") http://gdj.beijing.gov.cn/zwx/tzgg2/202004/t20200423_1880683.html
- Guidelines on Preventing and Controlling Pandemic by Audio-visual Industrial Park Studio in Beijing to Resume Work during COVID-19 (Version 2.0) on May 7, 2020 ("Audio-visual Studio Guidelines") http://gdj.beijing.gov.cn/zwx/tzgg2/202005/t20200507_1891468.html
- Guidelines on Preventing and Controlling Pandemic by Radio/Television Production and Broadcasting Institutions in Beijing to Resume Work during COVID-19 (Version 2.0) on May 9, 2020 ("Radio/TV Programs Guidelines") http://gdj.beijing.gov.cn/zwx/cwx/zfcg1/202005/t20200513_1895802.html
- For policies in Beijing, Shanghai and Guangdong, please refer to 1, above.
- For other jurisdictions, the documents would be generally available on the websites of the local governments.

c. Are there any County and City Orders? If so, what and how do they apply?

- For policies in Beijing, Shanghai and Guangdong, please refer to 1, above.
- For other jurisdictions, the documents would be generally available on the websites of the local governments.

This information is correct as at Tuesday 7 July 2020.



3. How do penalties for non-compliance apply?

- a. Penalties can vary from civil penalties (e.g. fines, orders to suspend business operations, revocation of licenses, etc.) to criminal enforcement (e.g. arrest for a crime and a fine, possible imprisonment, etc.). In particular, any person who fails to perform the case reporting obligation under the Emergency Measures, or refuses to cooperate with the regulators in handling the emergency (including COVID-19) shall be subject to administrative penalties (generally, a detention below ten days and/or an administrative fine below RMB 500), and even criminal liabilities in severe cases.
- b. Civil liabilities shall ensue if violation of the Law on Prevention and Treatment of Infectious Diseases leads to the spread and epidemic of infectious diseases, and thus results in personal and/or property damages to any other person.



4. What general considerations in engaging cast and crew must you provide?

- a. Testing (e.g. before shooting and during production)
 - This may vary depending on the geographical location, (e.g. some provincial and municipal government have issued local regulatory documents or guides). For example, Beijing would require the cast and crew to use the WeChat mini program “Beijing Health Tool” to prove their health and/or travel condition as required by the Beijing Municipal Government.
 - On the national level, the State Council has issued Guidelines on Pandemic Prevention and Control, and Resuming Work for Organizations in Different Risk Areas (“National Guidelines”). The National Guidelines do not mandate COVID-19 tests; please refer to http://www.gov.cn/zhengce/content/2020-04/09/content_5500685.htm.
 - To check the risk level of a certain location, please see <http://bmfw.www.gov.cn/yqfxdjcx/index.html>.
- b. Health questionnaires
 - Some provincial and sometimes municipal government have issued local regulatory documents or guides. For example, Beijing would require the cast and crew to use the WeChat mini program “Beijing Health Tool” to prove their health and/or travel condition, including completing the health questionnaire before resuming to work.
- c. Temperature and wellness checks
 - Temperature checks are generally required according to the guide mentioned above: http://www.gov.cn/zhengce/content/2020-04/09/content_5500685.htm.
 - In Beijing, staff shall use the WeChat mini program “Beijing Health Tool” to prove their health and/or travel condition. Staff with a temperature over 37.3 degrees Celsius should be denied entry to the working area. The organizations are also required to monitor the health of their personnel.
- d. Quarantines; Mandated isolations from family and friends for the duration of the shoot
 - A 14-day quarantine is generally required for people entering from abroad. The quarantine period might be extended depending on the circumstances.
 - Isolations during the shoot are not required.
- e. Training and supplies (e.g. masks, gloves, disposable makeup supplies, etc.)
 - It is required that the organizations must provide disinfection supplies onsite (e.g. handwash, sanitizer, etc.), and the personnel must wear masks in accordance with the *Public Guide for Wearing Masks Properly* issued by the Health Commission. The cast/actors/interviewer/interviewee are allowed not to wear masks while shooting.
 - Organizations shall provide education to their staff on COVID-19 prevention and control.
- f. Worker safety rules regarding potential exposure
 - On the national level, the National Guidelines requires offices to maintain proper ventilation and disinfection measures, etc. Organizations in high-to-medium-risk areas shall control the scale of collective activities, etc.
 - Some provincial and municipal governments may also issue local regulatory documents and guides. For example, in Beijing, filming/shooting is subject to the following provisions:
 - The crew shall establish a plan for preventing and controlling COVID-19 and emergency plan;
 - Entry to an office area and place of filming shall be strictly monitored by issuing of entry permit, etc.;
 - Shoots or filming (including in public area and studio) is allowed for a crew of no more than 50 people, subject to limited exemptions, i.e. prior approval of regulatory authorities when the crew number exceeds 50 people;

This information is correct as at Tuesday 7 July 2020.

- All the staff shall wear facial masks in the working area, except for actors/actresses/interviewer/interviewee in the course of filming. All the staff shall keep the social distance of 1 meter or 1.5 meters;
- Sterilization must be conducted for office areas, filming places, and equipment or appliances that are frequently touched;
- Staff with a fever or any other sceptical symptoms shall be immediately isolated and sent to hospital; and
- Staff are not permitted to stay overnight at the place of filming.

g. Worker concerns – refusals to work

- If an employer requires the employee to come to work, the employee is not entitled to refuse, unless they are in isolation according to the local quarantine requirements. If the employee refuses to come to work without a sufficient reason but a personal concern, the employer needs to communicate with the employee on their concern and choose alternative approaches. Employers may impose disciplinary action depending on the circumstances.

h. Privacy laws vs. obligation to keep staff informed of any outbreaks

- Organizations shall continue to comply with relevant privacy laws as much as possible. Consent to collect personal information is still required generally. Organizations should not disclose the identity of the underlying individual; however, from a practical perspective, organizations are able to notify colleagues and third parties that there has been a positive case and that appropriate remediation measures are being taken.



5. What employment law and union/guild considerations must be taken into account with respect to the resumption of production activities?

a. What are the applicability of employment laws and regulations?

- The Labor Law (http://www.rl.gov.cn/rsj/Web/_F0_0_04T8002F3F3T5R2DG2LPNQS0DJ.htm) and Labor Contract Law (http://www.zj.gov.cn/art/2017/10/24/art_14320_294653.html) are generally applicable. Also, provincial and municipal governments may have released local policies.
- For further information, please see page 7 of the DLA Piper guide for new regulations: <https://inform.dlapiper.com/45/3992/uploads/china-back-to-business-guide-covid-19.pdf>.



6. What are the general considerations for filming on location or outdoors?

a. How do social distancing and public assembly issues apply?

- The applicable regulations do not prohibit filming on location or outdoors. However, the National Guidelines provide that organizations in high-to-medium-risk areas shall control the scale of collective activities, etc.
- In addition, this might vary depending on the geographical location, (e.g. some provincial and municipal government have issued local regulatory documents or guides). For example, in Beijing, the crew must maintain a social distance of at least 1.5 meters. Furthermore, shoots or filming (including in public area and studio) is allowed for a crew of no more than 50 people, subject to limited exemptions (e.g. prior approval of regulatory authorities when the crew number exceeds 50 people).

b. What are the new food/craft services protocols?

- This might vary depending on the geographical location, (e.g. some provincial and municipal government have issued local regulatory documents or guides). For example, in Beijing, organization shall order food/craft service from qualified service providers. In addition, the case and the crew shall adopt staggered dining, and dine in designated areas maintaining a social distance of at least 1.5 meters. Sanitary products such as washing water, hand sanitizer, soap, paper towel, etc. shall be provided at the dining place.



7. General considerations for filming on stages or at production facilities?

a. How do social distancing issues apply?

- Please refer to our answer in 6, above.

b. What are the new food/craft services protocols?

- Please refer to our answer in 6, above.

c. What sanitary products are necessary?

- Face masks.
- Hand sanitizers.



8. What general contractual principles must be considered?

FORCE MAJEURE

- Force majeure provisions are contractual terms that operate to excuse or suspend performance of contractual obligations on the occurrence of certain specified events which are beyond the parties' control that might impede or obstruct the performance of the contract. While it is generally acceptable that the COVID-19 pandemic may constitute a force majeure event, the impact of such force majeure will be highly context specific.
- In fact, the courts have been generally cautious in applying the force majeure argument. In particular, the courts may require that the epidemic and its prevention measure shall constitute material obstacles in the contract performance; the party is not at fault for its non-performance of contract; and the party shall timely notify the counterparty, etc. In addition, it is the party's obligation to provide supporting evidence and prove the causal link between the force majeure and the failure to perform the contract. Furthermore, the court is generally inclined to mediate between the parties if it is possible to re-negotiate or continue performing the contract.

DOCTRINE OF FRUSTRATION

- Similar to the common law doctrine of frustration, Chinese Contract Law also provides for "change of circumstance" doctrine where any material change of circumstances that is unforeseeable, not caused by force majeure, and not a commercial risk at the time of contract execution, causes the performance to become so onerous as to render it unfair, the party may petition to the court a modification or termination of the contract on grounds

of "change of circumstance". That said, the "change of circumstance" doctrine, like force majeure, may be determined by the court on a case-by-case basis. The party relying on such relief should seek professional advice based on their specific situation and contractual positions.



9. What are the travel restrictions?

- Travel to low-risk areas is not restricted. However, it is not encouraged to travel to high-to-medium-risk areas. The local governments may issue local restrictions depending on the circumstance, and the policies may vary from different geographic locations. In some cities, people coming from high-risk areas may be required to undergo a quarantine.

Key contacts



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Denmark



1. Local general COVID-19 resources and data:

Official government resources for key territories

- a. Danish Health Authority: <https://www.sst.dk/da/corona> (in Danish)
- b. Danish Business Authorities' Guide: https://virksomhedsguiden.dk/erhvervsfremme/content/temaer/coronavirus_og_din_virksomhed/ (in Danish)
- c. Danish Police: <https://politi.dk/coronavirus-i-danmark> (in Danish)
- d. Work Environment in Denmark: <https://at.dk/spoergsmaal-svar/spoergsmaal-og-svar-om-corona/> (in Danish)
- e. Danish Veterinary and Food Administration: [https://www.foedevarestyrelsen.dk/Leksikon/Sider/Coronavirus-\(COVID-19\).aspx](https://www.foedevarestyrelsen.dk/Leksikon/Sider/Coronavirus-(COVID-19).aspx) (in Danish)
- f. Ministry of Foreign Affairs of Denmark's travel advice in relation to COVID-19: <https://um.dk/en/travel-and-residence/coronavirus-covid-19/>

For information about other jurisdictions, please visit our [Up Again](#) resource center or contact us.



2. What governing laws, regulations, orders, ordinances and decrees apply, where applicable?

- The national assembly ban: available at <https://www.retsinformation.dk/eli/lt/2020/1126> (2 July, 2020). Kindly note that as per 8 July 2020, the national assembly ban is limited to maximum 100 persons gathering at the same place. Moreover, if an event is arranged by a legal entity or an event planner it is acceptable to gather up to 200 persons now. It is highly expected that the ban will be modified all-round to 200 persons around 8 August 2020, however the specific wording of the ban has not been incorporated as legislation yet.
- The law on pandemics available at: <https://www.retsinformation.dk/eli/lt/2020/359> (April 4, 2020).



3. How do penalties for non-compliance apply?

- In Denmark, every person in non-compliance with the assembly ban will get fined by DKK 2,500 by the police. If the non-compliance continues, the police can increase the amount of the fine.
- Furthermore, if a company, which has been forced to stay closed due to its specific sector (e.g. nightclubs) does not comply with the regulation of closed, it can get fined from DKK 10,000 – 150,000 depending on the company's size and duration of the non-compliance.
- Lastly, if a company, which is not forced to close down, but can keep open under certain restrictions is in non-compliance with these restrictions (e.g. does not have sanitizer available or keeps a too crowded business), the company can get fined from DKK 3,000 – 45,000 depending on the company's size and duration of the non-compliance.



4. What general considerations in engaging cast and crew must you provide?

- a. Testing (e.g. before shooting and during production)
 - There are no state requirements regarding testing in private companies. For information purposes, please note that the Danish Authorities has informed that all Danish citizens who wish to be tested, may be tested.
 - An employer cannot usually require an employee to have a test for COVID-19. However, an employer may encourage employees who are ill to seek medical advice to get tested for COVID-19. The Act on the Use of Health Data etc. contains a special rule that allows employers to obtain information on whether employees suffer from an illness, have symptoms from an illness, or there is a risk of infection. The rule only applies when it is deemed necessary to meet essential considerations of the company's operations. Employers should be careful when using this rule, which also requires approval from the employers' organization and the employee's professional organization.
- b. Health questionnaires
 - There are no state requirements to fill out health questionnaires. Such requirements to fill out a Q&A may be a violation of the GDPR if imposed on an employee.

This information is correct as at Tuesday 7 July 2020.

c. Temperature and wellness checks

- There are no requirements for the production company to carry out temperature and wellness checks, and it is not recommendable to test the crew's temperatures before shooting or during production in an employment law context. Instead of checking temperatures, the company should encourage the crew to contact the company by phone if they have a fever or feel ill. However, the production company must ensure physical distance between the staff/cast and that hygiene products are available to them. Please refer to 'worker safety rules' below.

d. Training and supplies (e.g. masks, gloves, disposable makeup supplies, etc.)

- This depends on the specific business/sector. The Danish Ministry of Business and Industry, the Danish Agency for Patient Safety and the Ministry of Employment have set different guidelines for specific businesses/sectors: https://virksomhedsguiden.dk/erhvervsfremme/content/temaer/coronavirus_og_din_virksomhed/artikler/-genaabning-af-butikker-og-virksomheder-/8de29a18-e33c-4e70-81b9-b0b356bb6140/.

e. Worker safety rules regarding potential exposure

- The employer is responsible for ensuring a healthy physical and mental working environment. This means that the employer has an obligation to take measures that prevent the risk of infection with COVID-19 as effectively as possible.
- The employer should schedule work so employees can keep distant allow employees to wash and use hand sanitizer, minimize employee contact with others, and do regular cleaning. If employees are sharing a workplace, cleaning desks and shared equipment between shifts must be ensured.
- The Danish Patient Safety Authority, in collaboration with the Danish Working Environment Authority, has composed certain guidelines regarding the control measurements that the employer can initiate to prevent the risk of infection with COVID-19 at the workplace, including:
 - Tell employees to stay at home in the event of illness.
 - Plan work so that employees can keep a distance to each other.
 - Make wash basins or hand sanitizer available.
 - Minimize contact with others.
 - Make regular cleaning a top priority.

The guidelines are available at:

- <https://workplacedenmark.dk/health-and-safety/prevent-the-spread-sectors/corona-precautions-private-office-workplaces/>
- <https://www.sst.dk/da/corona-eng>

f. Worker concerns – refusals to work

- In general, a worker cannot refuse to work because of fear of getting infected by the coronavirus. In that case, it will be considered an illegal absence that may result in a justified dismissal.

g. Privacy laws vs. obligation to keep staff informed of any outbreaks

- The employer must comply with the personal data rules (in particular The General Data Protection Act and the Data Protection Law) when sharing information about the employees. That means that collecting and sharing such information about an outbreak at the set must have a legitimate purpose that exists in the personal data rules or special legislation.
- In that context, it is important to be aware that – given the current COVID-19-situation – special rules that either allow or oblige the employer to share COVID-19 related information with the public authorities are currently being adopted. However, it must be emphasized that the rules regarding sharing of COVID-19 related information with the public authorities are currently changing unprecedently fast. Therefore, we recommend seeking legal advice or researching the latest developments in the legal field before sharing the above information.
- Furthermore, the employer must inform the concerned employees before sharing the information according to the personal data rules.
- According to the Act on the Use of Health Data etc. the employee must, on their own initiative and before the commencement of employment (in certain cases), inform about sickness or symptoms of sickness. This only applies before the commencement of employment. Therefore, it is not considered a breach of the Act on the Use of Health Data in the event that an employee does not inform the employer that the employee has symptoms of COVID-19. Instead, it is recommended that the employer, with reference to the managerial right and the obligations of which employers are subject under the Health and Safety at Work Act, draws up internal guidelines or policies (see below), which oblige the employee to stay at home and consult a doctor in case of symptoms.



5. What employment law and union/guild considerations must be taken into account with respect to the resumption of production activities?

a. What union/guild is involved?

- An overview of involved parties and their respective agreements with the Danish Producers' Association can be found here: <https://pro-f.dk/jura/overenskomster>.

b. How can you address tension between social distancing and mandated union/guild rules regarding certain number of production positions on major film sets?

- Follow The Danish Patient Safety Authority and Danish Working Environment Authority guidelines to prevent the risk of infection with COVID-19 at the film sets:
 - Tell employees to stay at home in the event of illness.
 - Plan work so that employees can keep a distance to each other.
 - Make washbasins or hand sanitizer available.
 - Minimize contact with others.
 - Make regular cleaning a top priority.
- More information regarding the reopening of work places?
 - Company guide (only available in Danish): https://virksomhedsguiden.dk/erhvervsfremme/content/temaer/coronavirus_og_din_virksomhed/artikler/-genaabning-af-butikker-og-virksomheder-/8de29a18-e33c-4e70-81b9-b0b356bb6140/.



6. What are the general considerations for filming on location or outdoors?

a. How do social distancing and public assembly issues apply?

- The local film commissions, trade associations and unions have collectively issued a protocol for filming on location (the "Protocol"), which is in accordance with the Danish government's guidelines. Pursuant to this, the crew shall enter the location on separate times during the day, and preferably from several rooms and in shifts. The number of people present on set should be limited to what is necessary to shoot a certain scene. Moreover, in production and on set, everybody must comply with the government's distance requirements – currently one meter – distance from person to person. It is currently negotiated how to handle scenes in which the actors need to be closer than one meter.

b. What are the new food/craft services protocols?

- According to the Protocol, all catering on set must be structured in accordance with the Danish government's guidelines, including thorough cleaning before and after a meal. Food must not be served at a buffet, and sufficient distance between tables where eaten must be secured. Moreover, food must be served in a structured way to avoid lines.



7. General considerations for filming on stages or at production facilities?

a. How do social distancing issues apply?

- The Protocol does not explicitly distinguish between indoors and outdoors productions but refer to the Danish government's guidelines. Since March 18, 2020, the Danish government has banned all gatherings of ten people or more, indoors and outdoors. Although the ban does not explicitly mention that workplaces are covered by the ban, the Danish Business Authority has confirmed that workplaces are not subject to the restrictions. However, at the same time, companies are encouraged to follow the guidelines. The fact that workplaces are not covered by the ban gives rise to some issues, as production activities as such may be carried out normally in some instances – with adjustments – even though this might not be recommendable in the light of COVID-19. The assembly ban in itself does not imply that indoors production activities in work-related matters must be limited to 100 people at set or the like, but we recommend that the guidelines mentioned under 6, above, are observed.

b. What are the new food/craft services protocols? Are they different from above?

- See under 6b, as these guidelines follow the Danish Veterinary and Food Administration's official guidelines. The guidelines must be observed on both indoors and outdoors production facilities.

c. What sanitary products are necessary?

- Water, soap and sanitizer must be easily accessible to all people involved – indoors and outdoors. Furthermore, gloves, face masks, visors and special coats should be made available if deemed necessary.

d. What specific COVID-19 riders are provided by production facilities related to COVID-19?

- This is dependent on how each individual production facility/production company handles the official guidelines and regulations provided by governmental bodies. No official guidelines apply directly to riders or their content. We recommend that a rider include weekly updates on the COVID-19 situation and how it affects the production to all cast and crew, including which measures must be taken by employer and employee. Generally, riders cannot waive rules regarding safe working conditions, as required by the Danish government.



8. What general contractual principles must be considered?

a. How are force majeure, impracticability and impossibility defences relating to performance of contracts involved?

- The application of force majeure, impracticability and impossibility defences to a contract is completely dependant on the nature of the contract, the services/goods provided herein and the circumstances; thus a specific assessment of the circumstances in each case is required. Force majeure as a principle is recognized under Danish law, meaning that a party can be relieved of its obligations under an agreement and is exempted from liability relating to the non-performance in the event that performance of the contract is deemed impossible due to extraordinary events that the affected party could not and should not have predicted, prevented or have overcome. This means that even though force majeure is not specifically included in a contract, the contracting parties may be able to rely on the principle. In general, the threshold for acknowledging an event as force majeure is high and the burden of proof lies with the party claiming the force majeure event. It has not been recognized in Denmark, that the pandemic, COVID-19, in itself constitute force majeure as a default. However, it is our assessment that COVID-19 can – depending on the specific circumstances, the timing of contracting and the contractual wording – constitute a force majeure event under Danish law, especially when the assembly ban creates an impossible solution.

b. What notices are required under contract?

- If a party to a contract claims that a force majeure event terminates or suspends that party's contractual obligations, the said party must notify the other contracting party of its

position "*as soon as possible*". The exact threshold of how soon "*as soon as possible*" is depends on the circumstances, the parties and common practice within the sector.

If the party does not observe its duty of notification, it may be liable for any loss that the other contracting party could have avoided if duly notified. This is thus a mitigation consideration.

c. Is an application to the resumption of contracts suspended due to COVID-19? What are the impacts?

- In most cases, the pragmatic and amicable solution will be to mutually agree on the suspension of a contract. However, even though COVID-19 might impose difficulties on contract performances, contracts are not in general legally suspended or terminated because of COVID-19. If a contracting party legitimately can claim a force majeure event (and thereby won't be seen as liable for a breach of contract), the force majeure event only suspends the said party's obligations. The party's obligation to perform under the contract is only terminated entirely if the force majeure event is permanent or of prolonged or indefinite duration.



9. What other business considerations must productions take into account in recommencing production or initiating new productions?

a. What are the completion risks?

- Film production is characterized by the participation of many freelancers and contractors. As many of these have been without work or income for the duration of the lock-down, there's a significant counterparty risk in outsourcing work to contractors, particularly if these are paid upfront. This should be taken into account when planning any element of the production.
- Availability of public authorities for permits is scarce due to the authorities being sent home, and some shut down entirely. Any interaction with public authorities must take into account a potentially prolonged handling period on the part of the authority.
- Generally, there is an increased risk of delays, which would affect the milestone payments in any production contract and possibly also the delivery deadline.

b. Are there any travel restrictions?

- Yes, travellers to Denmark may currently only enter Denmark if they:
 - Have a worthy purpose for entry, e.g. people/cast crew having work in Denmark.
 - Take residence in a country which the Danish Government consider “a low risk” area (please refer to <https://politi.dk/en/travel> for more information).
- The Danish Police's website should be read carefully for applicable restrictions before travelling to Denmark <https://politi.dk/en/travel>.

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Germany



1. Local general COVID-19 resources and data:

Official government resources for key territories

- a. Bavaria, <https://www.stmgp.bayern.de/coronavirus/>
- b. Berlin, <https://www.berlin.de/corona/>
- c. Hamburg, <https://www.hamburg.de/coronavirus/>
- d. North Rhine-Westphalia, <https://www.land.nrw/corona>

For information about other jurisdictions, please visit our [Coronavirus Resource Center](#) or contact us.



2. What governing laws, regulations, orders, ordinances and decrees apply, where applicable?

a. What federal laws and materials apply?

- There are several laws and regulations that have been modified or issued due to COVID-19. For detailed information on each of these, please see:
 - <https://www.bundesgesundheitsministerium.de/service/gesetze-und-verordnungen.html>.
 - https://www.juris.de/jportal/nav/juris_2015/aktuelles/magazin/coronavirus-gesetze.jsp.
- In order to mitigate the civil law consequences of the COVID-19 pandemic, the German parliament passed the law to mitigate the consequences of the COVID-19 pandemic in civil, insolvency and criminal procedure law ("COVFAG"). From a civil law perspective, the core of the COVFAG is Art. 240 EGBGB. This contains provisions for a number of permanent obligations, including rental and lease agreements, loan agreements, moratorium and deferral regulations as well as a restriction of the right of termination. In principle, the issue is how the mutual risks of the circumstances changed by the coronavirus can be sensibly adapted in a contractual relationship.
- With regard to labor law and occupational health and safety law, there are mainly federal regulations. Most important from employment law's perspective is the SARS-CoV-2 Occupational Safety and Health Standard of the Ministry of labor and social affairs. This contains concrete rules of conduct for professional activity. There are no differences in the individual federal states with regard to specific labor law rules. Especially for the film sector, these standards are concretized by recommendations of the professional

association (Berufsgenossenschaft). The information (available only in German) can be found under <https://medien.bgetem.de/medienportal/artikel/UzMwMA--/@@download/download>

b. State laws, if applicable?

Each state has issued individual Orders, Ordinances and Decrees with respect to COVID-19. For detailed information on each of these, please see:

- Bavaria, <https://www.stmgp.bayern.de/coronavirus/rechtsgrundlagen/>
- Baden-Württemberg, <https://www.baden-wuerttemberg.de/de/service/aktuelle-infos-zu-corona/uebersicht-corona-verordnungen/>
- Brandenburg, <https://kkm.brandenburg.de/kkm/de/>
- Berlin, <https://www.berlin.de/corona/massnahmen/verordnung/>
- Bremen, <https://www.bremen.de/corona>
- Hamburg, <https://www.hamburg.de/allgemeinverfuegungen/>
- Hesse, <https://www.hessen.de/fuer-buerger/corona-hessen/verordnungen-und-allgemeinverfuegungen-0>
- Lower Saxony, <https://www.niedersachsen.de/Coronavirus/vorschriften-der-landesregierung-185856.html>
- Mecklenburg-Western Pomerania, <https://www.regierung-mv.de/Landesregierung/wm/Aktuelles--Blickpunkte/Wichtige-Informationen-zum-Corona%E2%80%93Virus>
- North Rhine-Westphalia, <https://www.land.nrw/corona>
- Rhineland-Palatinate, <https://corona.rlp.de/de/service/rechtsgrundlagen/>
- Saarland, <https://corona.saarland.de/DE/service/massnahmen/verordnung-stand-2020-05-29.html>
- Saxony, <https://www.coronavirus.sachsen.de/amtliche-bekanntmachungen.html>
- Saxony-Anhalt, <https://ms.sachsen-anhalt.de/themen/gesundheitsaktuell/coronavirus/sechste-verordnung/>
- Schleswig-Holstein, https://www.schleswig-holstein.de/DE/Schwerpunkte/Coronavirus/_documents/teaser_erlasse.html?sessionId=282D6F054E0CD3BDB82171B2FC619015.delivery1-replication
- Thuringia, <https://corona.thueringen.de/behoerden/ausgewahlte-verordnungen>

This information is correct as at Tuesday 7 July 2020.

c. Are there any county and city orders? If so, what and how do they apply?

Each county and city may have issued individual Orders, Ordinances and Decrees. For detailed information on each of these, please see the official website of the county or city concerned:

- County of Cologne, https://www.bezreg-koeln.nrw.de/brk_internet/index.html
- City of Cologne, <https://www.stadt-koeln.de/artikel/69447/index.html>
- County of Munich, <https://www.landkreis-muenchen.de/themen/verbraucherschutz-gesundheit/gesundheits/coronavirus/>
- City of Munich, https://www.muenchen.de/rathaus/Stadtverwaltung/Referat-fuer-Gesundheit-und-Umwelt/Infektionsschutz/Neuartiges_Coronavirus.html



3. How do penalties for non-compliance apply?

- Penalties can vary from civil penalties to administrative and criminal enforcement (imposition of a fine, possible imprisonment etc.). For specific inquiries or questions regarding the requirements, compliance and implications thereof, please visit our [Coronavirus Resource Center](#) or contact us.
- The SARS-CoV-2 Occupational Safety and Health Standard of the Ministry of labour and social affairs only includes standards and is not a binding law. For this reason, the standards do not specify the consequences of non-compliance. This does not mean, however, that the standards can be ignored. In the event of an infringement, claims for damages in particular may become relevant. Criminal law consequences are also conceivable. In particular, if infection occurs due to non-compliance with the standards, there is a presumption that the violation of the standards is causal for the infection. For this reason, it is strongly recommended that the standards be observed.



4. What general considerations in engaging cast and crew must you provide?

a. Testing (e.g. before shooting and during production)

- Not legally binding; implementation in any case only with consent.

b. Health questionnaires

- Not legally binding; however, all those involved must be made aware that they may not work even if they have mild symptoms of illness. No exceptions should be made to this rule; therefore, see SARS-CoV-2 Occupational Safety and Health Standard of the Ministry of labour and social affairs, question no 13. The professional association also points this out. In any case, it should be prevented that possibly ill people are present.

c. Riders

- No legal requirements known in this respect.

d. Temperature and wellness checks

- Not legally binding, but recommended particularly in cases of suspicion; therefore, see SARS-CoV-2 Occupational Safety and Health Standard of the Ministry of labour and social affairs, question no 13; if they are carried out, this must be done by a suitable person.

e. Quarantines; Mandated isolations from family and friends for the duration of the shoot

- Not legally binding; only possible if there is an individual consent; However, the professional association suggest in Annex 1 a quarantine for five days for all actors. During this time, tests should be carried out to determine whether the actor is infected. However, the actor's consent is required.

f. Training and supplies (e.g. masks, gloves, disposable makeup supplies, etc.)

- Strongly recommended if safety distances are not possible; therefore, see SARS-CoV-2 Occupational Safety and Health Standard of the Ministry of labour and social affairs, question no 15 – 17. The professional association also recommends masks for all people at the set. Nevertheless, only those persons should be present who are absolutely necessary.

g. Worker safety rules regarding potential exposure

- Important from employment law's perspective is the SARS-CoV-2 Occupational Safety and Health Standard of the Ministry of labour and social affairs. Numerous measures to prevent infections are mentioned here. These are further detailed and specified by the professional association's guidelines. For example, requisites should be individualized as far as possible, so that the virus' transmission paths are limited.

h. Worker concerns – refusals to work

- In principle, there is no right to stay away from work for fear of infection. However, it should be examined on a case-by-case basis whether there are factual reasons for the absence (especially for special risk groups).

This information is correct as at Tuesday 7 July 2020.

- i. Privacy laws vs. obligation to keep staff informed of any outbreaks
- There is no obligation to inform the staff about outbreaks or positive tests (possibly even with further details). However, as explained above, there are obligations to protect the other employees from an infection (irrespective of an information). In particular, there should be close cooperation with local authorities. In this respect it is inadmissible (and possibly also a criminal offence) to keep infections completely secret, even from the authorities.



5. What employment law and union/guild considerations must be taken into account with respect to the resumption of production activities?

- a. What union/guild is involved?
- We are not aware of any specific requirements in this area. However, for certain collective measures, an involvement and co-determination of the works council is necessary.
- b. How can you address tension between social distancing and mandated union/guild rules regarding certain number of production positions on major film sets?
- The legal requirements must be observed, however, the intensity of the protective measures varies. In most cases, individual protection measures can be found even for activities where distance rules cannot be guaranteed.
- c. What are the applicability of employment laws and regulations?
- The SARS-CoV-2 Occupational Safety and Health Standard of the Ministry of labour and social affairs have to be respected. These contain detailed rules of conduct.



6. What are the general considerations for filming on location or outdoors?

- a. How do social distancing and public assembly issues apply?
- The specific rules to be observed while conducting the business depends on the applicable regulations of the state, i.e. the geographical location. In general, the following applies:
- Filming which is carried out in the own production facilities without an audience, but only with the necessary staff, is, in our opinion, generally permissible as a professional activity according to the protective measures of the states. However, health and safety standards must be observed.

- Exterior filming on public ground still requires a special use permit from the competent authority under certain circumstances.
- Reporting by the press in public areas is still permitted. However, the respective applicable regulations on the minimum distance in public areas must be observed.
- Audiences are still not allowed in general. Exceptions may result from the respectively applicable regulations.

With regard to employment law, the already mentioned SARS-CoV-2 Occupational Safety and Health Standard of the Ministry of labour and social affairs are highly relevant. These contain a large number of rules, also with regard to compliance with the distances. Especially for the film sector, these standards are concretized by recommendations of the professional association ("Berufsgenossenschaft"). The information (available only in German) can be found under <https://medien.bgetem.de/medienportal/artikel/UzMwMA--/@@download/download>. This means that the hygiene rules set out above must be observed and only those persons who are absolutely necessary may be present.



7. What are the general considerations for filming on stages or at production facilities?

- Regarding the SARS-CoV-2 Occupational Safety and Health Standard of the Ministry of labour and social affairs there are no general differences to outdoor activities.
- a. How do social distancing issues apply?
- The above mentioned applies accordingly. Social distance and hygiene rules are laid down in the relevant federal or state regulations which may differ in individual cases. Moreover, health and safety standards have to be observed.
- b. What sanitary products are necessary?
- Masks
 - Hand disinfection with liquid soap
 - Gloves, if necessary

c. What specific COVID-19 riders are provided by production facilities related to COVID-19?

- We are not aware of any specific aspects here.



8. What general contractual principles must be considered?

a. How are force majeure, impracticability and impossibility defences relating to the performance of contracts involved?

- As force majeure is generally understood as an uncontrollable event, which was not *foreseeable* at the time of the conclusion of the contract, is unavoidable and cannot be prevented or rendered harmless by economically bearable means according to German case law, invoking a force majeure clause may not be feasible post-pandemic. A second wave of infections is already anticipated for the fall of 2020. However, the prerequisites and legal consequences depend on the specific wording of the contractual agreements. In foresight, it could be advisable to adjust the wording when resuming productions post-pandemic.
- To the extent that it is impossible to perform under the contract as agreed upon, both parties may rely on statutory provisions regarding impossibility (see sections 275 para. 1 and 326 para. 1 sent. 1 of the German Civil Code (Bürgerliches Gesetzbuch, "BGB"). The same is true if performance requires expense and effort, which is grossly disproportionate to the interest in performance according to section 275 para. 2 BGB.

- Media production contracts, which are regarded as contracts to produce a work (Werkverträge), may also be terminated. According to section 648 BGB the customer may terminate the contract at any time up to completion of the work. If the customer terminates the contract, the contractor is entitled to demand the agreed remuneration; however, they must credit savings on expenses as a result of the termination of the contract or which they acquire or maliciously omits to acquire through other use of their labor. It is presumed that the contractor is entitled to 5% of the agreed remuneration for the part of the work not yet performed.

b. What notices are required under contract?

This depends on the specific wording of the individual agreements. If a party fails to notify, it could be held in breach of the contract and risks being liable to damage claims.

c. Is an application to the resumption of contracts suspended due to COVID-19? What are the impacts?

As there are generally no statutory provisions allowing for a suspension of contracts under German law, the individual contractual agreement will be crucial.



9. What are the travel restrictions?

- Travelling should be reduced to an absolute minimum; therefore, see SARS-CoV-2 Occupational Safety and Health Standard of the Ministry of labour and social affairs, no. 7.

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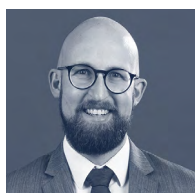
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This information is correct as at Tuesday 7 July 2020.

Hong Kong



1. Local general COVID-19 resources and data:

Official government resources for key territories

<https://www.coronavirus.gov.hk/eng/index.html>

For information about other jurisdictions, please visit our [Up Again resource center](#) or contact us.



2. What governing laws, regulations, orders, ordinances and decrees apply, where applicable?

The Hong Kong government has put in place two main temporary measures which must be observed for three months from the date specified in the Gazette published (subject to any further extensions by the government).

The two main temporary measures are as follows:

- The Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) ("Group Gathering Regulation"); and
- The Prevention and Control of Disease (Requirement and Directions) (Business and Premises) Regulation (Cap. 599F) ("Business and Premises Regulation").
These measures are also updated from time to time with directions.
- The Group Gathering Regulation took effect on March 29, 2020, and will be in place for three months. Pursuant to a notice issued under the Group Gathering Regulation, the government prohibited gatherings of more than four people in any public place for a period of 14 days from March 29, 2020. This restriction was recently extended, as of April 29 to May 7, 2020. There are certain exemptions available under the Group Gathering Regulation.
- The Business and Premises Regulation took effect on March 28, 2020, and will also be in place for three months. The Business and Premises Regulation and directions issued thereunder require, among other things, certain businesses to close (e.g. amusement game centres, bathhouses, fitness centres, places of amusement, places of public entertainment) and other businesses (specifically, clubhouses) to meet requirements such as temperature-taking, the wearing of masks except when eating or drinking and the provision of hand sanitizers. These directions are, as at the time of writing, effective until May 7, 2020.

- The Hong Kong government announced on May 6 that it would further relax the requirements under the Group Gathering Regulation and the Business and Premises Regulation given the continuing stability of the COVID-19 situation in Hong Kong. These relaxed requirements include, in particular, a relaxation of the number of persons allowed in group gatherings in public places from four to eight (with a distance of 1.5 meters or more between different groups); as well as the resume operation of several premises subject to conditions. The relaxed requirements will be gazetted as directions under the Group Gathering Regulation and Business and Premises Regulation and will come into effect from May 8 for 14 days till May 21, 2020.
- In view of the situation in Hong Kong becoming slightly stabilised in the past month, the government will continue to adopt the "suppress and lift" strategy and the social distancing measures in particular the group gathering regulation will continue to take effect for another 14 days from June 6 to June 18.



3. How do penalties for non-compliance apply?

- People who do not comply with the Group Gathering Regulation and the notices and directions issued thereunder commit an offence and may be liable on conviction to a fine and/or imprisonment.
- Specifically, any person who participates in a prohibited group gathering, organizes a prohibited group gathering, owns, controls or operates the place of the gathering, and knowingly allows the taking place of the gathering, commits an offence under the Group Gathering Regulation.
- Offenders are liable to a maximum penalty of a fine at level 4 (HKD25,000) and imprisonment for six months. People who participate in a prohibited group gathering may discharge liability for the offence by paying a fixed penalty of HKD2,000. Persons who do not comply with the Business and Premises Regulation and the notices and directions issued there under likewise commit an offence and may be liable on conviction to a fine and/or imprisonment. Offences attract a fine at level 5, i.e. HKD50,000 and imprisonment for six months.

This information is correct as at Tuesday 7 July 2020.



4. What general considerations in engaging cast and crew must you provide?

a. Health questionnaires

- There are no legal regulations which must be observed in respect of health questionnaires. However, the privacy commissioner has issued guidance that it is justifiable for employers to ask for travel data from employees who have returned from overseas, especially from those high-risk areas. The collection of travel data in such instances should be purpose-specific, and minimal data should be collected. The privacy commissioner has also stated that a self-reporting system is preferred to an across-the-board mandatory system.

b. Quarantines; Mandated isolations from family and friends for the duration of the shoot

- Employees are still permitted to come to work provided that all reasonably practicable steps have been taken to comply with the health and safety obligations, unless if they are under compulsory quarantine orders issued under Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) or Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E), self-isolating due to travel through high risk areas or exposure to other persons who have (or are suspected to have) tested positive, or are on sick leave (having tested positive or displayed symptoms).

c. Training and supplies (e.g. masks, gloves, disposable makeup supplies, etc.)

- Under the Occupational Health and Safety Ordinance (Cap. 509), all reasonably practicable steps must be taken to protect the health, safety and welfare of one's employees. We recommend that stringent hygiene measures be followed, including the temperature-taking, provision of face masks and hand sanitizers, reminding staff on-site to maintain good personal hygiene and cleaning the production facility on a regular basis.

d. Worker safety rules regarding potential exposure

- Exterior filming on public ground is permissible provided that the number of people involved in filming does not exceed eight people.

e. Worker concerns – refusals to work

- Employees can refuse to come to work if they reasonably believe there is a risk to their health and safety. What will be considered "reasonable" should be assessed on a case-by-case basis. If the person is able to work from home and this would not cause disruption to the business, one should try to accommodate this. Employers are generally being encouraged to show employees compassion and flexibility during this period.

f. Privacy laws vs. obligation to keep staff informed of any outbreaks

- The privacy commissioner has issued guidance on the appropriate steps to take in situations where an employee has contracted COVID-19. In such circumstances, the employer may disclose the fact that an employee has contracted COVID-19. However, this should be done without disclosing personally identifiable information. For example, it would be sufficient to issue a notice with information that a member of staff has been infected. Under most circumstances, the disclosure of the name and other personal particulars of an infected employee in the notice would not be considered necessary or proportionate.



5. What employment law and union/guild considerations must be taken into account with respect to the resumption of production activities?

- Occupational Safety and Health Ordinance (Cap. 509) <https://www.elegislation.gov.hk/hk/cap509>
- The Hong Kong Labor Department has issued a Guidance Note for employers and employees, available here: https://www.labour.gov.hk/eng/news/pdf/EO_related_QAs_on_COVID-19_eng.pdf



6. What are the general considerations for filming on location or outdoors?

a. How do social distancing and public assembly issues apply?

- There is a prohibition against group gatherings of more than 8 people, and a distance of 1.5 meters or more between different groups must be maintained.

b. What are the new food/craft services protocols?

- No food or drinks should be served.



7. What are the general considerations for filming on stages or at production facilities?

a. How do social distancing issues apply?

- Filming at a production facility with only the minimum necessary staff may be permitted as it could be considered an exemption from the prohibitions under the Group Gathering Regulation since such a gathering is likely to be considered a “group gathering at a place of work for the purposes of work”.

b. What sanitary products are necessary?

- Face masks
- Hand sanitizers



8. What general contractual principles must be considered?

- Employees who are not able to perform their contractual obligations due to the COVID-19 pandemic may seek recourse under their respective contracts via force majeure provisions (if any), the common law doctrine of frustration.

FORCE MAJEURE

- Force majeure provisions are contractual terms in a contract that operate to excuse or suspend performance of contractual obligations on the occurrence of certain specified events which are beyond the parties' control that might impede or obstruct the performance of the contract. For contracts with force majeure provisions, the question of whether the COVID-19 pandemic constitutes a force majeure event will

depend on the wording of the force majeure provision in the contract. Such provision would usually also set out the consequences following a force majeure event. Examples of such consequences include an extension of time for the affected party to perform its obligations or a release of the affected parties from their contractual obligations.

- When considering whether the force majeure provision will apply to a contract, one must carefully review the text of the force majeure clause. Issues to consider include, for example, the scope of the force majeure clause, the specific language used in the force majeure clause, and whether there are any exclusions.

DOCTRINE OF FRUSTRATION

- Under the common law doctrine of frustration, a contract is frustrated when a supervening event, which is unforeseeable and beyond the control of the parties, occurs and makes performance impossible or renders the relevant obligations radically or fundamentally different from those contemplated by the parties at the time of contract. If the COVID-19 pandemic has such an effect, the contract is frustrated and parties will be discharged from any further obligations under the frustrated contract. The doctrine of frustration is narrow, however, and the courts will not casually step in to discharge a commercial agreement. It will be up to the party relying on the doctrine of frustration to demonstrate to the courts specifically how their rights or obligations under the contract have been frustrated.
- Parties should carefully review their contracts and factual circumstances to determine the appropriate relief in the COVID-19 pandemic.



9. What are the travel restrictions?

- At the time of writing, the following travel restrictions for travel into Hong Kong apply.
- Effective from March 25, 2020, only Hong Kong residents with following documents will be permitted to enter Hong Kong:
 - Hong Kong Permanent Identity Card
 - Hong Kong SAR passport or British National (Overseas) passport (with right of abode in Hong Kong)
 - Hong Kong Identity Card (this needs to be accompanied by a valid work or study visa)
 - Non-Hong Kong residents will be denied entry into Hong Kong
- Passengers falling into this exemption category must still meet the minimum 14 days intended/permitted limit of stay in order to meet the 14 days of compulsory quarantine requirements – otherwise entry will be refused.
- All passengers arriving into Hong Kong will be required to undergo a medical test for COVID-19 upon completion of all health, immigration, customs and quarantine clearance requirements.
- After clearance of the COVID-19 test, all passengers will be required to undergo 14-day quarantine at a designated location (e.g. at their own residences in Hong Kong, if they are habitually resident in Hong Kong).

Entry restriction exemptions

- The following passengers are exempt from the entry restrictions:
 - Passengers travelling from Mainland China, Taiwan or Macao SAR, and have not been to another country/region in the past 14 days
 - Diplomatic/official passport holders (subject to prevailing visa requirements)
 - The spouse and children of Hong Kong residents
 - Local government personnel performing official duties
 - Personnel approved by the Hong Kong SAR government to carry out anti-epidemic work
 - Passengers holding a new entry visa to work, study, establish or join in any business, or to take up residence in Hong Kong

Key contacts



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Hungary



1. Local general COVID-19 resources and data:

Official government resources for key territories

Please note that most of the resources are in Hungarian.

- The Hungarian Government Official COVID site – <https://koronavirus.gov.hu/>.
- National Center for Public Health – coronavirus information hub – <https://www.nnk.gov.hu/index.php/lakossagi-tajekoztatok/koronavirus>.
- National Center for Public Health – coronavirus procedure <https://www.nnk.gov.hu/index.php/koronavirus-tajekoztato/567-eljarasrend-a-2020-evben-azonositott-uj-koronavirussal-kapcsolatban>.
- Hungary information site – <http://abouthungary.hu/>.

For information about other jurisdictions, please see our [Coronavirus Resource Center](#) or contact us.



2. What governing laws, regulations, orders, ordinances and decrees apply, where applicable?

- Hungary is a unitarian state, thus the distinction between federal and state laws is not applicable. The state of danger that was announced on March 11, 2020 by the Government Decree 40/2020 (III. 11.) issued by the Hungarian Government with respect to the fight against COVID-19 has been terminated on June 18, 2020. At the same time a so-called 'epidemic alert' period has been announced by the Government Decree 283/2020 (VI. 17.) to be reviewed in every three months. As of June 18, 2020 most of the previously announced restrictions have been lifted with some exceptions that remained in force. All laws (except for those by local governments) are published in the Hungarian Gazette (only available in Hungarian: <https://magyarkozlony.hu/>).

- Restrictions for businesses in general:

- As of June 18, 2020, most of the restriction for businesses have been lifted and all businesses are allowed to re-open. Pursuant to the Government Decree 285/2020. (VI. 17.) everyone (above six years of age) shall wear masks inside stores and on public transportation, and only the staff in restaurants' indoor premises. Concerts and dancing events are permitted only with 500 participants as a maximum.

- Travelling of individuals to Hungary:

- Decree 291/2020 (VI.17.) still limits the traveling of individuals to Hungary. As a general rule, all Hungarian and EU citizens (excluding citizens of the United Kingdom) are allowed to enter Hungary without any restrictions. Other foreign citizens are not allowed to enter Hungarian territory in general except if they hold (i) a residence permit to stay in Hungary for more than 90 days or (ii) a special permission provided by the police. After arrival a 14 days home quarantine applies unless the individual holds (i) two negative COVID-19 test results (in Hungarian or English language) both made in the home country within five days before arrival in addition to the residence permit or (ii) an individual release of the competent local health authority. A temperature check is carried out at the airport to screen COVID-19 risk. Traveling restrictions still limit international cast and crew to enter Hungary. These apply until further government regulations are introduced.



3. How do penalties for non-compliance apply?

- The police are responsible in the first place to supervise compliance with the restrictions. In the event of non-compliance, initiating an official proceeding is possible to establish violation of law. The consequences may be an obligation to pay a fine and to stop the activity. With respect to travelling restrictions, if a COVID-19 risk has been identified at the airport or proper documentation is not available entering Hungarian territory may be denied or an official quarantine may be ordered (depending on the case).



4. What general considerations in engaging cast and crew must you provide?

a. Testing (e.g. before shooting and during production)

- There are mainly privacy aspects to consider on this issue. The data protection and/or health and safety regulation of the production shall be reviewed and adjusted to comply with data collection and special health and safety requirements related to COVID-19.
- Information of the Hungarian Data Protection Authority on processing data related to the coronavirus epidemic – https://naih.hu/files/NAIH_2020_2586_EN.pdf
- The production shall provide a healthy and safe working environment by implementing protective actions to target to minimize risk of spreading COVID-19 and to act in case of any illness. The production shall inform the crew members on the applicable regulations to be observed in relation to COVID-19.
- Testing is subject to the approval of the respective crew member. Data controlling of medical data collected in the course of COVID-19 measures shall be analyzed on a case-by-case basis subject to actual measures to be implemented.
- Hungarian Data Protection Authority states in its guidance that the collection and evaluation of information related to the symptoms of COVID-19 and drawing conclusions from the collected data shall be the task of health care professionals or by their proxies acting under their professional responsibility.

b. Health questionnaires

- The production may ask crew members whether they are experiencing any of the symptoms of COVID-19 and may collect information such as which countries the crew member visited and on the fact whether they met individuals who visited infected countries.

c. Riders

- The form of the regulation of COVID-19 related measures may be a rider or protocol or any other kind of document that the production sees fit to implement for the above purposes. As of now there is a guidance officially issued by the National Film Institute – <https://nfi.hu/hu/hirek/a-covid-19-virus-fertozes-alatti-filmforgatasrol>

d. Temperature and wellness checks

- Testing, including screening tests with any diagnostic device (in particular but not exclusively, measurement of body temperature with a thermometer) shall be subject to the approval of the respective crew member. These tests must be carried out by health care professionals or if not available by nurses or by HR specialists under the professional guidance of health care professionals. Detailed regulation shall be implemented by the production and the crew members are to be notified thereof.

e. Quarantines; Mandated isolations from family and friends for duration of the shoot

- No special legal regulation is in place for mandated isolation during shooting. However, the production may introduce isolated shooting, this is subject to further evaluation considering actual circumstances.
- If a person is tested positive for COVID-19 that person will be placed into home quarantine for at least 14 days mandated by the authority.

f. Training and supplies (e.g. masks, gloves, disposable makeup supplies, etc.)

- General requirements prescribe to ensure the health and safety of workplace which obligation – after a tailor-made assessment of risks – might involve handing out PPE masks to crew members, and informing/training them on the preventive measures to be followed (e.g. on personal hygiene, keeping distance, wearing safety devices).

g. Health and safety rules regarding potential exposure

- There are no specific rules in this regard. General health and safety rules apply other than the above mentioned aspects.

h. Privacy laws vs. obligation to keep staff informed of any outbreaks

- As a general obligation, crew members shall be provided with detailed general information on COVID-19 (source of infection, means of spread, incubation period, symptoms, prevention).
- As for informing staff of outbreaks, there are no specific rules on this, but the general data protection principles apply. Accordingly, in order to comply with the principle of data minimization, it will be necessary to restrict the access to any such sensitive personal data to the minimum where this is absolutely necessary ("need to know principle"). It is strongly recommended to document who has access to such data and for what purpose.



5. What employment law and union/guild considerations must be taken into account with respect to the resumption of production activities?

- Please note that the usual structure of film production in Hungary is to engage the local cast and crew as independent contractors. No one is working in an employment relation with the production.



6. What are the general considerations for filming on location or outdoors?

a. How do social distancing and public assembly issues apply?

- Participation in interior and exterior filming is permitted. Implementation of and compliance with proper health and safety protocols are highly advised.

b. What are the new food/craft services protocols?

- General hygiene requirements shall be complied with e.g. providing disinfectants, the possibility of handwashing, avoid queues, wearing a mask by catering staff, frequent ventilation, frequent disinfection of commonly used equipment (e.g. tables, doorknobs) etc.
- Guidance of the National Food Chain Safety Office (only in Hungarian): <https://portal.nebih.gov.hu/-/tanacsok-koronavirus-jarvany-idejen-vendeglato-es-kozetkezteto-letesitmenyeknek>



7. What are the general considerations for filming on stages or at production facilities?

a. How do social distancing issues apply?

- No mandatory social distancing requirement applies but maintaining social distancing in production facilities may be subject to the business decision of the production considering safety of the crew. Strict hygiene measures are highly advisable to be applied.

b. What sanitary products are necessary?

- No specific obligation is in effect. It is suggested to ensure the health and safety of the production facilities – after a tailor-made risk assessment – which might involve providing disinfectants, PPE (masks) etc. to crew members.

c. What specific COVID-19 riders are provided by production facilities related to COVID-19?

- Studios and production facilities issued their own COVID-19 riders which are applicable during production. Requirements may vary but generally such riders cover health and safety requirements in production facilities, and for the crew daily temperature checks, fill-in questionnaires on COVID-19 symptoms and even presenting of COVID-19 test results.



8. What general contractual principles must be considered?

a. How are force majeure, impracticability and impossibility defences relating to performance of contracts involved?

- The concept of force majeure is not regulated in the Hungarian Civil Code. However, the agreement of the parties applies in the first place how to handle actual circumstances. The provisions of the Hungarian Civil Code provide legal remedy to handle unforeseen circumstances that have a major impact on contractual obligations unless the parties agreed otherwise.
- The first point to be considered when dealing with force majeure is the contract itself: businesses will only be able to fully rely on a force majeure exemption if a detailed provision is included in the relevant contract and it applies to the situation. A case-by-case analysis should be followed whether the force majeure clause at hand covers the implications of COVID-19 or not. If the contract does not contain a force majeure clause or it is too vague, then those affected should refer to the following legislative acts and the judicial practice in Hungary.

- Impossibility of performance or breach of contract provisions of the Hungarian Civil Code may apply, depending on if the circumstance at hand makes it impossible to perform the contract or merely delays it, respectively. A case-by-case approach should be followed in either case.

b. What notices are required under contract?

- The contract itself may contain specific notification requirements with respect to force majeure events. These shall apply in the first place.

- The parties have a general cooperation obligation under the Hungarian Civil Code. This shall be observed and interpreted on a case-by-case basis, also in case of a breach of contract. The party gaining knowledge of the impossibility of performance shall immediately notify the other party thereof. The party failing to give notification shall be liable for damages originating therefrom.
- c. Is an application to the resumption of contracts suspended due to COVID-19? What are the impacts?
- COVID-19 has not suspended performance under contract in general. Any impact COVID-19 might have on a certain contract shall be analyzed on a case-by-case basis.



9. What other business considerations must productions take into account in resuming productions or initiating new productions?

- a. What are the completion risks?
- Completion bonds, production package and related coverages might increasingly include COVID-19 and other virus exclusions in completion guarantees issued to banks and other beneficiaries. This will place the risk on financiers and other industry participants funding the production of content with respect to production delays or suspensions as a result of the present or future pandemics. Hungary is not excluded from these developments.

- b. Are there any travel restrictions?

- Yes, some restrictions are still in place for foreign cast and crew to enter Hungary from abroad with a few exceptions – please see above. In general, Hungarian and EU citizens (excluding citizens of the UK) are allowed, but other foreign citizens are not allowed to enter Hungary unless they hold certain documentation (i.e. a residence permit granted to stay in Hungary for more than 90 days or an individual police permit). Restrictions apply until further government regulations are introduced.

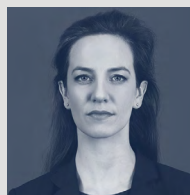
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Italy



1. Local general COVID-19 resources and data

Official government resources for key territories

- Italian government, <http://www.governo.it/it/coronavirus>
- Ministry of Health, <http://www.salute.gov.it/portale/nuovocoronavirus/dettaglioContenutiNuovoCoronavirus>

For information about other jurisdictions, please visit our [Coronavirus Resource Center](#) or contact us.



2. What governing laws, regulations, orders, ordinances and decrees apply, where applicable?

a. What national laws and materials apply?

- Since the end of February 2020, the Italian Government has adopted different Laws, Decrees, and Presidential Decrees to face the COVID-19 emergency, a list of the current applicable regulations can be found at <http://www.salute.gov.it/portale/nuovocoronavirus/archivioNormativaNuovoCoronavirus.jsp?lingua=italiano&iPageNo=1>

b. Local laws, if applicable?

- Since the end of February 2020, local authorities (i.e. Regions and Cities) have adopted additional Local Laws to address the COVID-19 emergency in their territories. As a general matter, local authorities are authorized to adopt measures that are consistent with or stricter than those approved at a national level.
- As of May 18, 2020, local authorities have been entrusted to further develop the security measures that businesses have to implement in order to resume or continue their industrial or productive activities on the territory (e.g. security protocols applicable to restaurants).
- A list of the Local Laws currently applicable can be found at the official website of each local authority, for example:
 - Lombardy, <https://www.regione.lombardia.it/wps/portal/istituzionale/HP/DettaglioRedazionale/servizi-e-informazioni/cittadini/salute-e-prevenzione/Prevenzione-e-benessere/red-coronavirusnuoviaggiornamenti>

- Lazio, <http://www.regione.lazio.it/rl/coronavirus/ordinanze/>
- Piemonte, <https://www.regione.piemonte.it/web/temi/sanita/coronavirus-piemonte-ordinanze-circolari-disposizioni-attuate>

c. Are there any County and City Orders? If so, what and how do they apply?

- Local authorities (i.e. city mayor) are authorized to adopt measures in light of the specific epidemiological situation of their territories (e.g. restricting access to certain areas).
- A list of the measures adopted by local authorities can be found at the official webpage of each local authority, for example:
 - Milano, <https://www.comune.milano.it/home/coronavirus-informazioni-e-link>
 - Rome, <https://www.comune.roma.it/web/it/notizie.page>
 - Torino, <http://www.comune.torino.it/>



3. How do penalties for non-compliance apply?

- Unless the conduct is a criminal offense, the violation of the anti-contagion measures applicable to individuals may lead to administrative sanctions ranging between EUR 400 and EUR 1,000.
- On top of that, the violation of any other anti-contagion measures may lead to the suspension of the industrial or commercial activity for a period ranging between 5 and 30 days. Such suspension may be ordered also in advance, and for a period of 5 days, in order for the authorities to assess whether a violation occurred. Moreover, the violation of the business security measures adopted both at local and national levels may lead to the immediate suspension of the activities as long as they cannot be carried out safely.
- In case of multiple violations, the administrative sanctions may be doubled or applied to the maximum extent possible.

This information is correct as at Tuesday 7 July 2020.



4. What general considerations in engaging cast and crew must you provide?

a. Testing (e.g. before shooting and during production)

- The answer may vary depending on the geographical location. Each local authority may adopt additional measures compared to those issued at national level, in particular with respect to the safety measures to be implemented by businesses (e.g. testing on employees), and as long as they are consistent with the protocol to protect the workers' health and safety adopted by the Government and trade unions on April 26, 2020.

b. Health questionnaires

- The answer may vary depending on the geographical location. Each local authority may adopt additional measures compared to those issued at national level, in particular with respect to the safety measures to be implemented by businesses (e.g. health questionnaires), and as long as they are consistent with the protocol to protect the workers' health and safety adopted by the Government and trade unions on April 26, 2020.

c. Temperature and wellness checks

- The answer may vary depending on the geographical location. Each local authority may adopt additional measures compared to those issued at national level, in particular with respect to the safety measures to be implemented by businesses (e.g. temperature and wellness checks), and as long as they are consistent with the protocol to protect the workers' health and safety adopted by the Government and trade unions on April 26, 2020.
- As a general matter, people with fever higher than 37.5 degrees Celsius and people who had contact with subjects positive to COVID-19 during the previous 14 days are prohibited to access the workplaces.

d. Quarantines; Mandated isolations from family and friends for the duration of the shoot

- The answer may vary depending on the geographical location considering that local authorities may extend the list of people that may be subject to preventive quarantine.
- As a general matter, local health authorities are authorized to apply mandatory quarantine to individuals that tested positive to COVID-19, and preventive quarantine to individuals that have been in contact with positive subjects.

- Individuals with respiratory symptoms and fever higher than 37.5 degrees Celsius are subject to mandated self-isolation and cannot leave their homes.

e. Training and supplies (e.g. masks, gloves, disposable makeup supplies, etc.)

- The answer may vary depending on the geographical location. Each local authority may adopt additional measures compared to those issued at national level, in particular with respect to the safety measures to be implemented by businesses, and as long as they are consistent with the protocol to protect the workers' health and safety adopted by the Government and trade unions on April 26, 2020.

- In general, the protocol to protect the workers' health and safety provides that employers are required, among others, to promote information campaigns; provide personal protective equipment to their employees; and regulate the movements of workers within the workplace and the participation to meetings, internal events and training.

f. Worker safety rules regarding potential exposure

- In order to ensure the health and safety of the workers at the workplace, the protocol adopted by the Government in collaboration with trade unions on April 26, 2020 provides that employers are required to promote information campaigns; regulate the access of workers and external suppliers to the facility; implement cleaning and sanitization procedures; implement personal hygiene measures; provide personal protective equipment to their employees; limit the access to common areas; reorganize business activities; regulate the entrance and exit of workers from the facilities; adopt procedures to manage symptomatic individuals; regulate the movements of workers within the workplace and the participation to meetings, internal events and training.
- On top of that, local authorities may have adopted additional measures applicable to business activities on their territories.

g. Worker concerns – Refusals to work

- Employers are still strongly encouraged to apply, to the maximum extent possible, remote working, smart working and paid leave that may be implemented in particular with reference to workers that do not want to go back to the workplace.

h. Privacy laws vs. obligation to keep staff informed of any outbreaks

- The Italian Data Protection Supervisory Authority ("Garante Privacy") issued a series of FAQs to answer the main concerns with respect to the processing of personal data during the COVID-19 emergency situation (e.g. processing of employees health data).



5. What employment law and union/guild considerations must be taken into account with respect to the resumption of production activities?

- The main regulation to be taken into account with respect to the resumption of production activities is the protocol on workers' health and safety at the workplace adopted by the Government and trade unions on April 26, 2020, alongside any additional measures that may have been issued by the relevant local authorities.



6. What are the general considerations for filming on location or outdoors?

a. How do social distancing and public assembly issues apply?

- As a general matter, gatherings either in public or open-to-the-public locations are still prohibited. However, exterior filming on public ground should be permitted as long as the security measures issued at a local level and the protocol to protect the workers' health and safety are implemented (e.g. social distancing).

b. What are the new food/craft services protocols?

- The answer may vary depending on the geographical location. The Italian Government issued a set of guidelines with respect to catering and restaurant services which may be further specified at a local level.
- However, there is a general national prohibition on buffets.



7. What are the general considerations for filming on stages or at production facilities?

a. How do social distancing issues apply?

- The answer may vary depending on the geographical location. However, filming at the production facilities, even with the public, is permitted as long as the anti-contagion measures issued at local level and those to protect the workers' health and safety are implemented (e.g. social distancing).

b. What are the new food/craft services protocols? Are they different from above?

- In the case that the food/craft services are provided within the workplace the protocols for these activities shall be implemented in accordance with the measures adopted to protect the workers' health and safety (e.g. rules for accessing common areas).

c. What sanitary products are necessary?

- The answer may vary depending on the geographical location. As a general matter, employers should make available to their employees at least sanitizing products and other individual protection devices, in particular in case social distancing cannot be ensured.



8. What general contractual principles must be considered?

a. How are force majeure, impracticability and impossibility defenses relating to performance of contracts involved?

- The outbreak of COVID-19 and the measures adopted by the Italian authority to contain the spread of the virus may be relevant with reference to the force majeure principles.
- Under case law, a force majeure event has to be extraordinary (i.e. assessed objectively, based on the frequency, size and intensity of the event) and unpredictable (i.e. assessed on a subjective basis and in light of the ordinary diligence principle). Therefore, COVID-19 will not be considered a force majeure event with respect to contracts entered after the outbreak.
- Although an assessment on a case by case is required,

in the event the COVID-19 outbreak or the measures adopted by the authority meet the above criteria, the most likely consequence is the applicability of either the absolute/temporary/partial impossibility regimes, that may lead either to the termination or suspension of the contract; or the excessive onerousness regime, that may lead to the renegotiation of the contractual terms.

b. What notices are required under contract?

- A party whose performance under the contract is affected by a force majeure event should provide notice to the other as soon as it becomes aware of such event, unless the contract contains a specific notice period. In any case, both parties shall act in light of the good faith principle.

c. Is an application to the resumption of contracts suspended due to COVID-19? What are the impacts?

- A contract which performance has been suspended due to a force majeure event may be resumed as soon as the event terminates, unless the performance became impossible or the other party has no longer interest in receiving it.



9. What other business considerations must productions take into account in resuming productions or initiating new productions?

a. What are the completion risks?

- Completion bonds, production package and related coverages are increasingly including COVID-19 and other virus exclusions in completion guarantees issued to banks and other beneficiaries. This will place the risk on financiers and other industry participants funding the production of content with respect to production delays or suspensions as a result of the present or future pandemics.

b. Are there any travel restrictions?

- From June 3, 2020, people are allowed to leave their Region. However, specific limitations may be adopted by national or local authorities in light of the evolving epidemiological situation and in accordance with the principles of proportionality and adequacy.

- Until July 14, 2020, travel to and from abroad remains prohibited unless there are working, urgency, study or health related reasons, including traveling back to one's domicile. However, such limitation does not apply to people coming from the European Union, Schengen Area, Algeria, Australia, Canada, Georgia, Japan, Montenegro, Morocco, New Zealand, Ruanda, Serbia, South Korea, Thailand, Tunisia and Uruguay, unless they have been in any country not listed above during the 14 days preceding they arrival to Italy.
- The Italian Government imposed certain restrictions on people arriving from abroad whether by air, sea, train or roads that are required to self-certificate (i) the reasons of their travel; (ii) the address where they will spend the preventive quarantine; and (iii) a phone number to get in touch with local health authorities. There are certain expectations to these restrictions, for example for subjects arriving to Italy for work-related reasons.

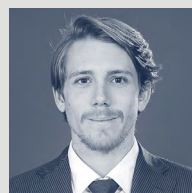
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Nigeria



1. Local general COVID-19 resources and data

Official government resources for key territories

- Federal Ministry of Health Resources and Guidelines – https://health.gov.ng/index.php?option=com_k2&view=item&id=608:covid-19-latest-news-updates/
- Nigeria Centre for Disease Control Resources and Guidelines – <https://covid19.ncdc.gov.ng/gis/> and <https://www.ncdc.gov.ng/>
- The Presidential Task Force on COVID-19 Resources and Guidelines – <https://statehouse.gov.ng/covid19/>
- Lagos State Government Resources and Guidelines – <https://covid19.lagosstate.gov.ng/>
- Sectorial Guidelines on Occupational Safety and Health in Lagos State following the COVID-19 Pandemic – <https://lagosstate.gov.ng/blog/2020/06/04/lagos-relaxes-restrictions-on-religious-activities-grants-partial-reopening-to-houses-of-worship/>

For information about other jurisdictions, please visit our [Coronavirus Resource Center](#) or contact us.



2. What governing laws, regulations, orders, ordinances and decrees apply, where applicable?

No Federal or State laws have been promulgated as a direct result of COVID-19. Nigeria relies on its existing laws and regulations and has also issued a range of regulations, directives and guidelines in direct response to the pandemic. With the gradual easing of the lockdown, the Federal Government issues more Guidelines which are updated from time to time.

a. What federal laws and materials apply?

- Quarantine Act CAP Q2 Laws of the Federation of Nigeria 2004
- Nigeria Center for Disease Control and Prevention (Establishment) Act 2018
<https://ncdc.gov.ng/themes/common/files/establishment/7853b64cbbd7f484e9435db383f6a2b1.pdf>
- COVID-19 Regulations, 2020 (the Regulations)
https://covid19.ncdc.gov.ng/media/files/COVID-19_REGULATIONS_2020_20200330214102.pdf

b. State Laws, if applicable?

Lagos State¹

- Public Health Law of Lagos State 2015
- Lagos State Infectious Diseases (Emergency Prevention) Regulation 2020 (Lagos Regulations) <https://laws.lawnigeria.com/2020/04/08/covid-19-coronavirus-regulations-in-nigeria/>



3. How do penalties for non-compliance apply?

- Penalties under the Quarantine Act and the State Public Health Law are fines of between NGN100,000 and NGN500,000 for corporate entities or imprisonment for up to six months, or both.



4. What general considerations in engaging cast and crew must you provide?

a. Testing (e.g. before shooting and during production)

There are no Guidelines or Regulations regarding testing for productions at this time. However, considerations with respect to testing could include the following:

- Requests to test the cast and crew of a production will be subject to and must comply with the terms of contracts between the production company and the cast and crew.
- Care must be taken to ensure that such requests do not give rise to claims for discrimination.
- Contracts that do not provide for mandatory medical examinations have to be revised to include same or tests can be carried out with the express (written) consent of the cast and crew.
- There are organizations which provide testing services and production companies can engage them to facilitate testing of cast and crew as and when required.

¹ Nigeria has 36 States and the Federal Capital Territory Abuja. Whilst Lagos remains the epicenter of the virus, other States have their public health laws, and have released guidelines for managing the outbreak.

This information is correct as at Tuesday 7 July 2020.

b. Health questionnaires

- In a bid to limit the risk of cast and crew, members may be required to complete health questionnaires.
- Such requests must however be in line with the relevant data protection laws. Click [here](#) for an overview of Nigeria's data protection and privacy laws.
- Production companies should ensure that any revisions made to contracts for the engagement of cast and crew also apply to the Rider.
- Where the provisions of any rider is contrary to the relevant laws and Guidelines, the former will be void and unenforceable.

c. Temperature and wellness checks

- Businesses are mandated to conduct extensive temperature checks on entry into the business premises and other public places. This would include the location of the production.
- Anyone who presents a temperature of above 37.3 Degrees Celsius should be isolated and mandated to return home. Thereafter, the NCDC or State authority should be contacted for guidance².

d. Quarantines; Mandated isolations from family and friends for the duration of the shoot

- Requests of this nature will be subject to the terms of contracts between the production company and the cast and crew.
- Where the contract is silent on such issues, amendments can be made to cater to these sort of arrangements. Alternatively, where the cast and crew consent (preferably in writing), the production can proceed.
- Cast and crew that have been in contact with someone who has been infected with COVID-19 are required to self-isolate for 14 days.
- Cast and crew returning to Nigeria are required to self-isolate for 14 days and remain in the City/State where the Port of Entry is located (throughout the duration of self-quarantine).

e. Training and supplies (e.g. masks, gloves, disposable makeup supplies, etc.)

- The Lagos State Government has directed that anyone found guilty of not wearing face or nose mask with effect from Monday, 6 July 2020 will be guilty of an offence and liable to a fine of NGN 20,000 or six months imprisonment or both. Thus for cast and crew filming outdoors, the use of face masks is mandatory.
- Single use latex gloves are not recommended as they could give a false sense of protection and potentially increase the risk of contracting the virus if not properly disposed. If gloves are used, they should be disposed of safely after each single use.
- The production company should discourage the sharing of work equipment, and this includes makeup supplies to limit the spread of the virus. Where shared supplies are used, they should be thoroughly washed and disinfected before each use.
- The production company should develop an infectious disease preparedness action plan which can include how to identify symptoms, what cast and crew should do if they feel unwell, etc. This will help in reducing the risk of exposure. Such a plan should be communicated to the cast and crew and trainings can be documented accordingly.

f. Worker safety rules regarding potential exposure

- The production company has a legal duty of care to ensure the safety of the cast and crew while on set.
- Failure to discharge the duty may give rise to claims for negligence and occupational liability. Given the extremely contagious nature and severity of COVID-19, production companies must observe all available measures to protect the health and safety of the cast and crew.
- Specific protocols that should be implemented include:
 - A deep clean of the production set prior to resumption;
 - Wearing face masks by all cast and crew;
 - Temperature reading of all persons before admission into the production set;
 - Installation of hand washing facilities at the entry point and a directive that hands must be washed before entry;

² https://covid19.ncdc.gov.ng/media/files/COVID19GuideforBusinesses_2.pdf

- Regular hand washing of all personnel throughout the day;
- Cleaning and disinfection of common areas at regular intervals, throughout the day;
- Mandating personnel who are unwell to stay at home until they fully recover;
- Personnel with underlying medical conditions, older and vulnerable people should stay at home as they are at higher risk of contracting the virus and/or developing complications relating to the virus;
- De-activation of all biometric systems to allow access to facilities with limited contact with physical access control mechanisms;
- Social/physical distancing should be observed. In person gatherings should be limited to no more than ten people in a room such that a two meter distance can be maintained between each person and a maximum of 20 or less people within a given area³; and
- Limitation of visitors, errands, etc.
- Where adequate measures have been taken by the production company and the cast or crew continues to refuse to work, such refusal will constitute a breach of the contract between him/her and the production company. Such breach will entitle the production company to seek redress in accordance with the provisions of the contract and take disciplinary action as prescribed therein.

h. Privacy laws vs. obligation to keep staff informed of any outbreaks

- The production company has the duty to keep staff informed of any outbreak. In fulfilling this duty, the production company must comply with and safeguard the right to privacy of each individual.
- Click [here](#) for an overview of Nigeria's data protection and privacy laws.
- Based on the provisions of the relevant laws, any disclosure of personal information including medical information must be with the consent of the data subject.
- Where no such consent is given, any disclosure could amount to a violation of the data subject's right to privacy.

g. Worker concerns – Refusals to work

- Refusal to work must be justifiable e.g. underlying medical conditions, vulnerable/older generation, social distancing, self-isolation (if exposed to COVID-19), quarantine, failure by the production company to put in place adequate measures to prevent the spread of the virus; or incident of exposure to or risk of contracting the virus, etc.
- Where a cast or crew fails or refuses to work without any justifiable cause as outlined above, it will constitute a breach of the terms of contract between him/her and the production company.

³ The size of the area is not stated. However good judgement is expected to prevail.



5. What employment law and union/guild considerations must be taken into account with respect to the resumption of production activities?

a. What union/guild is involved?

Please see below a list of Guilds and Unions in film production

Guilds	Talent/Sub-Sector	Corporate Status
Actors' Guild of Nigeria (AGN)	Actors	Registered
Association of Movie Producers (AMP)	Movie Producers	Registered
Creative Designers' Guild of Nigeria (CDGN)	Creative Designers	Registered
Directors' Guild of Nigeria (DGN)	Directors	Registered
Film & Video Producers and Marketers Association of Nigeria (FVPMAN)	Producers and Marketers	Registered
Indigenous Movie Makers Association of Nigeria (IMMAN)	Producers, Actors and Directors	Registered
Nigerian Society of Cinematographers (NSC)	Cinematographers	Not registered
Association of Motion Picture and Entertainment Editors of Nigeria (formerly Nigerian Society of Editors)	Editors	Not registered
Screen Writers' Guild of Nigeria (SWGNG)	Screen Writers	Registered
Association of Movie Content Owners and Producers/Distributor of Nigeria	Producers and Distributors	Registered

b. How can you address tension between social distancing and mandated union/guild rules regarding certain number of production positions on major film sets?

- Health and safety has to be first and at the forefront of any consideration and or discussion on this issue. At this point in time, there are no Guild or Association rules that are contrary to the social distancing guidelines. Should such conflict arise in the future, effective dialogue can be considered with the guild which would be aimed at developing operating procedures that are in compliance with the relevant Government Regulations and Guidelines.

- Employees exercising administrative, executive, technical or professional functions are governed by the terms of their contracts, HR policies, handbooks and judgments of the relevant courts.
- Save for low level workers employed for clerical duties or to provide manual labour, the engagement of cast and crew is governed by employment contracts, HR policies, employee handbooks and judgments of the relevant courts.



6. What are the general considerations for filming on location or outdoors?

c. What are the applicability of employment laws and regulations?

- Employment is governed by the Nigerian Labor Act, associated employment laws, and regulations, contracts of employment, Human Resource (HR) policies or employee handbooks, judgments of the National Industrial Court of Nigeria, appellate courts, etc.
- The Nigerian Labor Act is a federal legislation that applies to persons employed for manual labour such as janitors, bricklayers and guards and for clerical work. The Act expressly excludes its applicability to persons exercising administrative, executive, technical or professional functions.

a. How do social distancing and public assembly issues apply?

- According to the latest Guidelines, mass gatherings of more than 20 people are prohibited. In addition to the prohibition of public assembly, social distancing of two metres must be maintained between people in workplaces and other public spaces.
- It is also recommended that the workforce is limited to between 30%-50% of the normal capacity.

This information is correct as at Tuesday 7 July 2020.

b. What are the new food/craft services protocols?

In addition to the general protocols outlined above, the Sectorial Guidelines on Occupational Safety and Health in Lagos sets out specific regulations for the food industry as follows:

- Effective measures should be put in place to manage queues and enforce social distancing.
- Food providers and vendors should provide takeaways and all physical outlets are to remain closed to in-house dining until further notice.



7. What are the general considerations for filming on stages or at production facilities?

a. How do social distancing issues apply?

Same as 6(a).

b. What are the new food/craft services protocols? Are they different from above?

Same as 6(b).

c. What sanitary products are necessary?

- It is mandatory for businesses to provide facilities for handwashing i.e. soap and water and or 70% alcohol based hand sanitizers.
- Face masks should also be distributed freely.

d. What specific COVID-19 riders are provided by production facilities related to COVID-19?

- Some of the COVID-19 related riders we have seen include:
 - Performers may be required to wear their microphones, where possible.
 - Makeup should be reserved for featured cast only.
 - Makeup accessories may not be shared by cast members.
 - Where possible, performers may be required to assist with final checks rather than the wardrobe team.
 - No extras or administrative hands i.e. personal assistants will not be allowed in the production location to limit the numbers on set.
 - Catered meals must be packed in individual food boxes with sealed cutlery. Alternatively, cast/crew members will be required to provide their own consumables i.e. food and water.
 - There must be no shared craft or catering area.

- Where possible, cast/crew members may be required to use their private cars. For those without cars, the production company will provide means of transportation to limit interaction with the public etc.



8. What general contractual principles must be considered?

a. How are force majeure, impracticability and impossibility defenses relating to performance of contracts involved?

- The precise scope of these provisions and their applicability to contracts will depend on the wordings and context in which they occur. Being a contractual provision, it can only be relied upon if it is expressly provided for in the contract and the applicability will depend on the circumstances in each case. As there are no known cases where these principles have been pleaded in relation to production contracts in Nigeria at this time, it is difficult to predict their applicability or scope of relevance.

b. What notices are required under contract?

- Usually, for a party to take advantage of a force majeure provision, it will be required to comply with certain notice provisions in the agreement. Such notice could cover the commencement of the force majeure event, the efforts undertaken to mitigate the effects of the force majeure event and resumption of performance after the force majeure event may have abated. Failure to give such notice may amount to a repudiation of the contract or claim for non-performance.



9. What other business considerations must productions take into account in resuming productions or initiating new productions?

a. What are the completion risks?

- The disruption of the production schedule has negatively impacted on financing, production and distribution obligations.

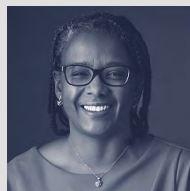
b. Are there any travel restrictions?

- The travel restrictions earlier imposed are now beginning to be lifted.
- For International flights, the Minister of Aviation has indicated that the date for the resumption of international airports will be announced at a subsequent date. Until then, essential International flights will continue as previously indicated i.e. require approvals from the Federal Ministries of Aviation and Foreign Affairs.

This information is correct as at Tuesday 7 July 2020.

- Consequently, the Federal Airport Authority of Nigeria (FAAN) has released a new guideline for post COVID-19 flight which stipulates measures to be followed by passengers. Some of the measures include:
 - Passengers must wear their face masks before entering the airport.
 - Passengers not traveling are not allowed into the airport terminal building.
 - Temperature checks.
 - Passengers must maintain social distance of two meters.
 - Frequent washing of hand or the use of alcohol based sanitizer.
 - All footwear are to be disinfected by the foot mats placed at the entrance of the airport terminal building.
 - <https://osgf.gov.ng//storage/app/media/pdf/F2.2%20-%20IMPLEMENTATION%20GUIDELINES%20%20FOR%20EASING%20LOCKDOWN%20300620.pdf>
- <https://www.faan.gov.ng/airport-re-opening-dates-announced/>
- <https://www.faan.gov.ng/faan-rolls-out-new-guidelines-for-post-covid-19-air-travels/>

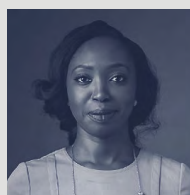
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Singapore



1. Local general COVID-19 resources and data in these areas:

Official government resources for Singapore

- a. Singapore Government's official online communication platform which contains information on the latest updates and announcements on the COVID-19 situation in Singapore, see [here](#).
- b. Singapore's Multi-Ministry Taskforce on COVID-19 was set up to direct Singapore's national response to the COVID-19 outbreak and coordinate community responses to protect Singaporeans and prevent the spread of COVID-19 in Singapore. The Multi-Ministry Taskforce, which is co-chaired by the Minister of Health and the Minister for National Development and advised by the Deputy Prime Minister, comprises the following ministries:
 - Ministry of Health ("MOH"), see [here](#).
 - Ministry of National Development, see [here](#).
 - Ministry of Communications and Information ("MCI"), see [here](#).
 - Ministry of Trade and Industry ("MTI"), see [here](#).
 - Ministry of Environment and Water Resources, see [here](#).
 - National Trades Union Congress ("NTUC"), see [here](#).
 - Ministry of Education, see [here](#).
 - Ministry of Manpower ("MOM"), see [here](#).
 - Ministry of Social and Family Development, see [here](#).
 - Ministry of Transport, see [here](#).
- c. Infocomm Media Development Authority, which is an agency under the MCI that regulates the media sector in Singapore, see [here](#).
- d. For COVID-19 sector-specific advisories, including those in relation to the media sector, see [here](#).

For more information about COVID-19-related laws and regulations in Singapore, please visit our [Coronavirus Resource Center](#) or contact us.



2. What governing laws, regulations, orders, ordinances and decrees apply, where applicable?

- The COVID-19 (Temporary Measures) Act 2020 of Singapore (the "COVID-19 Act") and its subsidiary legislations must be observed by persons carrying out media production and filming activities in Singapore during the COVID-19 pandemic. For the COVID-19 Act, see [here](#).
- The COVID-19 Act provides for certain temporary measures including, among other things, temporary relief from certain consequences arising from the inability to perform contractual obligations under certain contracts if such inability is to a material extent caused by COVID-19. It also empowers the Minister of Health of Singapore to issue regulations (also known as control orders) to prevent, protect against, delay or otherwise control the incidence or transmission of COVID-19 in Singapore. Such control orders may provide for, among other things, the restriction of movement of, or contact between, people as well as the closure of workplaces.
- The measures provided under the COVID-19 Act are temporary in nature and have different operative dates and periods, for example, the provisions in relation to temporary relief for inability to perform contracts are in force for a period of one year commencing from April 20, 2020 and the provisions which empower the Minister of Health of Singapore to issue control orders are in force for one year commencing from April 7, 2020.
- The COVID-19 Act should be read in conjunction with policies, advisories and guidelines issued by the various Singapore ministries, statutory boards and agencies, including the MOH, MTI and the IMDA (which is of particular relevance to Singapore's media industry as the IMDA regulates the media sector in Singapore).

CIRCUIT BREAKER IN SINGAPORE

- On April 7, 2020 the Minister of Health of Singapore issued a control order in force for the period between April 7, 2020 and May 4, 2020 (both dates inclusive) (the "Initial Circuit Breaker Period"), which sets out various circuit breaker measures designed to break the increasing spread of COVID-19 in the community in Singapore. On April 21, 2020 the Singapore Government announced an extension of the Initial Circuit Breaker Period by another four weeks to June 1, 2020 (inclusive) (the "Extended Circuit Breaker Period", together with the Initial Circuit Breaker Period, the "Circuit Breaker Period").

SINGAPORE TO EXIT THE CIRCUIT BREAKER ON JUNE 1, 2020 AND REOPEN ITS ECONOMY IN PHASES

On May 19, 2020 the Singapore Government announced that Singapore will exit the circuit breaker on June 1, 2020 in three phases. Phase 1 (Safe Re-opening) will commence from June 2, 2020 and is expected to last for a few weeks subject to, among other things, community transmission rate remaining low and stable before moving to Phase 2 (Safe Transition). In Phase 3 (Safe Nation), Singapore will move to a "new normal" state until an effective vaccine or treatment for COVID-19 is found. Further details on each phase are elaborated below:

Phase 1

- During Phase 1, businesses that operate in settings with lower transmission risks ("Phase 1 Permitted Businesses") will be allowed to resume. These include most businesses with employees working in offices or settings that do not require interactions with large groups of people. Whilst "Other Information & Communications (for example, radio & TV broadcasting and print media without general community interaction)" is listed as one of the industries allowed to resume operations in Phase 1, it is unclear if media and production activities fall within this category as this will ultimately depend on the Singapore Standard Industrial Classification ("SSIC") Code of each company's primary business activity. To find out if your business is allowed to resume operations in Phase 1, please check the "GoBusiness" portal [here](#) using the SSIC code of your primary business. The MTI will grant the Phase 1 Permitted Businesses a class exemption to resume business. Therefore, individual businesses need not apply for an exemption to resume business. However, such businesses must submit their manpower details via the "GoBusiness" portal [here](#) within two weeks of the date of resumption of operations.
- Businesses which are allowed to resume operations must put in place and enforce safe management and distancing measures as well as sector specific guidelines (if any) at their workplace. These measures must be in place before operations can resume. For more information on the general safe management and distancing measures required to be implemented in workplaces, please refer to Q4 (below). As at May 20, 2020 there are no sector specific guidelines for the media sector.

Phase 2 and Phase 3

- In Phase 2, it is expected that more activities will gradually resume. More businesses will be allowed to reopen, subject to safe management and distancing measures being put in place. Employers should, however, still ensure that employees who can work from home continue to do so. Social activities in small groups will also be allowed.

- Depending on the COVID-19 situation in Singapore, Singapore will continue to ease measures gradually until it reaches a "new normal" state (that is, Phase 3). In Phase 3, social, cultural, religious and business gatherings or events are allowed to resume, subject to crowd size limitations. Phase 3 is expected to continue until an effective vaccine or treatment for COVID-19 is found.
- The Multi-Ministry Taskforce will continue to monitor the COVID-19 situation in Singapore and make adjustments to the progress of reopening the economy as well as the relevant measures required to be implemented.



3. How do penalties for non-compliance apply?

- Persons who (a) do not comply with the circuit breaker measures; (b) are found to be operating their business when they are not allowed to do so; (c) fail to submit their manpower details within two weeks of resuming operations; or (d) fail to comply with the safe management and distancing measures, commit an offence under the COVID-19 Act and may be liable on conviction to a fine and/or imprisonment.
- Under the COVID-19 Act, first time offenders will face a fine of up to SGD\$10,000 or imprisonment of up to six months, or both. For second or subsequent offences, the penalty is a fine of up to SGD\$20,000, or imprisonment of up to 12 months, or both.
- Checks will be conducted by the Singapore Government on workplaces to ensure compliance with the relevant requirements. Employers which fail to implement safe management and distancing measures, or whose employees do not adhere to such measures, could potentially face enforcement actions, including the suspension of operations.



4. What general considerations in engaging cast and crew must you provide?

DURING THE CIRCUIT BREAKER PERIOD

- Media production works such as shoots and filming are generally not allowed during the Circuit Breaker Period, subject to certain exemptions.
- Unless an entity carries out activities which constitute an essential service, it is not allowed to operate from its workplace premises during the Circuit Breaker Period. Media production activities are not included in the list of essential services. For the full list of essential services, please see [here](#). Accordingly, as a non-essential service provider, media content production companies are not allowed to operate from their workplace premises during the Circuit Breaker Period unless they have obtained an exemption from

This information is correct as at Tuesday 7 July 2020.

the MTI. In this regard, the IMDA advised in its "Advisories on COVID-19 Situation" published on April 7, 2020 that production works such as shoots have to be put on hold or postponed during the Circuit Breaker Period. However, exemptions will be given to public communications efforts related to COVID-19 and essential services. Specifically, exemptions will only apply to companies that are:

- involved in the production and critical support work for public service broadcasting by Mediacorp (which is Singapore's national media network) and campaigns related to essential services; or
- involved in the production of COVID-19 related messaging and content commissioned by the MCI and/or government agencies.
- Companies which fall within (a) or (b) above may apply for an exemption with the MTI [here](#). Companies which have been granted exemptions should continue to adhere to safe distancing guidelines. Companies should operate using minimum number of employees on-site during this period. Those who can work from home should be encouraged to do so. Safe distancing measures, including among other things, not allowing teams working in different locations to interact physically with one another, implementing safe distancing measures at every workplace premise, as well as ensuring workers wear masks at their workplace, must be implemented. All workplaces must also have a system that logs their workers' entry into, and exit from, their workplaces.

AFTER THE CIRCUIT BREAKER PERIOD

- As mentioned in 2 above, the Singapore Government had on May 19, 2020 announced that Singapore will exit the circuit breaker on June 1, 2020 with circuit breaker measures being progressively lifted in three phases, starting with Phase 1 which is to commence on June 2, 2020. Whilst "Other Information & Communications (for example, radio & TV broadcasting and print media without general community interaction)" is listed as one of the sectors which is allowed to resume operations in Phase 1, it is unclear if media and production activities fall within this category as this will ultimately depend on the SSIC Code of each company's primary business activity. To find out if your business is allowed to resume operations in Phase 1, please check the "GoBusiness" portal [here](#) using the SSIC code of your primary business.

- Businesses which are allowed to resume operations must put in place and enforce certain safe management and distancing measures ("Safe Management and Distancing Measures") as well as sector specific guidelines (if any) at their workplace. Employers will need to ensure that these measures are communicated and explained to their employees. Signs should also be put up to remind employees and visitors to observe all measures in place. As at May 20, 2020 there are no sector-specific safe distancing measures for the media and production sector.

In summary, the Safe Management and Distancing Measures require employers to:

- a. Implement a system of safe management and distancing measures
 - These measures, which must be implemented in a sustainable manner for so long as necessary, include (i) implementing a detailed monitoring plan to ensure compliance with measures in place as well as to ensure issues (for example, non-compliance with measures) can be resolved in a timely manner; and (ii) appointing a Safe Management Officer to assist with the implementation, coordination and monitoring of the system of safe management and distancing measures.
- b. Minimize physical interactions and ensure safe distancing between employees
 - Employers must, among other things, (i) ensure that where possible employees telecommute from home; (ii) minimize physical meetings; and (iii) ensure that employees do not socialize or congregate in groups at the workplace and remind employees not to socialize with their colleagues outside of the workplace, both during and outside office hours. Employees should only return to the workplace when demonstrably necessary (for example, to access specialized systems or equipment that cannot be accessed from home).
 - For employees in roles that cannot be performed by telecommuting from home, employers are required to, among other things, (i) stagger working and break hours over three one-hourly blocks. No more than half of employees are to report to work within each block; (ii) implement shift or split team arrangements; (iii) ensure no cross-deployment or interaction between employees in different shifts, teams or worksite; and (iv) ensure physical distancing of at least one metre between individuals should be maintained at all times.

c. Support contact tracing

- Employers must limit access to the workplace, only to essential employees and authorised visitors. Employers are also required to use the “SafeEntry” visitor management system to record the entry of all persons entering the workplace. Persons who are unwell will be refused entry. Employers should encourage employees to download and activate the “TraceTogether” app to assist with contact tracing.

d. Ensure employees and visitors use personal protective equipment and observe personal hygiene

- Employers must ensure that all onsite personnel, including employees and visitors, wear a mask and other necessary personal protection equipment at all times, except during activities that require masks to be removed. In addition, employers must also ensure that it has sufficient masks for all employees. Employers should also encourage their employees to observe good personal hygiene.

e. Ensure cleanliness of workplace

- Employers should increase the frequency of cleaning at the workplace. For example, employers must ensure regular cleaning of common spaces, particularly areas with high human contact such as the rooms where visitors are hosted, as well as general public areas such as lifts and toilets. Where physical meetings are held or meals are taken at common spaces, employers must clean and disinfect tables between each meeting and seating. All shared office equipment must be cleaned between usage by different employees. In addition, cleaning and disinfecting agents should be made available at all human stoppage points such as washrooms, lobbies, reception areas and entrances.

f. Implement health checks and company protocol to manage potential cases

- Employers are required to implement certain protocols to manage potential cases among its employees as well as visitors to its premises, including (i) requiring employees and visitors to conduct temperature screening and checks for respiratory syndromes and submit records on the same twice daily; (ii) requiring employees and visitors to provide health and travel declarations; (iii) ensuring employees adhere to MOH's travel advisories; and (iv) taking preventive actions to guard against incipient outbreaks at the workplace such as requiring employees on medical leave to monitor their health.

In the event that there are confirmed cases, employers must adopt certain precautionary measures including (i) immediately vacating or cordoning off the immediate section of the workplace where the employee worked at; and (ii) carrying out thorough cleaning and disinfection of the on-site areas and equipment that were exposed.

- For more details of the Safe Management and Distancing Measures, please see [here](#). The MOM checklist on the Safe Management and Distancing Measures can be found [here](#).

i. Testing (e.g. before shooting and during production)

- There is currently no requirement for employees in the media and production sector to be tested for COVID-19 before returning to work.

ii. Health questionnaires

- The Safe Management and Distancing Measures require employees and visitors at workplaces, which are allowed to resume operations, to provide health and travel declarations, see 4(f) above.

iii. Temperature and wellness checks

- The Safe Management and Distancing Measures require employers to conduct regular temperature screening for all onsite employees and visitors. In addition, employees and visitors who are unwell should be asked to leave the workplace. For more information, see 4(c) and 4(f) above.

iv. Quarantines; Mandated isolations from family and friends for the duration of the shoot

- Currently, all short-term visitors (from anywhere in the world) will not be allowed to enter or transit through Singapore. However, these restrictions may soon be progressively eased given the Singapore Government's announcement on May 19, 2020 that Singapore will exit its circuit breaker on June 1, 2020. Following which, Singapore will gradually reopen its borders with safeguards in place to allow foreigners to enter and transit through the country. It is mandatory for all returnees (that is, Singapore citizens, permanent residents and long-term pass holders), who have been granted entry into Singapore, to serve a 14-day Stay-Home Notice in Government-designated facilities. Long-term pass holders include holders of work pass. Returnees are required to submit a health declaration online before commencing their journey to Singapore. For more information, see [here](#).

v. Training and supplies (e.g. masks, gloves, disposable makeup supplies, etc.)

- Workplaces which are allowed to resume operations are required to implement and observe the Safe Management and Distancing Measures. These measures require employers to put in place measures to, among other things, minimize physical interaction and ensure safe distancing, provide masks to employees, ensure cleanliness of workplace as well as to implement health checks and company protocols to manage potential cases. Employers need to ensure that these measures are communicated and explained to their employees. Signs should also be put up to remind employees and visitors to observe all measures in place. Employees are required to comply with these measures. For more information on the Safe Management and Distancing Measures, please see 4.

vi. Worker safety rules regarding potential exposure

- Please refer to (v) above.

vii. Workers concerns – Refusals to work

- In general, an employee is contractually obliged to attend to work pursuant to the terms of his or her employment contract, unless the employer has consented to or given prior authorisation for leave of absence by such employee. While there is generally no specific right for an employee to refuse to work (save as contractually provided for or with the employer's consent), employers should nonetheless be mindful of their obligations under the Workplace Safety and Health Act (Chapter 354A) of Singapore ("WSHA") to take, so far as is reasonably practicable, measures as are necessary to ensure the safety and health of his employees at work. As such, an employer who makes a decision which puts an employee at risk of contracting COVID-19, without reasonable safety precautions, may be in breach of such duty. Accordingly, if an employee has concerns about returning to the workplace for fear of contracting COVID-19, employers should ensure that relevant safeguards are in place to minimize such risks and address such concerns. In any event, the Safe Management and Distancing Measures require employers to ensure that employees, who are able to perform their work from home, to telecommute from home.

viii. Privacy laws vs. obligation to keep staff informed of any outbreaks

- The MOM had in its general advisory on confirmed or suspect case of COVID-19 detected at a workplace (updated as of February 28, 2020) encouraged employers to, in the event that there is a confirmed case of COVID-19 at the workplace, provide timely information to employees

on the latest developments and reassure employees and other relevant persons (for example, customers) of the measures being taken to ensure employees' wellbeing at the workplace. In providing such updates, employers are reminded to comply with their obligations under the Personal Data Protection Act 2012 of Singapore ("PDPA") in respect of the collection, use and disclosure of personal data of individuals.

- Under the PDPA, organizations may collect, use or disclose personal data only with the individual's knowledge and consent (with some exceptions). Personal data refers to data, whether true or not, about an individual who can be identified from that data; or from that data and other information to which the organization has or is likely to have access. This includes unique identifiers (for example, identification number or passport number), photographs or video images of an individual as well as any set of data (for example, name, age, address, telephone number and occupation), which when taken together would be able to identify the individual. For example, Jack Lim, 36 years old, civil servant, lives at Blk 123 Bishan Street 23.



5. What employment law and union/guild considerations must be taken into account with respect to the resumption of production activities?

a. What union/guild is involved?

- Tripartism in Singapore refers to the collaboration among unions, employers and the Singapore Government. The tripartite partners are the MOM, NTUC (which is Singapore's national confederation of trade unions in the industrial, service and public sectors in Singapore) and the Singapore National Employers Federation (which is a trade union of employers dedicated to preserving industrial harmony and helping employers). Employers who are allowed to resume work after the Circuit Breaker Period are required to implement the Safe Management and Distancing Measures, which are issued by the tripartite partners, at their workplace. For more information on such measures, please see 4, above.

b. How can you address tension between social distancing and mandated union/guild rules regarding certain number of production positions on major film sets?

- There are no specific union rules which mandate a certain number of production positions on major film sets in Singapore.

c. What are the applicability of employment laws and regulations?

- In addition to the COVID-19 Act on the temporary statutory measures in place during the COVID-19 outbreak in Singapore (as discussed above), employers should at all times comply with other Singapore laws and regulations in respect of employment and workplace such as the Employment Act (Chapter 91) of Singapore, WSHA as well as the policies, advisories and guidelines issued by the various ministries, statutory boards and agencies, including the MOH, MOM and NTUC.



6. General considerations for filming on location or outdoors?

a. How do social distancing and public assembly issues apply?

- Media production works such as shoots and filming are generally not allowed during the Circuit Breaker Period, unless an exemption from the MTI has been obtained, see 4, above. Companies which have been granted exemptions should continue to adhere to safe distancing guidelines.
- As mentioned in 2 above, whilst "Other Information & Communications (for example, radio & TV broadcasting and print media without general community interaction)" is listed as one of the sectors which is allowed to resume operations in Phase 1, it is unclear if media and production activities fall within this category as this will ultimately depend on the SSIC Code of each company's primary business activity. To find out if your business is allowed to resume operations in Phase 1, please check the "GoBusiness" portal [here](#) using the SSIC code of your primary business.
- Businesses which are allowed to resume operations must put in place and enforce safe management and distancing measures. These measures include implementation of work from home arrangements, staggered working hours, shift or split team arrangements, safe distancing, regular disinfection of common touch points and equipment, provision of cleaning and disinfecting agents, and avoiding physical meetings (both in the business and social context). For more information on the Safe Management and Distancing Measures, please see 4 above.
- In addition, persons should continue to limit contact with people outside of their household and to leave home only for essential services during Phase 1. Individuals should also continue to observe safe distancing measures such as maintaining a distance of at least one metre apart from others, wearing of face masks outside of the home, avoiding crowded places and minimizing time spent outside.

b. What are the new food/craft services protocols?

- While there is no specific food/craft services protocols in the context of film production in Singapore, general safe distancing measures and enhanced hygiene measures implemented during the COVID-19 outbreak will need to be observed. For example, wearing of masks will continue to be mandatory, individuals should continue to maintain good personal hygiene and wash hands frequently as well as to avoid sharing food and crockery.



7. General considerations for filming on stages or at production facilities?

a. How do social distancing issues apply?

- Please refer to 6(a) above.

b. What Are the New Food/Craft Services Protocols?

- Please refer to 6(b) above.

c. What Sanitary Products Are Necessary?

The Safe Management and Distancing Measures require employers to, among other things, increase the frequency of disinfecting common physical touchpoints and shared equipment as well as to ensure regular cleaning of common spaces, in particular, the areas with high human contacts. In addition, cleaning and disinfecting agents should be made available at all human stoppage points such as washroom, lobbies, reception areas and entrances. In addition, employers must also ensure that it has sufficient masks for all employees. For more information on the Safe Management and Distancing Measures, please see 4 above.



8. General contractual principles must be considered?

a. How are force majeure, impracticability and impossibility defenses relating to performance of contracts involved?

- Persons who are not able to perform their contractual obligations due to the COVID-19 pandemic may seek recourse under their respective contracts via force majeure provisions (if any), the common law doctrine of frustration, statutory rules under the Frustrated Contracts Act (Chapter 115) of Singapore (the "FCA") or the COVID-19 Act.

FORCE MAJEURE

- Force majeure provisions are contractual terms in a contract that operate to excuse or suspend performance of contractual obligations on the occurrence of certain specified events which are beyond the parties' control that might impede or obstruct the performance of the contract. For contracts with force majeure provisions, the question of whether the COVID-19 pandemic constitutes a force majeure event will depend on the wording of the force majeure provision in the contract. Such provision would usually also set out the consequences following a force majeure event. Examples of such consequences include an extension of time for the affected party to perform its obligations, excusing the affected party from its obligations under the contract for a certain period of time or releasing the affected party from its contractual obligations.

DOCTRINE OF FRUSTRATION

- Under the common law doctrine of frustration, a contract is frustrated when a supervening event, which is unforeseeable and beyond the control of the parties, occurs and makes performance impossible or renders the relevant obligations radically or fundamentally different from those contemplated by the parties at the time of contract. If the COVID-19 pandemic has such an effect, the contract is frustrated and parties will be discharged from any further obligations under the frustrated contract.

FCA

- Where a contract has become impossible to perform or been otherwise frustrated and the parties to the contract have for that reason been discharged from the further performance of that contract, statutory rules under the FCA will intervene to adjust the rights and liabilities of the parties to the frustrated contract. For example, if payments have been made prior to the occurrence of COVID-19 and the contract is frustrated by the pandemic, such payments must be refunded, or if a party incurred costs towards the performance of the contract prior to the occurrence of COVID-19 and the contract is frustrated by the pandemic, the Singapore courts may, if it considers it just to do so, order the other party to pay for reasonable costs incurred. The FCA aims to put parties in a position as if there were no loss and no gain, save for reasonable costs incurred in the performance of the contractual obligations prior to the occurrence of the frustrating event.

COVID-19 ACT

- In addition to the above, parties to certain contracts may also consider the temporary relief measures under the COVID-19 Act. The COVID-19 Act provides temporary relief to parties to certain contracts where they are unable to perform a

contractual obligation and such inability is to a material extent caused by a COVID-19 event, and the notifying party has given notice in the prescribed form.

- The temporary relief under the COVID-19 Act applies to limited categories of contracts which are executed before March 25, 2020, and the performance of which is expected on or after February 1, 2020. At present, the categories of contracts include certain types of loan facilities granted by banks or finance companies to Singapore-incorporated entities meeting certain criteria and secured by Singapore-based assets as well as leases or licences for non-residential immovable property (such as commercial premises). The relief would prevent counterparties from taking certain enforcement action against the notifying party in respect of the notifying party's non-performance, including but not limited to, termination of lease of immovable property for failure to pay rent or other monies, commencement or continuation of legal proceedings and insolvency action.
- The above mentioned moratorium will last until the earlier of (a) the expiry of the prescribed period (which is currently six months commencing on April 20, 2020 but may be extended by the Singapore Government) (the "Prescribed Period"); (b) the withdrawal of notification by the notifying party; or (c) it is determined that the notifying party does not qualify for relief under the COVID-19 Act.
- The COVID-19 Act does not limit the operation of force majeure provisions in contracts, the doctrine of frustration or an action under the FCA.
- Parties should carefully review their contracts and factual circumstances to determine the appropriate relief in the COVID-19 pandemic.
- b. What notices are required under contract and the COVID-19 Act?
 - A party who wishes to invoke the force majeure provisions in the contract should act in accordance with the requirements for invoking such clause as specified in the contract. Most force majeure clauses typically require the affected party to give the other party written notice.
 - The COVID-19 Act provides temporary relief to parties to certain contracts where they are unable to perform a contractual obligation and such inability is to a material extent caused by a COVID-19 event, and the notifying party has given notice in the prescribed form. Such notice will have to be served by the notifying party to the other party to the contract before the end of the Prescribed Period.

c. Is an application to the to resumption of contracts suspended due to COVID-19? What are the impacts?

- As elaborated in 8(a) above, the consequences of successfully invoking a force majeure provision will depend on how the clause is drafted. In the case where the force majeure provision allows for the affected party to be excused from his contractual obligations for a certain period of time, the affected party's obligations may resume after the force majeure event is no longer in operation.
- Relief under the COVID-19 Act would prevent counterparties from taking certain enforcement action against the notifying party in respect of the notifying party's non-performance. Such moratorium is temporary and will last until the earlier of (a) the expiry of the Prescribed Period (which is currently six months commencing on April 20, 2020 but may be extended by the Singapore Government); (b) the withdrawal of notification by the notifying party; or (c) it is determined that the notifying party does not qualify for relief under the COVID-19 Act.



9. What other business considerations must productions take into account in recommencing production or initiating new productions?

a. What are the completion risks?

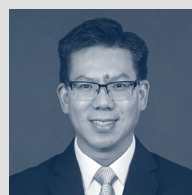
The risks that production companies may face in completing their production projects in a COVID-19 pandemic include:

- Capital constraints: Parties financing the production may wish to manage its cash and resources and not proceed with the production;
- Financing constraints: It may be more difficult for media and production companies to obtain external financing as lenders may be more cautious when it comes to extending financing in view of the current poor economic conditions and outlook due to the COVID-19 pandemic;
- Filming restrictions: Travel restrictions may result in the postponement or cancellation of overseas filming; and
- Increase costs/time in production: Production costs and time may also increase as safe distancing measures will require production companies to operate with bare minimum personnel on set and have staggered working hours as well as spilt team arrangements and additional costs will be incurred to comply with safe distancing measures (for example, companies are required to provide sufficient face masks for all employees). In the event that the COVID-19 situation worsens, circuit breaker measures may be reintroduced and workplaces may be required to cease operations again.

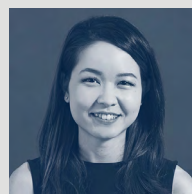
b. Are there any travel restrictions?

- The MOH advises all Singaporeans to defer all travel abroad. Singapore residents and long-term pass holders who leave Singapore from March 27, 2020 in disregard of the prevailing travel restrictions, will be charged at unsubsidised rates for their inpatient stay at public hospitals, if they are admitted for suspected COVID-19 and have onset of symptoms within 14 days of returning to Singapore. Work pass holders who leave Singapore from March 27, 2020 will be deprioritised for entry approval and may face significant delays before they are allowed to return to Singapore in the event they persist with travelling abroad and return infected.
- However, these travel restrictions may soon be progressively eased given the Singapore Government's announcement on May 19, 2020 that Singapore will exit its circuit breaker on June 1, 2020. Following which, Singapore is expected to gradually reopen its borders for Singaporeans to conduct essential activities overseas and to allow safe travel for foreigners entering or transiting through Singapore. As the global situation remains volatile, such moves will be assessed and implemented separately from the timing of the three phases of re-opening outlined in 2 above.
- Separately, some countries may also have restrictions against travellers from Singapore, including those who have been in transit. Such restrictions include denial of entry, quarantine or self-isolation upon entry or clearance of medical screenings before entry.

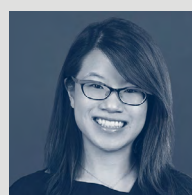
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This information is correct as at Tuesday 7 July 2020.

Spain



1. Local general COVID-19 resources and data:

Official government resources for key territories

- The Spanish Official Gazette publishes a daily guide including all the regulation adopted in relation to the health crisis originated by COVID-19 within the framework of the European Union, Spain and Regions – https://www.boe.es/biblioteca_juridica/codigos/codigo.php?id=355.

For information about other jurisdictions, please visit our [Coronavirus Resource Center](#) or contact us.



2. What governing laws, regulations, orders, ordinances and decrees apply, where applicable?

a. What federal laws and materials apply?

- Spain is not formally a federal country. Nevertheless, it operates for all purposes as if it were a very de-centralized federal country. In the course of the COVID-19 crisis, the Spanish Government and Parliament have declared the State of Alarm, under which most powers from the self-governed regions are devolved to the authorities. In this context, the most important pieces of legislation on COVID-19 matters are issued by the authorities.
- For the purpose of this paper, after the end of the State of Alarm on 21 June 2020, the key federal provision on these matters is Royal Decree – Law 21/2020: <https://www.boe.es/buscar/act.php?id=BOE-A-2020-5895>.

b. State laws, if applicable?

- Spanish self-governing regions (17) and self-governing free cities (2), equivalent to US States, have issued a large number of laws and regulations to handle specific COVID-19 features (e.g. to provide public aid and benefits for companies) that fall within their authority, even after the devolution of powers described above.

c. Are there any County and City orders? If so, what and how do they apply?

- There are many orders regulating purely to local matters like the closure/opening of beaches, public parks and other venues.



3. How do penalties for non-compliance apply?

The local, regional or federal police inspection services will be responsible for monitoring compliance. If they detect an infringement of the legal restrictions, the following disciplinary provisions may apply:

- Spanish Fundamental Law 4/2015 on Citizen Security: Depending on the circumstances, fines could range from EUR 30,000 (if the infringement is qualified as a serious) to EUR 600.000 (it is considered a very infringement).
- Spanish Law 33/2011 on General Public Health: Fines ranging from EUR 3,000 (minor infringements) to EUR 60,000 (serious infringements) may be imposed to infringers that do not comply with the relevant restrictions set forth in the Royal Decrees recently enacted due to COVID-19 pandemic.
- Spanish Criminal Code: Not complying with the relevant restrictions imposed by the Spanish Government due to COVID-19 may also qualify as a criminal infringement subject to four years of imprisonment and fines of which the amount will depend on the infringer's revenue.



4. What general considerations in engaging cast and crew must you provide?

- Spanish Act 31/1995 on prevention of risks at workplace (<https://www.boe.es/buscar/act.php?id=BOE-A-1995-24292>) allow companies to check the health of their employees with their free and informed consent and, in a context of a serious health crisis that threatens the health of that employee, other employees or third parties associated with the company, also without their consent, provided that the Works' Council/ Representatives of the employees do issue a report thereon in advance. Strict additional requirements do apply. Despite this, the Spanish Data Protection Commissioner has issued a press release against the collection of health information that is not clearly based on COVID-19 specific legislation issued by the Public Health authorities.

This information is correct as at Tuesday 7 July 2020.



5. What employment law and union/guild considerations must be taken into account with respect to the resumption of production activities?

- a. In addition to Spanish Act 31/1995 on prevention of risks at the workplace (<https://www.boe.es/buscar/act.php?id=BOE-A-1995-24292>), the provisions of the Spanish Workers' Statute (<https://www.boe.es/buscar/act.php?id=BOE-A-2015-11430>) shall be strictly respected in all cases.
- b. On May 14, 2020, the Spanish Institute for Cinema and Audiovisual Arts "ICAA" (part of the Spanish Ministry for Cultural Affairs), published a detailed guide on the best practices to be followed in the process for the resumption of filming activities: <http://www.culturaydeporte.gob.es/dam/jcr:223c5bc7-ee65-4759-a99f-7f052c187366/gui-a-de-buenas-practicas-producciones-rodajes.pdf>.



6. What are the general considerations for filming on location or outdoors?

- Indoor venues shall be carefully cleaned and disinfected before starting work.
- Outdoor venues shall not be cleaned/disinfected, but social distancing measures shall be adopted (see below for further details).



7. What are the general considerations for filming on stages or at production facilities?

Filming may take place on private sets and spaces outdoors, as well as in public spaces that have the corresponding authorization from the City Council after the evaluation of labor risks and the adoption of the corresponding preventive measures. Closed areas will have to be cleaned and disinfected before shooting.

- a. How do social distancing issues apply?
 - Work teams shall be reduced to the essential number of people.
 - Social distancing shall be kept as well as the use of protective equipment according to the level of risk.
 - When the nature of the activity does not allow social distancing, those involved shall make use of protective equipment appropriate to the level of risk as adequate protection.
- b. What are the new food/craft services protocols? Are they different from above?
 - In cases where the nature of the work does not allow social distancing or the use of protective equipment (e.g. actors/actresses) specific security measures shall be designed for each particular case based on the recommendations of the health authorities.
 - There shall be recommendations to ensure that transfers to the working spaces are carried out with the least possible risk, and workers will inform of the means of transport they will use in each case.
 - In the case of make-up, hairdressing and clothing activities, the protective equipment must be appropriate to the level of risk to ensure the protection of all.
 - Measures shall be implemented to ensure that garments are sanitized before being made available to other people.
- c. What sanitary products are necessary?
 - The new legislation does not specifically deal with them, but the ICAA Best Practice Guide does: <http://www.culturaydeporte.gob.es/dam/jcr:223c5bc7-ee65-4759-a99f-7f052c187366/gui-a-de-buenas-practicas-producciones-rodajes.pdf>.
 - Hydroalcoholic sanitizers
 - Protective equipment (e.g. masks, gloves, PPE)
- d. What specific COVID-19 riders are provided by production facilities related to COVID-19?
 - No standard mandatory riders have been approved by the Spanish authorities for production facilities. General warnings and message can be found at the ICAA Best Practice Guide: <http://www.culturaydeporte.gob.es/dam/jcr:223c5bc7-ee65-4759-a99f-7f052c187366/gui-a-de-buenas-practicas-producciones-rodajes.pdf>.
- e. Is it necessary to place signs?
 - Information signs including hygiene measures and any other message deemed appropriate to ensure compliance with hygiene and prevention measures against COVID-19, should be installed on the shoot.
 - The production company must make available to the members of the production the adequate prevention elements for their work.
 - The minimum social distance shall be marked on the floor, or through the use of beacons, signs and signals.



8. What general contractual principles must be considered?

- a. How are force majeure, impracticability and impossibility defences relating to performance of contracts involved?
- The Spanish Government has considered COVID-19 to be a force majeure event in the context of employment law procedures in certain circumstances, but this statement has no direct impact on civil and commercial contracts.
 - Force majeure scenarios are regulated for civil and commercial contracts by Article 1105 of the Spanish Civil Code. Under this Article, the parties of a contract shall not be deemed liable if they cannot perform their obligations due to an event that was totally unpredictable or that, even if predictable, was impossible to resist. Mandatory prohibitions to run a business activity could, in some cases, match this profile, but careful analysis is required. This is not only because many apparent force majeure scenario may not be fully aligned with the conditions set by Article 1150 of the Spanish Civil Code, but also because, further to Spanish case law, if an obligation in particular is not impeded by the force majeure event, liability could be still present.
 - The parties are allowed to change the by-default regime and set entirely new rules to deal with force majeure scenarios.
 - For practical purposes, force majeure, impracticability and impossibility would overlap under Spanish Law. Conversely, there would be room in some cases for considering the Spanish equivalent of Hardship (*rebus sic stantibus*) and of the *non-adimpleti contractus/non rite adimpleti contractus* exceptions.
- b. What notices are required under contract?
- It depends on the drafting of each contract. Spanish law on force majeure does not require explicitly to issue any notice (although this may be convenient to establish the existence of a force majeure event formally).

c. Is an application to the resumption of contracts suspended due to COVID-19? What are the impacts?

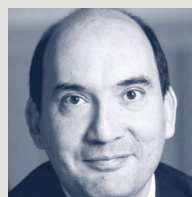
- Under Spanish law, once the cause of force majeure is over, performance should be resumed without any need for notification. However, some contracts may require it (and is a good way to set a common ground of understanding for the parties of the contract).



9. What are the travel restrictions?

- As of July 2020, the landscape on travel restrictions is rather complex in Spain. EU internal borders have re-opened but travel outside the EU is still restricted except for a very limited list of countries. At the same time, outbreaks in certain areas of Catalonia and Galicia have obliged the authorities to restrict travel from/to these areas.

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Sweden



1. Local general COVID-19 resources and data:

Official government resources for key territories

a. Swedish Government, <https://www.government.se/government-policy/the-governments-work-in-response-to-the-virus-responsible-for-covid-19/>

b. Swedish Work Environment Authority, <https://www.av.se/en/health-and-safety/illnesses-disease-and-microbiological-risks/risk-of-diseases-in-the-workplace/coronavirus-and-workplace-safety-and-health/>

c. Swedish Tax Agency, <https://skatteverket.se/servicelankar/otherlanguages/inenglish/businessesandemployers/informationforcompaniesinconnectiontothecoronavirus.4.1c68351d170ce55452715e4.html>

d. Public Health Agency of Sweden, <https://www.folkhalsomyndigheten.se/the-public-health-agency-of-sweden/communicable-disease-control/covid-19/>

e. Emergency Information from Swedish Authorities, <https://www.krisinformation.se/en/hazards-and-risks/disasters-and-incidents/2020/official-information-on-the-new-coronavirus>

f. Government Services for Businesses, <https://www.verksamt.se/en/web/international/running/important-information-to-entrepreneurs-due-to-the-corona-virus>

For information about other jurisdictions, please visit our [Coronavirus Resource Center](#) or contact us.



2. What governing laws, regulations, orders, ordinances and decrees apply, where applicable?

a. Are there any Country and City orders? If so, what and how do they apply?

- Relevant restrictions and prohibitions have been issued on a central level, however, the Swedish Regions and municipalities may implement certain healthcare measures or other COVID-19 related measures on a regional/municipal level. For more information on such measures, see the relevant municipality and/or region's information website.

• For Stockholm:

- <https://start.stockholm/aktuellt/nyheter/2020/03/information-in-other-languages-regarding-the-coronavirus/>; and
- <https://www.1177.se/en/Stockholm/other-languages/other-languages/>

For general information, visit <https://www.folkhalsomyndigheten.se/the-public-health-agency-of-sweden/communicable-disease-control/covid-19/>.

b. General

- Summary of restrictions and prohibitions imposed in Sweden by the public authorities, <https://www.krisinformation.se/en/hazards-and-risks/disasters-and-incidents/2020/official-information-on-the-new-coronavirus/restriktioner-och-forbud>
- Information on rules and regulations affecting Swedish business owners and entrepreneurs, <https://www.verksamt.se/en/web/international/running/important-information-to-entrepreneurs-due-to-the-corona-virus>

For more information on business-specific legal issues, see <https://sweden.dlapiper.com/en/landing/information-about-coronavirus-covid-19> and <https://www.krisinformation.se/en/hazards-and-risks/disasters-and-incidents/2020/official-information-on-the-new-coronavirus>.



3. How do penalties for non-compliance apply?

- Penalties may vary from civil penalties (penalty fees, fines, orders to suspend business operation, revocation of licenses, etc.), e.g. breaches of work environment regulations, to criminal enforcement (fines or possible imprisonment) for serious breaches of work environment regulations or violations of the prohibition to organize public events or gatherings.



4. What general considerations in engaging cast and crew must you provide?

a. Testing (e.g. before shooting and during production)

- There is no general obligation under Swedish work environment law and regulations or any other regulation to carry out COVID-19 testing of employees. Employees are

not required to provide a negative COVID-19 test before returning to work. Given that there is no general obligation to carry out testing of employees, processing of personal data from the testing for this purpose may be in breach of the GDPR and employers should carefully consider collection of any such data.

b. Health questionnaires

- There are no specific applicable regulations or guidelines. However, if an employer assesses that an employee is in a risk group based on a specific disability, disease or other circumstance (e.g. pregnancy) which will make the employee more vulnerable to the virus, employers should take precautionary measures in each specific case to fulfil its obligations relating to ensuring a safe work environment. The same concerns regarding the collection of sensitive personal data under 2a, above apply to information collected via health questionnaires.

c. Riders

- Riders cannot waive an employer's obligation to ensure a safe work environment or otherwise waive statutory rights granted to employees e.g. sick pay, health and unemployment benefits under the Social Insurance Code or employment law.

d. Temperature and wellness checks

- Provided that there is nothing else agreed between the parties, an employee must give consent to be tested for the virus or otherwise undertake health tests and wellness checks.

e. Quarantines; Mandated isolations from family and friends for the duration of the shoot

- The Public Health Agency's guidelines urge anyone who is showing symptoms of cold or flu to stay at home to minimize the risk of spreading the disease to others, and an employer has an obligation to ensure a safe work environment. During the current pandemic, this includes an obligation to minimize the infection risk in the workplace. An employer, therefore, has a legal basis to order an employee to work remotely and/or possibly impose isolation as a requirement for an employee to be allowed on set. However, the employer's remedy is limited to not allowing an employee to enter the workplace. An employer has no legal mandate to force an employee to isolate him/herself from family and friends and may not punish or otherwise negatively treat an employee who does not adhere to such instructions.

- Since COVID-19 is classified as dangerous to society, county medical officers may decide to quarantine an individual. However, putting someone in quarantine is a forceful intervention, strictly regulated in the Communicable Diseases Act, and if a less intrusive intervention is possible, it shall always prevail.

f. Training and supplies (e.g. masks, gloves, disposable makeup supplies, etc.)

- An employer is always obligated to protect its employees against work environment risks. The employer shall undertake a risk assessment to determine if any protective measures should be taken and the choice of protective measures must be adapted to the current general knowledge and which duties that need to be executed. The employer may, therefore, depending on the circumstances, need to provide both necessary training and protective supplies to mitigate any infection risk.
- There are currently recommendations from the Public Health Agency of Sweden, the European Centre for Disease Prevention and Control (ECDC), and the World Health Organization (WHO) on which personal protective equipment protects against COVID-19. An employer who chooses to use other personal protective equipment than what is recommended by these organizations must be able to show the grounds of that assessment.
- In the Swedish Work Environment Authority's provisions on risks of infection (AFS 2018:4), it is required that personal protective equipment is used if the employee risks exposure to bodily fluids. The provisions include a list of examples of personal protective equipment. The fact that surgical masks, for example, are not included in the list shall not be interpreted as if these are not necessary. The choice of protective equipment depends, among other things, on how the virus may be transmitted, the consequences for the employee if infected by the virus, the work elements performed, and for how long the employee is risking exposure to the virus. The provisions also include the absolute requirement that respiratory protective equipment shall be used for work elements that carry a risk of serious airborne infection.

g. Worker safety rules regarding potential exposure

- An employer has a legal obligation to ensure a safe work environment for its employees. This entails an obligation to conduct a risk assessment of tasks and situations that may expose employees to COVID-19 or otherwise result in a higher infection risk. The employer should adopt a plan for how to deal with infections and/or suspected cases

of infections in its business. The employer is obligated to assess and deal with other circumstances relating to COVID-19, such as employee concerns about infection risks. The employer is, under certain circumstances, obligated to document and inform the Swedish Work Environment Authority of confirmed cases of infection in the workplace.

h. Worker concerns – refusals to work

- In general, employees have no right to refuse to come into work (or perform their job) if they, in their own opinion, feel unsafe due to COVID-19. If, however, an employee's fear of COVID-19 is connected to a specific disability, disease or other circumstance (e.g. pregnancy) which will make the employee more vulnerable to the virus, employers should take precautionary measures in each specific case to fulfill its obligations relating to ensuring a safe work environment. Given the current extraordinary circumstances, an employer should consider allowing employees to work remotely if possible.

i. Privacy laws vs. obligation to keep staff informed of any outbreaks

- General rules regarding employee privacy still apply. Any information regarding employees' health is considered sensitive personal data under the GDPR and the limitations for processing of such data will apply.
- Relevant categories of personal data that is not considered sensitive that the employer may collect and disclose if necessary:
 - That an employee has visited a high-risk country
 - That an employee is quarantined
 - That an employee is infected with the virus (must not name the person if not strictly necessary)
 - That certain employees are working remotely
 - That an employee has called in sick (may however not disclose that this is due to infection of the virus if not strictly necessary)
- An employer must provide sufficient information (taking into consideration employee privacy concerns) to protect their employees against work environment risks and ensure a safe work environment.



5. What employment law and union/guild considerations must be taken into account with respect to the resumption of production activities?

a. What union/guild is involved?

- The Swedish Union for Performing Arts and Film may be involved as the actors' union.
- General obligations in regards to affected unions:
 - An employer must continuously inform the unions about the development and status of the operations as well as provide updated employee guidelines. Such information shall be sufficiently exhaustive for the unions to ensure employees' rights and affect the operations. This requirement is applicable in relation to all unions with which an employer has entered into a collective bargaining agreement or otherwise to unions that have members working for the employer.

b. How can you address tension between social distancing and mandated union/guild rules regarding certain number of production positions on major film sets?

- To our knowledge there are no such activities currently being undertaken. Any future negotiations will take place between a concerned union and the employer, most likely on an ad-hoc basis for a specific event that has actualized.

c. What are the applicability of employment laws and regulations?

- Employment (Co-Determination in the Workplace) Act, <https://www.government.se/government-policy/labour-law-and-work-environment/1976580-employment-co-determination-in-the-workplace-act-lag-om-medbestammande-i-arbetslivet/>
- The Work Environment Act, <https://www.av.se/en/work-environment-work-and-inspections/acts-and-regulations-about-work-environment/the-work-environment-act/>
- Swedish Work Environment Authority Guidelines, <https://www.av.se/en/health-and-safety/illnesses-disease-and-microbiological-risks/risk-of-diseases-in-the-workplace/coronavirus-and-workplace-safety-and-health/>



6. What are the general considerations for filming on location or outdoors?

a. How do social distancing and public assembly issues apply?

- The Swedish Government has issued a prohibition to hold public gatherings and events with more than 50 participants. Public gatherings include, for example, lectures, gatherings for religious practice, theatre performances, cinema screenings, concerts, sporting events, dance performances, markets and fairs. Anyone who organizes an event in violation of the prohibition may be sentenced to a fine or imprisonment for a maximum of six months. Private events are not covered by the prohibition, and a gathering of more than 50 workers on location will not be subject to the aforementioned prohibition. It is however advised that private events also adhere to the 50 person-limit.

b. What are the new food/craft services protocols?

- There are no directly applicable regulations. However, the Public Health Agency has issued an ordinance for restaurants and cafes which stipulates that visitors may only eat seated by a table or otherwise collect take-away and that serving standing customers by the bar, for example, is not allowed. The purpose is to limit any crowding and ensure safe distance between customers.
- The obligations for the employer to ensure a safe work environment will apply and the employer may, therefore, depending on the risk of infection in a given situation, need to undertake precautionary measures to mitigate any such risks.



7. General considerations for filming on stages or at production facilities?

a. How do social distancing issues apply?

- There are no applicable restrictions for companies to conduct their operations in a company's own facilities. Businesses are only required to close their properties due to decisions made by the government or the Swedish parliament and filming in a production facility does not constitute a violation in itself of any applicable restrictions and does not risk enforcement. A gathering of more than 50 workers in a production facility will not be subject to the aforementioned prohibitions on public gatherings.
- Notwithstanding the aforementioned, The Public Health Agency recommends that all employees should work remotely to the extent it is possible for the employee to

perform their tasks from home or another external location. The abovementioned obligations for the employer to ensure a safe work environment will also apply.

b. What are the new food/craft services protocols?

- See 6b, above.

c. What sanitary products are necessary?

- An employer is always obligated to protect its employees against work environment risks. The employer shall undertake a risk assessment to determine if any protective measures should be taken and the choice of protective measures must be adapted to the current general knowledge. The employer may, therefore, depending on the circumstances, need to provide sanitary products as well as personal protective equipment. It is recommended to always provide basic sanitary products such as disinfectant.



8. What general contractual principles must be considered?

a. How are force majeure, impracticability and impossibility defences relating to performance of contracts involved?

- There is no general statutory rule in, for example, the Contracts Act regarding force majeure. Force majeure is a relatively narrow exemption rule under Swedish law and as control responsibility is a generally applicable principle under Swedish contract law, a contracting party must expect to have to fulfil its obligations under the agreement even if financial circumstances change. The main rule under Swedish law is that agreements must be kept, however, it is possible that a party may be exempt from its obligations due to impossibility/impracticability. If performance of the contract is practically or economically impossible a party may be exempt from its obligations to perform under the contract, however, this is a very restrictive exemption and is rarely upheld by the Swedish courts.
- If the COVID-19 event would constitute force majeure, COVID-19 must be the cause of the non-fulfilment of the contractual obligation. The obstacle caused by the event could also not reasonably have been avoided. It is generally not enough to be in a financially worse position as a result of the event or that it will be difficult to fulfil the agreement in order to invoke force majeure. For example, it may be necessary to hire extra staff or make use of other suppliers if the prevented party is unable to fulfil the contract itself, even if it involves a considerable cost increase.

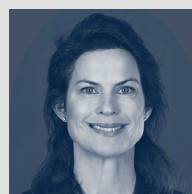
- The COVID-19 event may be a force majeure event within the framework of an agreement concluded prior to December 2019 when COVID-19 became known. It does not, however, mean that the COVID-19 event necessarily would constitute force majeure in relation to an agreement that is entered into in, or after, May 2020. At this time the virus has already gained the status of a pandemic and its far-reaching consequences are very well known. The COVID-19 should now be considered a circumstance that should reasonably be expected in contract negotiations.
- The following requirements should, as a minimum, be met in order for a party to be able to rely on force majeure:
 - a contractual performance must have been prevented e.g. in the case of payments, the payment is not hindered by COVID-19 in itself and the fact that the performing party has smaller margins or otherwise low liquidity due to COVID-19 is not an event that in itself obstructs payment, provided that banks remain open;
 - the obstacle must be a circumstance beyond the party's control e.g. measures taken by public authorities but should not apply to any circumstances that could have reasonably been avoided by the performing party (e.g. amassing a liquidity reserve instead of expanding its operations);
 - the party cannot reasonably have been expected to have anticipated or taken the circumstance into account at the time the agreement was entered into. The relevant time of expectation should be at the time the agreement was entered into, as stated above, COVID-19 should now be considered a circumstance that should reasonably be expected by a party; and
 - the consequences of the circumstance could not reasonably have been avoided e.g. having all suppliers in one country (due to reasons of costs) that is currently severely affected by COVID-19 should not constitute an event that could not have reasonably been avoided if there were other suppliers available. The lack of a back-up plan should consequently be attributable to the relevant party.



9. What other business considerations must productions take into account in recommending production or initiating new productions?

- What are the completion risks?
 - Completion risks may include virus exclusions in completion guarantees, warranties or covenants to limit future risk exposure to pandemics and/or other possible force majeure events.
- Are there any travel restrictions?
 - The Government has decided to stop non-essential travel to Sweden from countries outside the EU. The temporary entry ban is currently in force up to and including June 15, 2020. <https://www.government.se/press-releases/2020/05/extension-of-temporary-entry-ban-to-the-eu-via-sweden-due-to-covid-19/>.
 - Furthermore, the Public Health Agency guidelines provides that domestic travel should be undertaken only if necessary, that people belonging to a risk group should not travel or receive visitors and that anyone who is ill should not travel at all. As of June 13, 2020, travel restrictions within Sweden for healthy individuals without symptoms of illness will be withdrawn.
- What other questions pertain to your jurisdiction?
 - In addition to what has been stated above it should be noted that the Swedish approach to the COVID-19 outbreak is in many aspects less restrictive than that in other countries affected by the virus. Sweden heavily relies on recommendations about social distancing rather than restricting people's movements, and many businesses remain up and running, including cafes and bars.

Key contact



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United Arab Emirates (“UAE”)



1. Local general COVID-19 resources and data

Official government resources for key territories

- UAE, Supreme Council for National Security, <https://covid19.ncema.gov.ae/en>
- UAE, Ministry of Human Resources, <https://www.mohre.gov.ae/en/media-center/corona-virus-covid19-procedures.aspx>
- UAE, Ministry of Health and Prevention, <https://www.mohap.gov.ae/en/Pages/default.aspx>
- UAE, Emirates News Agency, https://wam.ae/en/occasion/coronavirus_updates

For information about other jurisdictions, please visit our [Coronavirus Resource Center](#) or contact us.



2. What governing laws, regulations, orders, ordinances and decrees apply, where applicable?

- Please note that the situation is extremely fluid in the UAE, with both the strict legal position and the advice issued by government ministries remaining under constant review, with media reports of key decisions often coming days ahead of official publication, which leaves a degree of uncertainty. The laws and advice issued by government ministries, both at a Federal and an Emirate level, are also subject to interpretation and application by the local authorities which are tasked with applying those on the ground. Such application may not always be consistent given the pace of change. As result, we recommend exercising caution before proceeding with any production activities whilst the present situation prevails, in particular when they take place in public spaces.

a. Federal laws and materials

- The key pieces of legislation introduced at a Federal level in an effort to prevent the spread of Coronavirus in the UAE and which may affect those engaged in film and production work include:
 - Cabinet Resolution No. 17 of 2020;
 - Cabinet Resolution No. 38 of 2020 (as amended by Decision No. 54/2020) (the “Cabinet Resolution”). This Resolution sets out the fines for breaching the restrictions set out under Cabinet Resolution No. 17 of 2020;

- Minister of Human Resources & Emiratization issued Resolution No. 281 of 2020 (the “MOHRE Resolution”);
- UAE Federal Law (3) of 1987 Promulgating the Penal Code (“UAE Penal Code”)
- UAE Federal Law (5) of 1985 (as amended) (“UAE Civil Code”); and
- UAE Federal Law No. 14 of 2014 on communicable diseases (the “Communicable Diseases Law”), as amended and expanded by Cabinet Resolution 33 of 2016.

b. State laws

- Whilst the primary legislation applicable sits at the Federal level, Emirate level ministries and commissions continue to issue guidance on a regular basis as the situation develops. This guidance may on occasion be printed, but is often communicated via a press conference before being communicated to the general public through media reports. Useful information at an Emirate level can be found at the following primary sources:

Abu Dhabi

- Abu Dhabi Department of Health, <https://doh.gov.ae/>;
- Abu Dhabi Film Commission (“ADFC”), <https://www.film.gov.ae/en/>;
- Government of Abu Dhabi, <https://www.tamm.abudhabi/en/media>; and
- Twofour54, Abu Dhabi Media Free Zone, <https://www.twofour54.com/en/>

Dubai

- Dubai Health Authority, <https://www.dha.gov.ae/en/pages/dhahome.aspx>;
- Dubai Film and TV Commission (“DFTC”), <http://www.filmDubai.gov.ae/>; and
- Government of Dubai, <https://secureportal.dubai.gov.ae/en/Pages/default.aspx>.

This information is correct as at Tuesday 7 July 2020.



3. How do penalties for non-compliance apply?

- Under the Cabinet Resolution fines of between AED 1,000 and AED 50,000 can be issued. Those which may be relevant include an:
 - AED 3,000 fine for any person leaving their home during the curfew hours in force at the time, except for necessary matters such as buying food, medicine, and dealing with health emergencies. As at July 8, 2020 there is no longer a curfew in place within the UAE, however, this remains subject to regular review and the position may change in the coming weeks and months. Interestingly, the ADFC Guidance suggests that: *"Shooting should be scheduled where possible to avoid sterilization periods or other curfews imposed by the authorities"*. There does not however appear to be any clear legal basis for this departure from the strict rule;
 - AED 5,000 for the owner of a company, establishment or workplace where employees are not wearing masks or observing social distancing measures. In addition, there is a AED 500 fine for employees who do not observe those rules;
 - AED 3,000 for failing to comply with maximum capacity rates for the number of employees allowed inside a facility, commercial establishment or company workplace. At present the maximum capacity restrictions, which are set at 30% under the MOHRE Resolution, have been removed in Dubai, whilst they appear to remain in force within the other Emirates. Note that regardless of any capacity restrictions in force, it is still necessary to ensure that social distancing precautions are in place, meaning that where it is not possible to ensure that employees can work in a socially distanced manner for an organisation operating at full capacity, capacity should be reduced accordingly; and
 - AED 10,000 fine for whoever invites or organizes gatherings, meetings, private or public celebrations in public places or private farms. Participants at such gatherings may also be subject a fine of AED 5,000. Whilst not expressly set out within the Cabinet Resolution, it is likely that holding a filming permit issued by the relevant authority would prevent the issuance of such a fine, provided that the permit requirements were complied with.
- Fines may also be doubled for those found to be repeating the violation.
- Under the Communicable Diseases Law, individuals are under a personal duty not to transmit the disease (even if they are asymptomatic), not to travel if they suspect they have it, to seek medical treatment, and not to deliberately transmit the disease, which could mean going out of their home unnecessarily. Penalties vary but can go up to five years imprisonment and AED50,000 to 100,000 fine.



4. What general considerations in engaging cast and crew must you provide?

The ADFC and the DFTC have each recently issued guidance (See ADFC Guidance here: <https://www.film.gov.ae/en/filming-in-abu-dhabi/covid-19-guidelines-for-shooting/> and Appendix 1 for the DFTC Guidance) on the topics set out below which will apply to any productions taking place in each of those Emirates immediate future.

a. Testing (e.g. before shooting and during production)

- As per the National Media Council circular No (10) of 2020 ("NMC Circular") all crew members must undergo [COVID-19 testing](#).

ADFC Guidance

- Productions should check with their studio facility or shooting locations in advance regarding specific site requirements (e.g. COVID-19 Testing).

b. Health questionnaires

- Employers may issue health questionnaires but employees are under no obligation to respond.

c. Riders

ADFC Guidance

- Productions should check with their studio facility or shooting locations in advance regarding specific site requirements.
- Those filming in other Emirates would be well advised to take similar steps.

d. Temperature and wellness checks

ADFC Guidance

- Conduct temperature checks for all persons at entry points before starting work.
- Anyone exhibiting signs of fever, coughing or illness should not be permitted entry on set.

DFTC Guidance

- Temperature checks must be undertaken at all entry points.
- Anyone showing symptoms of COVID-19 should not be permitted on set.

e. Quarantines; Mandated isolations from family and friends for duration of the shoot

- There is no suggestion within any of the applicable guidance that there should be mandated isolation from friends and family for the duration of the shoot.
- Where an individual has tested positive for COVID-19 then they must enter into self isolation until they are given permission to no longer self isolate by the applicable Emirate level health ministry. Those in self quarantine as a result of a positive COVID-19 test must also download the Al Hosn mobile app (see here: <https://www.ncema.gov.ae/alhosn/index.html>) for the duration of their self isolation.

f. Training and supplies (e.g. masks, gloves, disposable makeup supplies, etc.)

ADFC Guidance

- Hand sanitizer, hand washing stations and COVID-19 signage/posters should be posted at points of entry and common areas.
- Crew are required to wear masks and gloves at all times on set.

DFTC Guidance

- Hand sanitizers must be made available at all entry points in common areas.
- For make-up sessions, both talent and make-up artists are required to wash and sanitize their hands. Applicators cannot be reused, this applies to products such as mascara, lipsticks, etc. The work-station must be sanitized and disinfected in between each user.

g. Worker safety rules regarding potential exposure

- As per the NMC Circular, productions must limit entry on set to essential personnel only.

ADFC Guidance

- Require regular maintenance, sterilization and disinfection of the following: props, equipment, contact surfaces, costumes, work stations, make-up and hair appliances, cars used for production and common room areas.
- Equipment, props, costumes, make-up and hair appliances are to be kept in individual labelled cast bags.
- Limit the number of individuals to be seated in cars for production for transport and shooting.

- Encourage social distancing at all times.
- Avoid all non-essential physical contact between cast and crew.
- Divide the set/common areas into sections with teams isolated from each other.
- Each department to be given access to the set/common area at timed intervals.
- No under 18s or over 60s on set.
- Limit shoot days to a reasonable number of hours per day.

DFTC Guidance

- No under 18s or over 60s are permitted on set.
- All filming sets, indoor or outdoor, must not exceed more than 10 crew members.
- Casting must be conducted remotely over video conferencing or by sending footage.
- All workstations used by more than one person should be sanitized and disinfected between each user.
- The production company is responsible for frequently disinfecting contact surfaces and equipment that is handled by multiple people.
- Seating should be arranged keeping two meters between seats and tables.
- Regular awareness sessions and communications must be made to all crew.

h. Worker concerns – refusals to work

- Such situations would be required to be handled on a case-by-case basis, by reference to the individual's employment contract. Provided that the production company has taken adequate preventative measures which meet the requirements imposed by government entities and the applicable film commission, it is likely that the employee would technically be required to attend work pursuant to their employment contract. However, in the event that an employee did not wish to do so, it is highly unlikely that they could be compelled to do so. More likely, the employer may be entitled to not pay the individual employee who is refusing to attend work for those days which they do not attend.

i. Privacy laws vs. obligation to keep staff informed of any outbreaks

- Whilst there is no consolidated data protection law in the UAE, Article 379 of the UAE Penal Code may be interpreted as preventing the disclosure of a member of staff's positive test result to other team members without the consent of the individual. A breach of this provision is punishable by criminal penalty of imprisonment of a minimum of one year, or a fine of a minimum of AED 20,000 or both.
- Under Decision No 54/2020 a fine of AED 20,000 may be issued for "*disclosing...health data or information about individuals who have tested positive, are undergoing treatment, or examination with the health authorities*". This does not apply to disclosure to governmental health authorities. In fact, any suspected cases of COVID-19 must be reported to the relevant health authority immediately (there is a general reporting obligation on any adult individuals who come into contact with a suspected case of COVID-19).
- However, employers also have a duty to ensure the health and safety of their employees, as required under Federal Law No 8 of 1980.
- Given the tension between the obligations cited above, we would suggest that, in the event that a staff member tests positive, this news is communicated to the rest of the crew without naming the individual affected. Whilst the conspicuous absence of a particular crew member would potentially allow other crew members to draw their own conclusions with regards to the affected individual, taking this approach would put the production company in the safest position from a compliance standpoint.



5. What employment law and union/guild considerations must be taken into account with respect to the resumption of production activities?

a. What union/guild is involved?

- Trade unions are prohibited under UAE law. Membership in an unauthorized trade union and industrial action are both criminal offenses under UAE law for which an individual could be fined and imprisoned, and, in the case of expatriate workers, deported.

b. How can you address tension between social distancing and mandated union/guild rules regarding certain number of production positions on major film sets?

- To the extent that there are any union or guild rules which would apply to production companies based outside of the UAE but filming within the UAE, any tension between such rules and the laws of the UAE would need to be resolved in favour of the latter. Producers may seek to negotiate specific parameters within which they can operate which deviate from the guidance issued by the DFTC and/or ADFC, but to the extent that any restrictions are contained within UAE legislation, the DFTC and/or ADFC would not have the power to permit any such deviations.

c. What are the applicability of employment laws and regulations?

Federal Level

- The MOHRE Resolution requires private-sector employers to reduce their workforce physically present at business premises to the minimum necessary for business operations, subject to a maximum amount of 30% of total workforce being in attendance. The media industry does not currently fall within the list of exempted vital industries under this Resolution although, in Dubai it would appear that this MOHRE Resolution is no longer being applied, despite technically remaining in force.
- Prior to the issuance of the MOHRE Resolution, the National Media Council reportedly issued guidance to its members, also requiring a 30% cap on workforce members attending business premises. As far as we are aware, this guidance has not been withdrawn, although its applicability in Dubai is now likely to have been superseded by the announcement described below.

Emirate Level

- Note that on June 2, the Dubai Media Office announced that private organizations in Dubai are now permitted to operate at 100% capacity, which appears to override the position under the MOHRE Resolution, as stated above. For the other Emirates, including Abu Dhabi, the position still appears to be that which is provided for under the MOHRE Resolution.



6. What are the general considerations for filming on location or outdoors?

a. How do social distancing and public assembly issues apply?

Federal Level

- As noted in 3. under Decision No (54) of 2020 a fine of AED 5,000 may be issued against the owner of a company, establishment or workplace where employees are not wearing masks or observing social distancing measures. In addition, there is a AED 500 fine for employees who do not observe those rules. There is no express exemption which would apply to production companies filming on location. In addition, there is no express exemption for actors, although it would be reasonable to assume that, where a filming permit is granted, that the actors on screen would not be required to wear masks or socially distance.
- In addition, there is a risk that a production shoot would risk falling foul of the prohibition against organizing a “gathering”, which comes with an AED 10,000 fine under the Cabinet Resolution when breached. Such activity may be permissible where a permit has been granted by the relevant authorities, namely, the NMC and/or the relevant Emirate level film commission, as applicable. However, close attention should be paid to the conditions of the permit and careful consideration should be given as to whether the proposed filming activity can be undertaken within its parameters.

Emirate Level

- Under the DFTC Guidance there is a ten person crew limit, which applies whether filming indoors or outdoors. In addition, the DFTC Guidance provides that seating should be arranged keeping two meters between seats and tables.

b. What are the new food/craft services protocols?

- Under the ADFC Guidance all meals and drinks must be served and packaged as single serving portions. Before bringing meals on set, disposable cutlery and packaging should be disinfected.
- Under the DFTC Guidance all meals must be served as single serving portions and distributed in such fashion as to avoid surface contamination. Buffets are not permitted. In addition, any person handling food should thoroughly wash their hands and wear gloves.

c. Other considerations

- The Cabinet Resolution prevents individuals from leaving their home or otherwise travelling during the curfew times, as announced by the relevant authorities from time to time, with the applicable fine described in 3. applying where this restriction is not complied with. As noted above, at July 8, 2020 there is no longer a curfew in place within the UAE. However, this remains subject to regular review and the position may change in the coming weeks and months. Workers from “vital sectors” are exempt from this restriction. The “vital sectors” called out under Decision No. 54/2020 do not include those working in media or production.



7. What are the general considerations for filming on stages or at production facilities?

a. How do social distancing issues apply?

- As per 6 (a).

b. What are the new food/craft services protocols? are they different from above?

- As per 6 (b).

c. What sanitary products are necessary?

- As per 4 (f) and (g).

d. What specific COVID-19 riders are provided by production facilities related to COVID-19?

- It is yet to be seen what specific riders will be applied by individual production facilities. It is likely that most will simply seek to ensure that the ADFC and DFTC Guidance are followed (as applicable).



8. What general contractual principles must be considered?

a. How are force majeure, impracticability and impossibility defenses relating to performance of contracts involved?

- Under the UAE federal law, the UAE Civil Code recognises:
 - The doctrine of force majeure (Articles 273, 274, 287, 386 and 472); and
 - The doctrine of change in circumstances (in other words, hardship) (Article 249).
- What amounts to an event of force majeure is not defined in the Civil Code (or anywhere else) and so the specific contractual language is important. If the contract is silent (or ambiguous) as to what constitutes a force majeure event, then it will be for the court (or arbitrator, as applicable) to determine whether the existence and effects of COVID-19 constitutes force majeure under the Civil Code. It is worth noting that the requirement under the Civil Code is that the force majeure event renders performance of contractual obligations “impossible”, which is a high standard (and will again depend on the specific obligations under the agreement which are affected).
- It is possible (and perhaps more likely) that the current COVID-19 pandemic could satisfy the requirements of article 249 of the UAE Civil Code:

“If exceptional events of a public nature which could not have been foreseen occur as a result of which the performance of the contractual obligation, even if not impossible, becomes oppressive for the obligor so as to threaten him with grave loss, it shall be permissible for the judge, in accordance with the circumstances and after weighing up the interests of each party, to reduce the oppressive obligation to a reasonable level if justice so requires, and any agreement to the contrary shall be void.”

- The requirement here is that the contract becomes oppressive (rather than impossible, and so a lower standard than force majeure). COVID-19 is objectively an “exceptional event of a public nature which could not have been foreseen”. Again, however, whether it has led to the contractual obligations becoming ‘oppressive’ will depend on the specifics of the obligations set out in the Agreement.

- There is no one size fits all in these circumstances and so beyond the stated general overview, a careful analysis of any relevant agreement is necessary in order to consider whether force majeure/hardship may apply.

b. What notices are required under contract?

- There are no specific notice requirements under the Civil Code for a party seeking to rely upon the doctrine of force majeure to avail itself from performing its contractual obligations. Any notice provisions set out under the contract in question should therefore be followed. In the absence of any notice provisions within the agreement, any notice given to a contractual counterparty should generally be given in writing, for evidential purposes.

c. Is an application to resumption of contracts suspended due to COVID-19? What are the impacts?

- Neither the doctrine of force majeure, nor the doctrine of change in circumstances operate to suspend contractual obligations under UAE law.
- Article 273(1) of the Civil Code provides that if a force majeure event supervenes that renders performance of a contract impossible, all contractual obligations will cease and the contract will be automatically cancelled. Under Article 273(2), in cases where the force majeure event renders only part of the obligations impossible to perform, only that part of the contract will be extinguished and the remainder will continue in effect.
- It is of course possible that a contract could provide for a suspension of certain obligations in the event that a force majeure event occurred. Under such circumstances the resumption of those obligations which were suspended would be determined by the provisions of the contract in question.
- Article 249 also serves to void the terms of an agreement, where it applies (as described previously).



9. What other business considerations must productions take into account in resuming productions or initiating new productions?

a. What are the completion risks?

- Completion bonds, production package and related coverages are increasingly including COVID-19 and other virus exclusions in completion guarantees issued to banks and other beneficiaries. This will place the risk on financiers and other industry participants funding the production of content with respect to production delays or suspensions as a result of the present or future pandemics.

b. Are there any travel restrictions?

- Limited commercial flights are now operating in and out of Dubai and Abu Dhabi.
- The most recent official guidance suggests that visitors arriving at Dubai airport will not have to quarantine on arrival, subject to complying with the following conditions:
 - meeting all requirements for entry into the UAE, which we would note are subject to regular change;
 - downloading the COVID-19 DXB app (which we understand to be the same as the Al Hosn app, cited above) and registering the individual's details on it;

- completing the Health Declaration Form before embarking on a flight;
- having valid health insurance in place; and
- doing a HYPERLINK "<https://www.wam.ae/en/details/1395302839667>" Polymerase Chain Reaction test for COVID-19 within four days (96 hours) of departure and providing evidence of that at the airport.

Note that the position on international travel, and in particular the requirements upon entry, is being updated on a sometimes daily basis.

The most up to date requirements are reflected within the link below, although we note that sometimes guidance is updated in different locations and that it can sometimes take weeks before the guidance at this page is updated: <https://u.ae/en/information-and-services/justice-safety-and-the-law/handling-the-covid-19-outbreak/quarantining-to-fight-covid-19>.

Key contact



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UK



1. Local general COVID-19 resources and data in these areas:

Official government resources for key territories

- UK government, <https://www.gov.uk/coronavirus>

For information about other jurisdictions, please visit our [Coronavirus Resource Center](#) or contact us.



2. What governing laws, regulations, orders, ordinances and decrees apply, where applicable?

- The Health Protection (Coronavirus) Regulation 2020
- Health Protection (Coronavirus, Restrictions) (England) Regulations 2020
- The Coronavirus Act 2020



3. How do penalties for non-compliance apply?

- Police officers have been given powers to fine people for breaking public health regulations brought in by the UK Government in sections 51 and 52 and schedules 21 and 22 of the Coronavirus Act 2020 to prevent the spread of the virus. As at the date of publication of this questionnaire, in England those fines start at GBP100 for a first offence – reduced to GBP50 if paid promptly – through to a maximum of GBP3,200.



4. What general considerations in engaging cast and crew must you provide?

a. Testing (e.g. before shooting and during production)

- As of May 18, 2020, anyone in the UK over the age of five with symptoms of coronavirus is eligible for a test (they can choose between driving to a regional testing site or getting a home test kit). Further details can be found at <https://www.nhs.uk/conditions/coronavirus-covid-19/testing-for-coronavirus/>
- Note that there does not appear to be any specific requirements for testing before shooting and during production.

b. Health questionnaires

- For offices and contact centres and outdoor work, employers have been advised to monitor the wellbeing of people who are working from home and help them stay connected to the rest of the workforce, especially if the majority of their colleagues are on-site and to keep in touch with off-site workers on their working arrangements including their welfare, mental and physical health and personal security (<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/offices-and-contact-centres> and <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/construction-and-other-outdoor-work>)

e. Quarantines; Mandated isolations from family and friends for the duration of the shoot

- Individuals who have symptoms of COVID-19, as well as those who live in a household with someone who has symptoms, or those who are in a situation where someone in their support bubble has symptoms or has tested positive are advised to self-isolate, further details can be found here: <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/construction-and-other-outdoor-work#outdoors-2-2>. Therefore there is no specific requirement to isolate during the duration of a shoot unless the circumstances above apply to you.

f. Training and supplies (e.g. masks, gloves, disposable makeup supplies, etc.)

- Government guidance states that a two meter distance (or one meter distance with risk mitigation where 2 meters is not viable) should be maintained wherever possible, including while arriving at and departing from work, while in work, and when travelling between sites. The UK Government has identified five steps that businesses should be taking to ensure safe working.

1. Carry out a COVID-19 risk assessment

Before restarting work you should ensure the safety of the workplace by:

- carrying out a risk assessment in line with the HSE guidance;
- consulting with your workers or trade unions; and
- sharing the results of the risk assessment with your workforce and on your website.

This information is correct as at Tuesday 7 July 2020.

2. Develop cleaning, handwashing and hygiene procedures

You should increase the frequency of handwashing and surface cleaning by:

- encouraging people to follow the guidance on hand washing and hygiene
- providing hand sanitiser around the workplace, in addition to washrooms
- frequently cleaning and disinfecting objects and surfaces that are touched regularly
- enhancing cleaning for busy areas
- setting clear use and cleaning guidance for toilets
- providing hand drying facilities – either paper towels or electrical dryers

3. Help people to work from home

You should take all reasonable steps to help people work from home by:

- discussing home working arrangements
- ensuring they have the right equipment, for example remote access to work systems including them in all necessary communications
- looking after their physical and mental wellbeing

4. Maintain 2m social distancing, where possible

Where possible, you should maintain 2m between people by:

- putting up signs to remind workers and visitors of social distancing guidance
- avoiding sharing workstations
- using floor tape or paint to mark areas to help people keep to a 2m distance
- arranging one-way traffic through the workplace if possible
- switching to seeing visitors by appointment only if possible

5. Where people cannot be 2m apart, manage transmission risk

Where it's not possible for people to be 2m apart, you should do everything practical to manage the transmission risk by:

- considering whether an activity needs to continue for the business to operate
- keeping the activity time involved as short as possible
- using screens or barriers to separate people from each other

- using back-to-back or side-to-side working whenever possible
- staggering arrival and departure times point)reducing the number of people each person has contact with by using 'fixed teams or partnering'

- Workplaces have been advised to not encourage the precautionary use of extra PPE to protect against COVID-19 outside clinical settings or when responding to a suspected or confirmed case of COVID-19. Additionally, wearing a face-covering is optional and is not required by law, including in the workplace – <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/offices-and-contact-centres#offices-5-2>

g. Worker concerns – Refusals to work

- For individuals who are classed as “clinically extremely vulnerable” and are following Government shielding measures or for those who are ‘clinically vulnerable’ and therefore at higher risk of severe illness from coronavirus, an employer should not insist that they attend work, as doing so is likely to breach the duty to protect the individual's health and safety as well as the duty of trust and confidence.
- Individuals who are not advised to follow shielding measures but have an underlying health condition should be permitted to work from home if possible. If they cannot work at home, this should be dealt with on an individual basis and in consultation with the individual. Options to consider will include working from home, alternative duties, furlough, holiday or unpaid leave.
- For individuals who do not have a health condition but are reluctant to attend work, how to manage the situation will depend on the reason for their anxiety, the safety measures which the employer has put in place and the extent of consultation with employees about those measures. Ultimately an employer may be able to dismiss an individual who refuses to work if they have carried out a thorough risk assessment, implemented measures to reduce the risk in line with the workplace guidance, consulted with employees about the health and safety measures and consulted specifically with the employee about their concern. Note, however, that there is significant risk with taking such action given the specific protections against health and safety detriments and dismissals (see below).

h. Privacy laws vs. obligation to keep staff informed of any outbreaks

- Generally, all employers have health and safety obligations to keep employees informed about health risks that may arise in carrying out their duties and to ensure that working practices do not create undue risks to employees.



5. What employment law and union/guild considerations must be taken into account with respect to the resumption of production activities?

a. What union/guild is involved?

- BECTU (the Broadcasting, Entertainment, Communications and Theatre Union) has published [industry specific guidance](#) on returning to workplaces. Equity (Actors Union) and WGGB (Writers' Union) have also published information on COVID-19 for their members, but nothing specific on returning to work.

b. How can you address tension between social distancing and mandated union/guild rules regarding certain number of production positions on major film sets?

- The Government's COVID-19 Secure guidance (see below) –
 - requires that two metres of social distancing is maintained in the workplace wherever possible, or one metre with risk mitigation where two meters is not viable. This requirement must be observed in all aspects of work including while arriving at and departing from work, while in work and when travelling between sites; and
 - says that where social distancing is not possible, businesses should consider whether the particular activity needs to continue for the business to operate and if so, take mitigating action to reduce the risk of transmission between staff.
- Given the Government guidance, employers should seek to configure production sites to accommodate social distancing. It is recommended that the arrangements for a particular site should be implemented in conjunction with employees who will be working there both to comply with legal consultation obligations and in order to give staff confidence that it is safe for them to be at work. The recommendations in the [BECTU guidance](#) are likely to be useful both in identifying measures to be implemented, but also in addressing any tension between the number of production positions and the required safety measures. As well as ensuring staff are given relevant information and guidance before attending work so they understand the so

social distancing measures, they should also be notified of the risk of disciplinary sanctions if they fail to adhere to the requirements in place on-site.

c. What are the applicability of employment laws and regulations?

- An employer is under an obligation to do all it reasonably can to set up a safe system of work and to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all its employees.
- Employees (and arguably also the wider “worker” category of staff) cannot be dismissed or subject to a detriment (e.g. not being paid) for refusing to attend or for leaving their workplace because of a health and safety concern or because they bring a health and safety concern to their employer's attention.
- Specifically in the context of COVID-19, the Government has now published [COVID-19 Secure](#) guidance setting out measures for working safely. There are 12 separate guidance documents which cover: (1) Construction and other outdoor work; (2) Factories, plants and warehouses; (3) Homes; (4) Labs and research facilities; (5) Offices and contact centres; (6) Restaurants offering takeaway or delivery; (7) Shops and branches; (8) Vehicles; (9) Hotels/guest accommodation; (10) Heritage locations; (11) Close contact centres; (12) The visitor economy. Complying with the Government guidance, which focuses on ensuring workplace health and safety, is essential to avoid legal risk and to give staff confidence that it is safe for them to return to work.
- Although there is no specific guidance in relation to film sets, each of the Government's 12 guidance documents cover largely the same measures which employers should consider putting in place. In addition, it will be important to take into account the separate [BECTU recommendations](#). The general principles from the Government guidance are that employers should:
 - Increase the frequency of handwashing and surface cleaning.
 - Where working from home is not possible, make every reasonable effort to comply with the social distancing guidance, keeping people two meter apart wherever possible or one metre with risk mitigation where two metres is not viable.
 - Where the social distancing guidelines cannot be followed in full in relation to a particular activity, consider whether that activity needs to continue for the business to operate and, if so, take all the mitigating actions possible to reduce the risk of transmission between staff.
 - Further mitigating actions include:

This information is correct as at Tuesday 7 July 2020.

- Increasing the frequency of handwashing and surface cleaning
- Keeping the activity time involved as short as possible
- Using screens or barriers to separate people from each other
- Back-to-back or side-to-side working rather than face-to-face whenever possible
- Reducing the number of people each person has contact with by using fixed teams or partnering
- If people must work face-to-face for a sustained period with more than a small group of fixed partners, assess whether the activity can safely go ahead.



6. What are the general considerations for filming on location or outdoors?

a. How do social distancing and public assembly issues apply?

- As mentioned above, Government guidance states that a two meter distance (or one meter distance with risk mitigation where two meters is not viable) should be maintained wherever possible, including while arriving at and departing from work, while in work, and when travelling between sites.
- A DCMS spokeswoman has released the following statement: *"the government is working closely with the screen sector to understand how different types of productions can comply with social distancing guidelines, and give confidence to people in the TV and film industries that there are safe ways in which they can return to work."*
- The British Film Commission has put together draft production protocols to set out best practice on set and on location as part of a plan to allow production of inward investment TV shows and films to return safely following the easing of coronavirus restrictions in the UK.

The production protocols are comprehensive and cover how to deal with onset crew, cast and supporting artist numbers, workspace cleanliness, cast and stunts and crowd shoots and supporting artists to name a few. The overall objective of the protocols remains to provide guidance to manage COVID-19 specific risks in producing film and high-end TV drama in the UK (further details can be found here: <http://britishfilmcommission.org.uk/wp-content/uploads/2020/07/British-Film-Commission-Working-Safely-During-COVID-19-in-Film-and-High-end-TV-Drama-Production-V.2.0-06-07-20.pdf>).

The five tests referred to above are as follows: (1) protect the NHS's ability to cope (i.e. providing sufficient critical care and specialist treatment across the UK); (2) a sustained and consistent fall in the daily death rates; (3) the rate of infection

has decreased to manageable levels; (4) the range of operational challenges including testing capacity and PPE are in hand; (5) any adjustments to the current measures will not risk a second peak of infections that overwhelms the NHS.



7. What are the general considerations for filming on stages or at production facilities?

a. How do social distancing issues apply?

- Government guidelines are the same as for question 6(a).

b. What sanitary products are necessary?

- Handwashing facilities, or hand sanitizers where not possible, should be provided.
- For worksites that are outdoors, the following will usually be needed:
 - additional handwashing facilities, for example, pop-ups, particularly on a large site or where there are significant numbers of personnel on site.
 - signs and posters to build awareness of good handwashing technique, the need to increase handwashing frequency, avoid touching your face and to cough or sneeze into a tissue which is binned safely, or into your arm if a tissue is not available.
 - regular reminders and signage to maintain hygiene standards.
 - hand sanitisers in multiple locations in addition to washrooms.
 - clear use and cleaning guidance for toilets to ensure they are kept clean and social distancing is achieved as much as possible.
 - enhanced cleaning for busy areas.
 - special care of cleaning of portable toilets.
 - more waste facilities and more frequent rubbish collection.
 - hand drying facilities – either paper towels or electrical driers.
 - keeping the facilities well ventilated, for example by fixing doors open where appropriate.
- For offices and contact centres the following will usually be needed:

This information is correct as at Tuesday 7 July 2020.

- Using signs and posters to build awareness of good handwashing technique, the need to increase handwashing frequency, avoid touching your face and to cough or sneeze into a tissue which is binned safely, or into your arm if a tissue is not available.
 - Providing regular reminders and signage to maintain personal hygiene standards.
 - Providing hand sanitiser in multiple locations in addition to washrooms.
 - Setting clear use and cleaning guidance for toilets to ensure they are kept clean and social distancing is achieved as much as possible.
 - Enhancing cleaning for busy areas.
 - Providing more waste facilities and more frequent rubbish collection.
 - Providing hand drying facilities – either paper towels or electrical driers.
 - Keeping the facilities well ventilated, for example by fixing doors open where appropriate.
 - <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/offices-and-contact-centres#offices-5-3>
 - If a contract contains no force majeure clause, or one that did not apply to COVID-19 and its effects, a party might have relied on the English law doctrine of frustration to excuse its non-performance under a contract. Frustration applies to events that make it physically or commercially impossible to perform a contract, or make an obligation radically different to perform. If the doctrine of frustration applies, then it automatically brings the contract to an end, and the parties are discharged from all future performance. In terms of resuming production, parties might therefore need to negotiate new contracts to replace any agreements that were in fact frustrated.
 - In short, parties should review the wording of their contracts carefully in light of their specific facts. For more information, please see:
 - <https://www.dlapiper.com/~media/files/insights/publications/2020/04/covid-19-top-tips-for-your-commercial-contracts-additional-file.pdf?la=en&hash=EFAA4F5A030C0E77F35E3293752CE54249566321>
 - <https://www.dlapiper.com/en/uk/insights/publications/2020/03/coronavirus-covid-19-and-frustration-is-your-contract-at-risk/>
- b. What notices are required under contract?



8. What general contractual principles must be considered?

a. How are force majeure, impracticability and impossibility defenses relating to the performance of contracts involved?

- Parties should carefully review their contracts to confirm the precise scope of their relevant contractual rights and obligations, and to understand how these may be affected by their plans to resume production. Specifically, parties should analyse the scope and effect of any force majeure clauses in their contracts. Under English law, there is no general doctrine of “force majeure”, so the application of a force majeure clause will turn on its specific wording and the facts of the case. Force majeure provisions vary in relation to their scope, the consequences of a force majeure event, and the formalities required to invoke a force majeure clause. However, in most instances such clauses will allow parties to justify non-performance of an obligation, or to suspend the time for performance of that obligation, for the duration of a force majeure event. In the context of resuming operations, parties should therefore consider whether they now need to update their counterparties as to the status of any current force majeure event, and/or notify them as to their ability to resume performance shortly.
 - This depends on the wording of the contract. Typically, the timing and content of any notice of force majeure is prescribed by the contract. Such provisions (and the standard provisions in the contract as to the form and mode of delivery of any notice) should be strictly complied with. In particular, parties should consider whether they are required to: (i) submit supporting details and evidence of the force majeure event with their force majeure notice; (ii) explain the efforts undertaken to mitigate the effects of the force majeure event; and (iii) resume performance under the agreement as soon as practicable, together with notifying their counterparty of the same. If a party fails to comply with the notice provisions, this could amount to an anticipatory or repudiatory breach of the contract, which may result in the counterparty terminating the contract and claiming damages.
- c. Is an application to the resumption of contracts suspended due to COVID-19? What are the impacts?
- This will depend on the wording of the contract, particularly the scope and effect of any force majeure clause. In general, if a party has successfully relied on COVID-19 as a force majeure event, then it should benefit from the applicable force majeure provisions in the contract – e.g. an ability to suspend or modify its obligations for the duration of

the force majeure event, without breaching the contract. But force majeure clauses typically suspend – rather than terminate – a party's obligation to perform, such that if it is possible to resume performance under the contract at the end of a force majeure period, then a party should do so. Other force majeure clauses may provide that certain obligations shall expire, or even give rise to a termination right, after a prolonged period of force majeure. In each case, parties should carefully review their contracts and follow the specific force majeure provisions therein.



9. What other business considerations must productions take into account in resuming productions or initiating new productions?

a. What are the completion risks?

- It is likely that new completion guarantees acquired following the onset of coronavirus epidemic will exclude liability in respect of any overspend and costs/expenses related to the coronavirus. Completion guarantees taken out pre-coronavirus outbreak might cater for this to some extent, so a detailed review of the guarantee wording is necessary to determine if this is the case.

b. Are there any travel restrictions?

- The Foreign and Commonwealth Office has advised against all but essential international travel, however travel to some countries and territories is currently exempted (details of which can be found here: <https://www.gov.uk/guidance/coronavirus-covid-19-countries-and-territories-exempt-from-advice-against-all-but-essential-international-travel>) Government guidance says that whether international travel is essential or not is a personal decision and circumstances differ from person to person. It is for individuals themselves to make an informed decision based on the risks and FCO advice.
- Regarding other domestic travel, government guidance states that in Scotland, Northern Ireland and England people are now allowed to stay overnight away from the place where they are living, can travel as far as they want within the borders of those countries and can sleep in second homes or self-contained holiday accommodation. Hotels and B&Bs are also open, as well as many caravan parks and campsites, hostels and boarding houses.
- Further guidance can be found here: <https://www.gov.uk/guidance/coronavirus-covid-19-safer-travel-guidance-for-passengers>

c. Is there any available funding specifically for members of the creative community?

- In order to assist relevant members of the creative community, there is now a fund in place for individuals to access grants. The BFI and The Film and TV Charity have partnered to create a new COVID-19 Film and TV emergency relief fund, established with a GBP1 million donation from Netflix, to help support the creative community. This fund will provide emergency short-term relief to the many thousands of active workers and freelancers who have been directly affected by the closure of productions across the UK. The Film and TV COVID-19 Emergency Relief Fund, in partnership with the BFI, provides one-off grants from GBP500 to GBP2,500 to those in film, TV and cinema facing financial difficulty because of the COVID-19 crisis, applications to the fund are currently closed although they may open up again. Further details can be found here: <https://filmtvcharity.org.uk/covid-19-help-advice/>
- A Community Grants system has also been set up which provides small grants of GBP150-GBP250, up to a maximum of GBP1,000. These grants are for those who work in film, TV or cinema and have an idea for an activity that could help their friends and colleagues in the industry during the crisis, the grant is for the purpose of covering set-up costs and expenses. Examples of activities that may be eligible for the grant include administrative costs, software, video conferencing fees, subtitles and British Sign Language interpretation or social media marketing. The application process is currently closed although may open up again. Further details can be found here: <https://filmtvcharity.org.uk/covid-19-help-advice/community-grants/>

Key contacts



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This information is correct as at Tuesday 7 July 2020.

United States



1. Local general coronavirus disease 2019 (COVID-19) resources and data:

Official government resources for key territories:

- United States, <https://www.usa.gov/coronavirus>
- United States, US Department of Labor, <https://www.dol.gov/coronavirus>
- United States, [Centers for Disease Control and Prevention \(CDC\) Coronavirus Guidance, including Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\), CDC Activities and Initiatives Supporting the COVID-19 Response, and CDC decision tree for reopening](#)
- United States, [Wage and Hour Division COVID-19 and the American Workplace](#), including FAQs related to the Families First Coronavirus Act (FFCRA), Fair Labor Standards Act (FLSA) and Family and Medical Leave Act (FMLA)
- United States, [Equal Employment Opportunity Commission \(EEOC\) Guidance on COVID-19, including What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws](#)
- United States, [Occupational Safety and Health Administration \(OSHA\) Coronavirus Resources, including Guidance on Returning to Work and Guidance on Preparing Workplaces for COVID-19](#)
- California, covid19.ca.gov/
- Georgia, dph.georgia.gov/covid-19-daily-status-report
- Florida, floridahealthcovid19.gov/
- New Mexico, dws.state.nm.us/COVID-19-Info
- New York, coronavirus.health.ny.gov/home

For information about other states, and updated information, please see our [Coronavirus Resource Center](#). For legal advice contact us or your DLA relationship partner.



2. What governing laws, regulations, orders, ordinances and decrees apply, and where are they applicable?

a. Federal laws and materials

- Generally, the ability to reopen physical workplaces will depend on state and local government plans to reopen the economy. Because approaches and requirements will differ, employers will want to review orders applicable to each facility or office location. While state and local orders will determine an employer's ability to reopen, federal and other guidance may inform decision making.

b. State laws:

- Each state has issued individual orders, ordinances and decrees with respect to COVID-19. For detailed information on each of these, see <https://www.dlapiper.com/en/us/insights/topics/coronavirus-united-states/>.
- As states are allowing physical production, there is much deference to industry guidance such as the Industry-Wide Labor-Management Safety Committee Task Force's *Proposed Health and Safety Guidelines for Motion Picture, Television, and Streaming Productions During the COVID-19 Pandemic*. <https://pmcdeadline2.files.wordpress.com/2020/06/iwlmsc-task-force-white-paper-6-1-20.pdf>

c. County and city orders:

- Each county and city has issued individual orders, ordinances and decrees. For the latest information, see <https://www.dlapiper.com/en/us/services/coronavirus-covid-19/>.
 - California: <https://www.counties.org/carousel/resources-regarding-coronavirus-and-covid-19>
 - Los Angeles: <https://www.lamayor.org/COVID19Orders>
 - New York: http://www.op.nysed.gov/COVID-19_EO.html



3. How do penalties for noncompliance apply?

- Penalties can vary from civil penalties (eg, fines, orders to suspend business operations, revocation of licenses) to criminal enforcement (eg, arrest for a misdemeanor and a fine, possible imprisonment). For specific inquiries or questions regarding the requirements, compliance and implications thereof, please contact us or your DLA Piper relationship partner.



4. What general considerations engaging cast and crew must you take into account?

a. Testing (eg, before shooting and during production):

- This is dependent on geographical location. Most state and local governments have issued individual orders, ordinances or decrees that may impact which businesses are deemed “essential services” and the regulations around conducting such businesses. On a federal level, for example, the Centers for Disease Control and Prevention (CDC) has advised that employees not be required to provide a negative COVID-19 test before returning to work. In Los Angeles County, however, periodic testing of cast and crew is required, especially for cast and crew who are involved in scenes requiring close contact without face coverings for an extended period of time. If shoots are shorter where testing is not feasible, then work should be planned to eliminate close contact as much as possible. For more information, please see <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

b. Health questionnaires:

- This is dependent on geographical location. Most state and local governments have issued individual orders, ordinances or decrees that may impact which businesses are deemed “essential services” and the regulations around conducting such businesses. On a federal level, the Americans with Disabilities Act ordinarily prohibits an employer from making disability-related inquiries or engaging in medical examinations unless they are job-related and consistent with business necessity. However, the Equal Employment Opportunity Commission (EEOC) has advised that, in a pandemic, employers may take steps to determine if employees entering the workplace have COVID-19, including providing a questionnaire to employees to assess who would be unavailable for work, with a basic yes or no answer for all questions. For more information, please see <https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act>.

c. Riders:

- This is dependent on geographical location. Each state and many local governments have issued individual orders, ordinances or decrees that may impact which businesses are deemed “essential services” and the regulations around conducting such businesses. Generally, riders cannot waive rules regarding safe working conditions, as required by federal and local Occupational Safety and Health Administration (OSHA) rules, nor will they generally waive workers’ compensation protections. In addition, relevant unions and guilds have made explicit that they will not allow riders for their members that waive protections from COVID-19. For more information, please see <https://www.osha.gov/SLTC/covid-19>.

d. Temperature and wellness checks:

- This is dependent on geographical location. Each state and many local governments have issued individual orders, ordinances or decrees that may impact which businesses are deemed “essential services” and the regulations around conducting such businesses. Many jurisdictions require temperature and general health checks prior to employees beginning work. The applicable white paper and Los Angeles guidelines, for example, require procedures for symptoms and temperature checks, including daily symptom monitoring prior to arriving on set.

e. Quarantines; mandated isolations from family and friends for the duration of the shoot:

- This is dependent on geographical location. Each state and many local governments have issued individual orders, ordinances or decrees that may impact which businesses are deemed “essential services” and the regulations around conducting such businesses. Some local jurisdictions have imposed mandatory quarantine and/or isolation procedures for individuals entering those jurisdictions, and some production facilities and entertainment companies may impose quarantine procedures for cast and crew prior to entry.

f. Training and supplies (eg, masks, gloves, disposable makeup supplies):

- This is dependent on geographical location. Each state and many local governments have issued individual orders, ordinances or decrees that may impact which businesses are deemed “essential services” and the regulations around conducting such businesses. Some local jurisdictions have mandated work rules, including social distancing, use of masks and posting requirements. OSHA has provided specific guidelines regarding maintaining a safe workplace

This information is correct as at Tuesday 7 July 2020.

during the COVID-19 pandemic. The industry white paper and relevant local guidelines require use of face coverings when possible, as well as training on donning, doffing, cleaning and safe personal protective equipment use. For more information, please see <https://www.osha.gov/SLTC/covid-19>.

g. Worker safety rules regarding potential exposure:

- This is dependent on geographical location. Each state and many local governments have issued individual orders, ordinances or decrees that may impact which businesses are deemed “essential services” and the regulations around conducting such businesses. Some local jurisdictions have mandated work rules, including social distancing, use of masks and posting requirements. OSHA has provided specific guidelines regarding maintaining a safe workplace during the COVID-19 pandemic. The industry white paper and most relevant guidelines require individuals to be notified of a potential exposure on set. The white paper also requires an autonomous COVID-19 officer to be on set to monitor compliance with applicable rules. For more information, please see <https://www.osha.gov/SLTC/covid-19>.

h. Worker concerns – refusals to work:

- This is dependent on geographical location. Each state and many local governments have issued individual orders, ordinances or decrees that may impact which businesses are deemed “essential services” and the regulations around conducting such businesses. The federal Families First Coronavirus Response Act and several local equivalents have anti-retaliation provisions associated with employees seeking to utilize those benefits. Even if workers are considered essential or are otherwise permitted to work, the National Labor Relations Act (NLRA) may protect work stoppages related to unsafe working conditions, so long as they are reasonable and based on a good-faith belief that working conditions are unsafe. The NLRA applies to unionized and non-unionized workers.
- Strikes or refusals to work called by specific guilds and unions are also a possibility, so buy-in for commencing work and implementing safety rules with union buy-in should be considered.

i. Privacy laws versus obligation to keep staff informed of any outbreaks:

- This is dependent on geographical location. Each state and many local governments have issued individual orders, ordinances or decrees that may impact which businesses are deemed “essential services” and the regulations around conducting such businesses. On a federal level, under the

Americans with Disabilities Act (ADA) employers may take steps to determine if employees entering the workplace have COVID-19; however, the general rules regarding employee privacy still apply. For example, employers must maintain all information about employee illness as a confidential medical record in compliance with the ADA. Employers also should consider privacy obligations under applicable state laws based on screening tools and health information collected (e.g., California Consumer Privacy Act). The industry white paper and most relevant guidelines require individuals to be notified of a potential exposure on set. For more information, please see <https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act>.

- OSHA has provided guidance on notifying employees in case of potential exposure in the workplace. For more information, please see <https://www.osha.gov/SLTC/covid-19/>.



5. What employment law and union/guild considerations must be taken into account with respect to the resumption of production activities?

a. What union/guilds are involved?

- There are a large number of unions and guilds involved in this process, with the Directors Guild of America, International Alliance of Theatrical State Employees, International Brotherhood of Electrical Workers, Operative Plasterers and Cement Masons, Screen Actors Guild, Southern California District Council of Laborers, Studio Transportation Drivers, Theatrical Teamsters, and United Association of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry involved in drafting the industry white paper. Applicable local unions are encouraged to be engaged prior to production to ensure rules and procedures are established.

b. Numbers of production positions on major film sets

- Presently, studios are reaching out to unions to potentially relax certain mandated rules, such as requirements surrounding the number of production positions that must be filled on major film sets, as this may lead to public health concerns.
- Similar negotiations will need to take place, particularly where a major studio is not involved, likely on an ad-hoc basis with the individual unions in different locations.
- Conversely, in some cases, unions and guilds are refusing to allow members to come back to work absent enhanced safety protocols.

This information is correct as at Tuesday 7 July 2020.

- The major unions and guilds (eg, SAG-AFTRA, DGA, WGA, IATSE, Teamsters) are working together with management input, and the Industry-Wide Labor-Management Safety Committee is composing a set of guidelines for on-set safety practices. The DGA has assembled a committee that is working together with epidemiologists on recommendations for a return to work. Leaders of the unions have hinted that they will not allow work to go forward until they feel the necessary protections are implemented.

c. What are the applicability of employment laws and regulations?

See listing of resources in Section 1.



6. What are the general considerations for filming on location or outdoors?

a. How do social distancing and public assembly issues apply?

- This is dependent on geographical location. Each state and many local governments have issued individual orders, ordinances or decrees that may impact which businesses are deemed “essential services” and the regulations around conducting such businesses. Some local jurisdictions have mandated work rules, including social distancing, use of masks and posting requirements. OSHA has provided specific guidelines regarding maintaining a safe workplace during the COVID-19 pandemic. For more information, please see <https://www.osha.gov/SLTC/covid-19>. Additionally, certain state and local film commissions, trade associations, unions and guilds have issued individual mandates and protocols for filming on location. The industry white paper mandates social distancing where possible, including the use of telework where possible, and limiting close contact (such as for hair and makeup) as often as possible. For more information, see <https://www.dlapiper.com/en/us/services/coronavirus-covid-19/>.

b. What are the new food/craft services protocols?

- This is dependent on geographical location. Each state and often local government have issued individual Orders, Ordinances or Decrees that may impact which businesses are deemed “essential services” and the regulations around conducting such business. Rules regarding social distancing and enhanced sanitation are required in most jurisdictions, resulting in many jurisdictions not allowing buffets. Additionally, certain state and local film commissions, trade associations, unions and guilds have issued individual mandates and protocols for food and craft services on location. For more information see <https://www.dlapiper.com/en/us/services/coronavirus-covid-19/>.



7. General considerations for filming on stages or at production facilities?

a. How do social distancing issues apply?

- This is dependent on geographical location. Each state and many local governments have issued individual orders, ordinances or decrees that may impact which businesses are deemed “essential services” and the regulations around conducting such businesses. Some local jurisdictions have mandated work rules, including social distancing, use of masks and posting requirements. OSHA has provided specific guidelines regarding maintaining a safe workplace during the COVID-19 pandemic. For more information, please see <https://www.osha.gov/SLTC/covid-19>. Additionally, certain state and local film commissions, trade associations, unions and guilds have issued individual mandates and protocols for filming at stages or production facilities. This includes staggered start times for cast and crew, staggered meal times, and social distancing on set unless closer contact is required for a scene. For more information, see <https://www.dlapiper.com/en/us/services/coronavirus-covid-19/>.

b. What are the new food/craft services protocols? Are they different from above?

- The industry white paper and applicable local guidance mandate the elimination of buffet-style food for now, and require single-service food and water for cast and crew.

c. What sanitary products are necessary? Suggested?

- This is dependent on geographical location. Each state and many local governments have issued individual orders, ordinances or decrees that may impact which businesses are deemed “essential services” and the regulations around conducting such businesses. OSHA has provided guidance regarding enhanced sanitation requirements during a pandemic. The industry white paper requires enhanced sanitation protocols, especially of high-use areas and vehicles used for transportation. The white paper also calls for limiting the use of paper products, as well as limiting visitors on set. For more information, please see <https://www.osha.gov/SLTC/covid-19>.

d. What specific COVID-19 riders are provided by production facilities related to COVID-19?

- This is dependent on geographical location. Each state and many local governments have issued individual orders, ordinances or decrees that may impact which businesses are deemed “essential services” and the regulations around conducting such businesses. Generally, riders cannot waive

This information is correct as at Tuesday 7 July 2020.

rules regarding safe working conditions, as required by federal and local OSHA rules, nor will they generally waive workers' compensation protections. Applicable unions and guilds have advised that their members will not sign riders waiving protections for COVID-19. For more information, please see <https://www.osha.gov/SLTC/covid-19>.



8. What general contractual principles must be considered?

a. How are force majeure, impracticability and impossibility defenses relating to performance of contracts involved?

- Depending on the specific provision contained in a contract, a force majeure provision may provide for a more narrow or broad application of the doctrine than what is applied under common law principles (eg, temporary suspension of contractual obligations, permanent excuse of performance).
- Notwithstanding the presence of a force majeure provision in a contract and absent specific deviations, the underlying principles of impracticability or impossibility may govern the parties' rights and obligations thereunder. The nature of the obligation, and the period within which it must be performed, may affect the application of these principles.
- Parties to a contract are encouraged to carefully consider and determine which of the above principles is likely to govern the relationship of the parties. For more information, please see:
 - <https://www.dlapiper.com/en/us/insights/publications/2020/03/is-coronavirus-a-force-majeure-event/>
 - <https://www.dlapiper.com/en/us/insights/publications/2020/02/when-is-an-outbreak-an-act-of-god-mitigating-commercial-and-operational-risks/>
 - <https://www.dlapiper.com/en/us/insights/publications/2020/03/age-of-viral-outbreaks-key-contract-considerations-in-a-world-facing-the-latest-outbreak-covid-19/>

b. What notices required under contract?

- Generally, in order for a party to avail itself of any contractual force majeure provision, care should be given to comply with the notice provisions in the agreement.

Each party is encouraged to document and give notice of (i) the commencement of the force majeure event, (ii) the effects and/or "but for" causation of the event on the performance under the agreement, (iii) the efforts undertaken to mitigate the effects of the force majeure event and (iv) the resumption of performance under the agreement. If a party declares its failure to perform under the agreement and does not take necessary steps to comply with the requirements thereof, such party could be exposed to a claim for repudiation of contract or an allegation that the party seeking to invoke force majeure has admitted it is in breach of the agreement.

- <https://www.dlapiper.com/en/us/insights/publications/2020/03/age-of-viral-outbreaks-key-contract-considerations-in-a-world-facing-the-latest-outbreak-covid-19/>
- <https://www.dlapiper.com/en/us/insights/publications/2020/03/is-coronavirus-a-force-majeure-event/>

c. Is an application to resumption of contracts suspended due to COVID-19? What are the impacts?

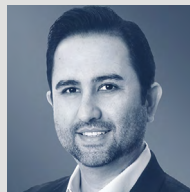
- Generally, a pandemic, such as COVID-19, presents different challenges to the performance of existing contractual relationships, such as the prevention of one party from performing its contractual obligations. Although such party will not be liable for breaches of contract resulting from a force majeure event, the occurrence of force majeure does not terminate the party's obligation if performance remains possible after the force majeure ceases to have effect. The obligation to perform is suspended for the duration of such event and is resumed once the force majeure event is no longer in operation. It is important to understand and follow the procedures specific in the contract as it may require the resumption of performance after the conclusion of the force majeure event.
 - <https://www.dlapiper.com/en/us/services/coronavirus-covid-19/>
 - <https://www.dlapiper.com/en/us/insights/publications/2020/04/contract-analysis-in-a-crisis-flowcharts/>



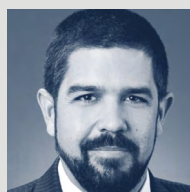
9. What other business considerations must productions take into account in recommencing production or initiating new productions?

- a. What are the completion risks?
- Completion bonds, production package and related coverages increasingly include COVID-19 and other virus exclusions in completion guarantees issued to banks and other beneficiaries. This will place the risk on financiers and other industry participants funding the production of content with respect to production delays or suspensions as a result of the present or future pandemics.
- b. Are there any travel restrictions?
- For recent information on travel restrictions, please see <https://www.cdc.gov/coronavirus/2019-ncov/travelers/from-other-countries.html>.

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Zimbabwe



1. Local general COVID-19 resources and data:

Official government resources for key territories

- Ministry of Health and Child Care Resource Centre – Zimbabwe (entire country) – <http://www.mohcc.gov.zw/>
- COVID-19 related legislation – Zimbabwe (entire country) – <https://www.veritaszim.net/statutoryinst>

For information about other jurisdictions, please see our [Coronavirus Resource Center](#) or contact us.



2. What governing laws, regulations, orders, ordinances and decrees apply, where applicable?

a. What laws and materials apply?

- SI 2020-076 Civil Protection (Declaration of State of Disaster Rural and Urban Areas of Zimbabwe) (COVID-19) Notice, 2020
- SI 2020-077 Public Health (COVID-19 Prevention, Containment and Treatment) Regulations, 2020
- SI 2020-083 Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) Order, 2020
- SI 2020-082 Public Health (COVID-19 Prevention, Containment and Treatment) (Amendment) Regulations, 2020 (No. 1)
- SI 2020-084 Public Health (COVID-19 Prevention, Containment and Treatment) (Amendment) Regulations, 2020 (No. 1)
- SI 2020-086 – Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 2)
- SI 2020-094 Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 4)
- SI 2020-093 Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 3)

- SI 2020-099 Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 5)
- SI 2020-098 Public Health (COVID-19 Prevention, Containment and Treatment) (Amendment) Regulations, 2020 (No. 2)
- SI 2020-103 Public Health (COVID-19 Prevention, Containment and Treatment) (Amendment) Regulations, 2020 (No. 3)
- SI 2020-102 Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 7)
- SI 2020-101 Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 6)
- SI 2020-110 Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 8)
- SI 2020-115 Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 9)
- SI 2020-136 Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 10)
- SI 2020-135 Presidential Powers (Temporary Measures) Deferral of Rent and Mortgage Payments During National Lockdown) (Amendment) Regulations, 2020 (No. 2)
- SI 2020-134 Public Health (COVID-19 Prevention, Containment and Treatment) (Amendment) Regulations, 2020 (No. 4)

b. State Laws, if applicable?

- The Constitution of Zimbabwe Amendment (No. 20), 2013.

c. Are there any County and City Orders? If so, what and how do they apply?

- The laws in 2a, apply to the entire country.

This information is correct as at Tuesday 7 July 2020.



3. How do penalties for non-compliance apply?

- Contravention of any provisions of the stated legislation concerning COVID-19 will lead to such a person being found guilty of an offence and liable to a fine not exceeding ZWL 36,000 or to imprisonment for a period not exceeding one year to both such fine and such imprisonment.



4. What general considerations in engaging cast and crew must you provide?

- Testing (e.g. before shooting and during production)
 - Temperature check – SI 2020-099 Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 5)
- Health questionnaires
 - They have not been used in the industry.
- Temperature and wellness checks
 - SI 2020-102 Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 7) Quarantines; The temperature should not exceed 37.4 degrees Celcius, if it exceeds this then one is not permitted on set and is sent home. Temperature testing is done at the entrance using an infrared thermometer.
- Quarantines, Mandated Isolations From Family and Friends for Duration of the Shoot
 - There is no mandatory isolation.
- Training and supplies (e.g. masks, gloves, disposable makeup supplies, etc.)
 - The wearing of masks in public areas is mandatory and use of hand sanitizer – SI 2020-099 Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 5).

f. Health and safety rules regarding potential exposure

- Masks should be worn, sanitizing of hands – SI 2020-099 Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 5).

g. Worker concerns – refusals to work

- If an employee is working in a potentially unsafe environment it is within their right to refuse to work.

h. Privacy laws vs. obligation to keep staff informed of any outbreaks

- There are websites with nationwide daily updates on COVID-19 infections. The numbers are on a no-names basis.



5. What employment law and union/guild considerations must be taken into account with respect to the resumption of production activities?

a. What union/guild is involved?

- Zimbabwe Arts and Culture Industry Association – ZACIA.

b. How can you address the tension between social distancing and mandated union/guild rules regarding certain number of production positions on major film sets?

- By proper testing of the crew and cast involved. They can carry out a temperature test and a nasopharyngeal swab test which is then tested in a lab to enable them to cater to bigger crowds with more certainty. We do not however have any major film shooting during this period.

c. What are the applicability of employment laws and regulations?

- All employees are entitled to sick leave according to Zimbabwean labor law. So suspected cases of COVID-19 can go on sick leave without victimization.
- The code of conduct of different workplaces remain valid though there is a relaxation of some rules.



6. What are the general considerations for filming on location or outdoors?

- a. How do social distancing and public assembly issues apply?
 - Maintaining physical distance where practical.
 - Avoiding crowds of more than 50 people.
- b. What are the new food/craft services protocols?
 - Restaurants are only catering for take-away meals. Patrons may not sit in and eat.
 - Temperature checks and hand sanitizing.
 - Stand one metre apart when waiting to get served.



7. What are the general considerations for filming on stages or at production facilities?

- a. How does social distancing issues apply?
 - People should stand minimum one meter away from each other.
 - Get temperature checks and hands sanitized on entry of different stages/facilities.
 - Between 10 – 20 people in the facility depending on how big it is. People must still be able to observe the one meter distance.
- b. What are the new food/craft services protocols? Are they different from above?
 - See 7(a).
 - The Guide on Social Distancing at Food Outlets in Zimbabwe outlines how different types of food outlets should observe social distancing (takeaways, supermarkets etc).
 - Please visit www.mohcc.gov.zw for regular updates.

c. What sanitary products are necessary?

- Alcohol-based sanitizer required.
- Liquid disinfectant (required if above is not available).

d. What specific COVID-19 riders are provided by production facilities related to COVID-19?

- Alcohol-based sanitizer required.
- Liquid disinfectant (required if above is not available).



8. What general contractual principles must be considered?

a. How are force majeure, impracticability and impossibility defences relating to performance of contracts involved?

- General Principles of Contract law mentioned above are to be observed as they are intended to be. However, there have been some measures that have been introduced to assist business that have been affected adversely by COVID-19. Such as deferred payment of commercial rentals and a moratorium on loan repayments.

b. What notices are required under contract?

- Standard rules of contract law apply. Whatever has been agreed to in the agreement by the parties involved is what will be observed.
- The average is 1-3 months' notice before termination of a contract, however, there are some industry specific timelines that can be observed.

c. Is an application to the resumption of contracts suspended due to COVID-19? What are the impacts?

- It has not been suspended. However, depending on whether the business is providing an essential business, all non-essential business are closed until the lockdown level has been changed.



9. What other business considerations must productions take into account in resuming productions or initiating new productions?

a. What are the completion risks?

- Initiating new productions means obtaining permission for all employees, getting them tested and ensuring the production site allows people to observe social distancing protocols.

b. Are there any travel restrictions?

- Citizens may not travel from city to city without permission.
- The Borders of Zimbabwe are closed to non-citizens/ residents of Zimbabwe. The borders are open to returnees but people cannot leave the country unless they are returning to their country of residence. Please visit www.mohcc.gov.zw for regular updates. No date has been provided.

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