

Rödl & Partner

NEWSLETTER LATVIA

SETTING ACCENTS

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New legal framework of Covid-19 management

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On 28 September 2021 the government approved the new legal framework of Covid-19 management (Epidemiological safety measures for restricting spread of Covid-19 infection), which came into force on 11 October and will replace the current Cabinet Regulations No, 360 (9 June 2020) "Epidemiological safety measures for restricting the spread of Covid-19 infection", as well as on 9 October the Cabinet Order No 720 (9 October 2021) "Regarding Declaration of the Emergency Situation" came into force, which stipulates that the emergency situation will last until 11 January 2022. The new legal framework of Covid-19 management provides for simplification of the framework of epidemiological requirements to make it easier to understand it, as well as provides introduction of additional safety requirements for control of the epidemiological situation, for example, mandatory vaccination for persons employed in particular professions. The new framework also provides the right of the employer to impose the duty of mandatory vaccination to employees and defined new duties regarding development of the documents of the internal control system. The new framework also updates the procedure of travel of persons to Latvia.

Please note that the new legal framework of Covid-19 management may be amended on a daily basis and the information provided in this Newsletter may no longer be up-to-date. This Newsletter contains up-to-date information on 18 October 2021 (excluding any changes adopted on that date, if adopted).

→ Employee's obligation to receive vaccination

The new legal framework of Covid-19 management defines the obligation of mandatory Covid-19 vaccination for persons employed in particular professions.

Obligation to receive vaccination

The new framework defines the obligation to receive vaccination (or a recovery certificate) for persons employed in the following persons:

- the persons employed in education, including at preschool education, elementary and secondary education and higher education levels, the persons employed in non-formal education and teacher professional competence improvement programs, students of colleges and universities, as well as service providers who come into contact with students at the place of provision of the relevant service during performance of the contractual relationship;
- the persons providing health care services at health care establishments and pharmacies, as well as coming into contact with patients or clients of pharmacies at the place of provision of the relevant service during performance of the contractual relationship;
- the persons providing long-term social care and social rehabilitation services, as well as persons who come into contact with clients of long-term social care and social rehabilitation services at the place of provision of the relevant service during performance of the contractual relationship;
- employees of State and local government institutions;
- for employees working in the beauty treatment services;
- persons to whom the employer has determined that the work obligations is to be performed with Covid-19 vaccination certificate.

→ Obligation to determine how the work is organized

The new legal framework of Covid-19 management defines the obligation of mandatory Covid-19 vaccination for persons employed in particular professions.

Organization of work

In order to carry out on-the-spot work, it is necessary to do so with the employer's order for those employees who ensure continuity of the works and cannot perform it remotely in their place of residence.

The employer must organise the work in such a way that the work is carried out by employees who have either a vaccination or a recovery certificate or a Covid-19 test.

Employees who have not been fully vaccinated or do not have recovery certificate may be present at the workplace only by an employer's order, which justifies the need for such employees to ensure the continuity of the organisation's activities. There are possible exceptions where an employee may be in his workplace without a certificate, namely employees who do not contact other employees, visitors, or recipients of the service, such as a cleaner, security guard, car driver, etc. in a separate closed room or outdoor premises.

The employer has the right to impose the duty to receive vaccination

The employer has an obligation to evaluate the work duties and working conditions of employees on the spot, determining the risk of infection and the potential risk to the health of others. On the basis of that assessment, the employer shall determine whether the staff members are required to have vaccination or recovery certificate for the performance of their duties. If the employer has

informed the employee that a vaccination or recovery certificate is necessary for the performance of his or her duties, the employee is obliged to commence vaccination not later than within 10 days from the receipt of the abovementioned information.

Transition period

The requirement for vaccination or recovery certificate will enter into force on 15 November 2021. With effect from that date, employees will only be able to carry out their duties with a certificate of recovery or vaccination.

The employees from whom the employer is entitled to require the vaccination or recovery certificate may work without the above certificates until the 15th November, however, the employer is entitled to require them after the 15th November.

It is the duty of the employee to take care of the conduct of testing and to cover the costs of testing from his or her own resources if the employer and employee do not agree otherwise. In certain sectors (employees of educational institutions, medical practitioners, security and rescue service employees), the payment of the test shall be paid by the State if the employee has initiated vaccination.

If an employee refuses to perform a test or after 15 November 2021 the employee will not have a certificate of vaccination or recovery, the employee may not be admitted to the performance of his or her duties.

→ Three categories of epidemiological safety environment

The new legal framework of Covid-19 management approved on 28 September 2021 provides for three categories of safe environment, namely, safe, partially safe and unsafe environment where services can be provided. At the same time, the adopted framework defined a new procedure for receiving services within each environment category. In particular, different from the previously valid framework, the new legal framework of Covid-19 management provides that all the services indoors, except the services of the first necessity (for instance, postal services or health care services), will have to be provided exclusively in the safe or partially safe environment. The regulations also update the procedure of provision of services to children.

Epidemiologically safe environment

The epidemiologically safe environment means a room or a territory, a venue of a public or private event, provision of service or a workplace where there are only persons who have been fully vaccinated or recovered from Covid-19.

Services in the safe environment will be accessible also to families with children, which was not allowed before, by complying with the requirement of wearing masks and maintaining a distance between members of different households.

Children who do not conform to the status of a vaccinated or recovered person may receive services or participate in events in epidemiologically safe environment (except the services and events related to sports, active recreation and attractions organised for groups of children or children without an accompanying person) accompanied by a person who has been fully vaccinated or recovered, if:

- a child starting from the age of 12 years can present a test certificate or a laboratory statement regarding a negative screening test performed during the last 72 hours
- additional safety measures are complied with.

Epidemiologically partially safe environment

Epidemiologically partially safe environment means a room or a territory, a venue of a public or private event, a place for provision of services or a work place where there are only persons who have been fully vaccinated or recovered from Covid-19

or persons who can present the test certificate at testing the PCR test performed during the last 72 hours or the antigen test performed during the last 24 hours if these test results are negative, as well as children up to the age of 12 years if they are accompanied by the above referred persons.

In epidemiologically partially safe environment children aged up to 12 years may participate in the receipt of a service or in the event without possessing an interoperable certificate if they are accompanied by a person who has been vaccinated, has recovered, or has the test certificate. Children starting from the age of 12 years may present a test certificate or a laboratory statement regarding a negative screening test performed during the last 72 hours.

Epidemiologically unsafe environment

Epidemiologically unsafe environment means a room or a territory, a venue of a public or private event, a place for provision of services or a workplace where it is not known whether the persons present there have been vaccinated, have recovered and have been tested or which does not conform with the requirements of epidemiologically safe or partially safe environment.

A service in unsafe environment onsite may be received and organised if it cannot be provided as a remote service and provision of a remote service causes the risk of providing the person's fundamental rights.

Private gatherings are not affected by the new framework, and also in future up to 10 persons may meet indoors and up to 20 persons may meet outdoors.

→ Obligations of service providers and employers

The service provider and the employer are responsible for implementation of and compliance with epidemiological safety requirements at the work place, at the venue of provision of the service and secure control over implementation of and compliance with the set requirements.

Obligations of service providers

The service provider ensures provision of information and provides minimum the below information in Latvian and minimum one foreign language (English or Russian) or by using pictograms making it accessible to visitors and employees by placing it at entrances or, where this is not possible, in another way:

- the number of people who may simultaneously stay at the venue of the service provision or event (if a restriction of the number of people must be complied with);
- the notification that persons to whom self-isolation, home quarantine or isolation is applicable or who experience indications of respiratory infection may not stay at the relevant venue;

- the notification regarding keeping the distance of two metres and other conditions the notification and information regarding correct use of facemasks (if this obligation is defined);
- the notification whether the service is provided in epidemiologically safe, partially safe or unsafe environment.

The service provider, the employer and each person individually implements the following precautionary measures as the minimum for securing keeping of the distance:

- ensures maintenance of the physical distance of two metres (if this obligation is set);
- organises and controls the circulation of people to prevent crowding;
- prevents intersection of various groups of people;
- according to possibilities and the work specifics, organises remote working, remote provision and use of economic or public services.

At the place where the floor space is below the defined value only one visitor or members of a single household may be present at the same time.

The service provider or the employer provides ventilation by means of a mechanical ventilation system or natural ventilation to ensure that the carbon dioxide (CO₂) level does not exceed 1,000 ppm and provides continuous or regular control of the air quality according to possibilities.

For the purpose of complying with the hygiene requirements, the service provider or the employer provides the measures which conform with the work in epidemiologically safe or partially safe environment and also follows the recommendations for complying with the hygiene requirements published on the website of CDPC.

The economic service provider records and collects the following information when it provides the service in epidemiologically partially safe or unsafe environment indoors or organises events:

name, surname, contact telephone number, time of the visit, seat (if fixed) in order to identify and warn contacts in case of Covid-19. This information is stored for one month and transmitted to CDPC upon request. The above is not applicable to post services at the place of provision of these services, public transportation services, public catering and trade services and trade fairs outdoors, as well as other events outdoors with fewer than 50 visitors and services where the expected duration of receipt of the service is less than 15 minutes, including the waiting time.

Internal control system for implementation of epidemiological safety measures

The service provider or the employer evaluates epidemiological risks and develops a documented internal control system for implementation of epidemiological safety measures. The following minimum information and measures to be implemented should be presented in a clear and easily verifiable way:

- the split into epidemiologically partially safe, safe or unsafe environment, the procedures of provision and control of the environment;
- assessment of the possibilities of keeping the distance of two metres to prevent crowding of people;
- duration of provision of service or length of the event;
- assessment of the circulation and crowding of people and measures for preventing it;
- the number of persons involved in provision of services, proceedings of the event and work and presence of interoperable certificates and procedure of their control;
- calculations of the maximum permitted number of people (if this obligation has been imposed);
- the measures for control of the accurate number of people who are simultaneously present in the room or the venue;
- measures of ventilation and the air quality control;
- the name, surname and contacts of the person responsible for implementation of the epidemiological safety measures and safety protocols or guidelines, if such have been developed in the relevant fields, as well as the epidemiological safety measures of the internal control system.

The requirement of introduction of the internal control system for implementation of epidemiological safety measures is not new, however, the scope of information to be specified and the list of measures to be performed has been supplemented, therefore every service provider and employer is advised to check whether the system developed earlier conforms with the new framework.

Appointment of the responsible person

A service provider or an employer appoints a person responsible for compliance with the requirements of epidemiological safety and implementation of the epidemiological safety measures of the internal control system. The responsible person secures implementation of safety measures and compliance with them, and upon a

request by the official of a supervisory and control authority, provides the required information about the implementation of epidemiological safety measures by presenting:

- the documents of the internal control system about implemented epidemiological safety measures;
- documents which allow assuring the floor space of publicly accessible indoor premises or terri-

- tories, if applicable (for instance, the case file of the cadastral survey of buildings);
- identify and specify the number of visitors at the moment of the control in a verifiable manner.

The above information is also posted on the website of the service provider, authority or the founder, if there is one.

→ Conditions for travel to Latvia

Considering the epidemiological situation not only in Latvia, but on the global scale, there are still imposed restrictions for travel, including entry in Latvia.

Split of countries and sources of information

Countries from which a person travels to the Republic of Latvia are split into the below categories depending on the spread of Covid-19 infection in the relevant country and the measures of caution and restriction applicable after arrival to the Republic of Latvia:

- a low risk country – countries to which special caution and restricting measures are not applicable;
- a high risk country – countries to which special caution and restricting measures are applicable;
- a particularly high risk country – countries where the established epidemiological situation (including a very high rate of Covid-19 infection or a rapid spread of SARS-CoV-2 virus strains dangerous to the public health) may present a serious threat to the public health.

Information about classification of any particular country is available on the website of CDPC [Centre for Disease Prevention and Control of Latvia] at "[Covid-19 infection spread in countries](#)".

Prohibition of incoming travel and conditions

Entry into Latvia is prohibited:

- from high-risk countries which are not the Member States of the European Union and the European Economic Area, the Confederation of Switzerland and the United Kingdom, if the person does not have the vaccination or recovery certificate;
- from the countries of particularly high risk.

A person has the right to enter the Republic of Latvia if he/she presents a filled in electronic registration form on the site of the Information system of monitoring persons ([covidpass.lv](#)), which should be filled in earliest 48 hours before entering the Republic of Latvia, and one of the below listed documents:

- a valid interoperable certificate;
- the vaccination or recovery certificate issued in the United States of America, United Kingdom, the Commonwealth of Australia, New Zealand or Canada;
- a negative Covid-19 test confirmation (a negative PCR test performed within the last 72 hours, or a negative antigen test performed during the last 48 hours).

If the exit country does not provide issue of an interoperable certificate, the person attests the fact of performing the test by means of the test result in the language of the country of exit or in English in a paper or electronic form (on a smart device).

Until the moment when a certificate which is interoperable in the EU is created, upon travelling from the United States of America, United Kingdom, the Commonwealth of Australia, New Zealand or Canada, the person attests the fact of vaccination, recovery or testing by means of a valid interoperable certificate or another issued valid certificate of Covid-19 vaccination, recovery, or a performed Covid-19 test.

Upon arriving from a very high risk or high-risk country which is not the Member States of the European Union and the European Economic Area, the Confederation of Switzerland and the United Kingdom, the person presents a negative PCR test performed during the last 72

hours or a negative antigen test performed during the last 48 hours prior to boarding the means of transportation. This condition is also applicable to persons who have a vaccination or recovery certificate if a person arrives from a particularly high-risk country.

A person who is a national of the Republic of Latvia or a permanent resident in the

European Union holding a residence permit in Latvia, who has a positive Covid-19 test result and who travels to Latvia by means of transport not performing commercial transportation, immediately proceeds to self-isolation at his/ her place of residence, place of accommodation or tourist accommodation and complies with the relevant set isolation requirements.

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