



SPECIFIC OBLIGATIONS FOR THE OPENING OF SWIMMING POOLS ACCORDING TO THE AGREEMENT OF 19 JUNE 2020 OF THE CONSELL DE LA GENERALITAT VALENCIANA APPLICABLE FOR THE NEW NORMALITY

As a continuation of the de-escalation plan, and recognizing the Valencian Government that the structuring in the so-called "phases" does not make sense from the moment that on Monday 22 June 2020 the state of alarm ceases to be in force, from its board of regional government have taken an agreement in which specifically regulates the conditions in which they can continue to open the community pools, with certain restrictions and obligations of the date mentioned.

All communities must comply, specifically, with articles 1, 2.1, 2.6 and 3.14 of the Agreement of 19/06/2020 of the Consell de la Generalitat Valenciana. The regulations can be summarized in the following table:

Summary of the Agreement:

1. These measures shall apply until the end of the health crisis caused by Covid-19.
2. The capacity of the water and pool area is smaller: reduction to 75%, as in phase 3, or that which allows the interpersonal safety distance.
3. The safety distance is 1.5 metres, as in phase 3.
4. The general obligation to organise a system for controlling the capacity and appointments, which allows for live control in the pool, is ELIMINATED, as this obligation had already been eliminated in phase 3.
5. However, it will be necessary to control the capacity and appointments if "the usual use" of the pool does not allow the control of the capacity or the safety distance.
6. The pool must be thoroughly cleaned once with dilutions each day before opening, but not twice more, as it was necessary to clean in phase 2 and 3.
7. Signs with information on the virus and hygiene rules must be hung up, as in phase 3.



DECISIONS THAT HAVE TO BE MADE BY THE BOARD BEFORE THE POOL CAN BE OPENED:

As opposed to the previous decision making, in phase 2 and phase 3, when trying to normalize social relations, the main obligation that the regulations maintain is that of social distancing.

Another obligation that is maintained is that of a daily deep cleaning before opening the swimming pool, and that includes, for the damage of the grass, the GROUND AND AREAS OF SIMILAR CHARACTERISTICS.

Previously, the pool control companies would take care of the three mandatory cleanings. At present, although it must be stressed that they only have to be cleaned once before opening, but 7 days a week, without being able to miss a single day.

As for the distance, and as in phase 3, many communities can reasonably guarantee that the capacity will not be exceeded according to the usual use, even that with a 100% capacity the current maximum numbers have never been exceeded. This could eliminate the need for external monitoring of the appointment.

So the same thing is to agree the price of a definitive way with the maintainers of swimming pool, now yes with a view to the whole summer, of the initial cleaning for the case of reopening and if it is that, they are going to charge it separately. It is even likely that the pool maintainers will not offer the specific cleaning of contact areas and dilution of water and bleach during all days of the week, not even once. In those cases, there are companies that do, although, as administrators we will always recommend using the community's own suppliers because they already know the community and have all the options for access.

As complementary one-time obligations, but which cost money, those of hanging up posters to inform about hygiene measures are still in force. These are very generic posters that serve as a reminder to users that the danger is still out there.

Although the obligations in this document refer to the Agreement of the Consell in application of the General Law of Public Health, in addition, on Monday 22nd June, the Decree-Law 21/2020 of 9th June of the Parliament, called "Decree of New Normality", begins to be in force, which is already established in its article 14:

"Cultural facilities, public shows and other recreational activities. In any case, it must be ensured that the necessary measures are taken to guarantee a minimum interpersonal distance of 1.5 metres, as well as due control to avoid crowding. Where it is not possible to maintain such a safety distance, appropriate hygiene measures shall be observed to prevent risks of contagion.



This last allusion to "hygiene measures" is probably the one referring to the use of masks, but it can also mean that the community must ensure that in general the owners comply with the safety distance. If this can only be achieved with an external system of prior appointment and reduction of the capacity, even if it is not obligatory, this would be another decision to evaluate.

In this regard, it should be borne in mind that the safety distance, currently 1.5 metres between people, has reduced the capacity of the pools the most, and not so much the correction coefficients (30% and 75%) over the general capacity.

For the calculation of the capacity, and despite the fact that no formula has been specified, the Association of Property Administrators of Alicante, with the advice of its engineers and architects, has been clear:

The capacity expressed in number of people will be the one that allows the safety distance INSIDE THE WATER AREA AND AT ITS TIME, and independently, OUTSIDE THE WATER. Currently and quickly, the capacity would be calculated in the following way (m² of water/pool area divided by 2.25 people):

AFORO of the WATER= Square meters of sheet of each water area/ 2,25

POOL AREA CAPACITY= Square meters of non-grass floor area bounded/ 2.25

In the administration we have calculated all the capacity since the publication of the regulation of phase 2, do not hesitate to consult them, although we have already taken appropriate measures in the pool if the capacity or distance were really a problem.

The administrator, on the other hand, must be open to any type of solution that fits the law, including self-management without cost of legal obligations by the community, and must work to seek savings to the same provided that some control of the obligations of the community is guaranteed.

And finally, according to article 2 of the new normality decree, the duration of this obligation of distancing and hygiene measures against the COVID-19 will be until the [Spanish] Government declares, in a reasoned manner and in accordance with the available scientific evidence, following a report from the Coordination Centre for Health Alerts and Emergencies, the end of the health crisis situation caused by the COVID-19.



SPECIFIC IMPLICATIONS

Statements that YES can be deduced from the regulations, from the Horizontal Property Law and from the health powers of the public administrations IN PHASE 3:

1. TRUE: That applying all those rules is mandatory to open the pool, and does not require a joint agreement to hire external services, if necessary.
2. TRUE: That for reasons of urgency a president can justify not opening the pool due to a clear lack of funds or total disproportion of the price of the services with respect to the ordinary budget or the effective payment capacity of the community for these services.
TRUE: That the closure of the swimming pool for these reasons should be adopted after a meeting of owners or a consultation with them.
4. TRUE: That cleaning the natural grass with biocides is impossible according to the maintainers without killing the natural grass and the grass areas should be closed. Lawn is a surface that is "similar in characteristics" to soil.
5. TRUE: That one person must be responsible for checking the shifts and verifying that the person entering is within his shift if the capacity cannot be guaranteed. It can be a person, free of charge or charged, or it can be a machine although the electronic systems must have a part of the machinery in the access point and that entails cost.
6. TRUE: That a lifeguard company can offer pool control services through what they have always called "pool controllers".
7. TRUE: That the bleach damages the iron, and at least the shine of the metal, may end up fading.
8. TRUE: That some lifeguard companies included the three cleanings of the pool area, charging the product separately, so they could also offer the current reopening cleaning.
9. TRUE: That the control or lifeguard companies only provide protection material for their workers, not for the owners.
10. TRUE: That the capacity can be less than 75% of the general capacity, by application of the rules for calculating the capacity of the Technical Building Code at the same time as the guarantee of social distancing. This is recognised by the Association of Property Administrators of Alicante.
11. TRUE: That for a reasonable rotation in the case of limitation of the capacity, the governing board or the owners' meeting may limit the number of companions per property, above all to avoid abuse of rights.
12. TRUE: That the holding of any owners meeting to decide on the subject could be



inoperative as the deadlines for sending and receiving the notice have to be met, and will in any case produce postal expenses.

13. TRUE: That there is no general legal provision, except in Catalan Civil Law, for fully telematic meetings without a prior face-to-face meeting.

14. TRUE: That there are sanctions in case of breach of between 3,000 and 600,000 euros, by article 58 of the General Law 33/2011 on Public Health.

15. TRUE: That the president or the rest of the members of the board of directors who participate in the decision can be personally responsible with their assets for the compensations that derive from the omission of the application of the regulations, including the compensations for civil responsibility in case the relatives of a person who died by COVID-19 demonstrate the link of causality between the omission of the diligence of the community and the death itself.

16. TRUE: That obliging owners, by means of a meeting of owners or without a meeting of owners, to clean the contact areas does not exempt the community from the responsibilities imposed by the regulations.

17. TRUE: The conditions which must be met in new normality in view of the opening of the pool, and with which both the president and the governing board can be reasonably sure that no responsibility will be claimed from the community or its members, are mainly

- Prohibition of the use of natural grass due to the impossibility of complying with the daily cleaning with the biocides required by the legislation. Its cleaning is an issue that is not clear in the current or previous decrees, but, by analogy to the cleaning of the soil that is mentioned, and out of prudence we believe that it should be done.

- Signalization enough so that at least the owners try to respect the capacity.

- Not need for control of previous appointment or capacity except for the following exception.

- Need for a person or system to control the capacity or the previous appointment as long as the occupation at the time of maximum occupation of any day is close to 90% of the capacity in new normality.

- Automatic closure of the pool when the capacity is exceeded, and hiring of a person at the time of the next reopening.

- Recommendation to use a mask, but not on the water.



Statements that are NOT covered by the regulations and are not clearly deduced:

- 1.FALSE: Soap or sanitizer dispensers must be offered to users, except in bathrooms.
- 2.FALSE: That it is necessary to clean at the end of the bathers' shift each time, except for communal loungers.
- 3.FALSE: That the only legal option to control the capacity and the shifts is with a system or company.
- 4.FALSE: That a president can legally decide not to open the pool without cause, claiming free of charge that "it is recommended" not to open pools or to avoid crowds.
- 5.FALSE: That sunbathing is prohibited.
- 6.FALSE: That it is necessary to signpost the directions of circulation.
- 7.FALSE: To close or stop opening entrances or exits in case there are several accesses, to leave only one.
8. FALSE: The temperature must be controlled at the access points.
9. FALSE: That a form hung on a board where the owners sign up for their turn fully guarantees a capacity control or a previous appointment, if necessary.
10. FALSE: That an application that manages the previous appointment, controlling the maximum capacity, without a person or system that assures its fulfillment in the swimming pool, is total guarantee to be fulfilling the norm.
11. FALSE: In order to open the swimming pools, it is obligatory to adopt recommendations from other sectors, such as extra cleaning, installation of carpets with liquid biocides in the accesses or use of gloves.
12. FALSE: That the living areas should be signposted in order to guarantee the separation between living areas and transit areas, an obligation that was eliminated in phase 3.



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3.14. Measures concerning recreational pools

3.14.1 Use of recreational pools

OPENNESS ACCORDING TO THESE REGULATIONS. Recreational pools open to the public shall be used in accordance with the health and safety measures provided for in this agreement.

2. The maximum permitted capacity shall be seventy-five percent of the capacity of the facility, provided that the safety distance of 1.5 meters between users can be respected. Otherwise, this capacity will be reduced in order to comply with this safety distance.

If it is necessary to guarantee that the capacity or the minimum safety distance between the users is not exceeded, an appointment will be required with the managing entity of the installation in order to access the pool. If the usual use of the facility allows for capacity control, this service will not be necessary.

THE POOL IS PURIFIED AS USUAL. 4. The application of the hygienic and sanitary measures provided for in this agreement is understood without prejudice to the physical and chemical water purification operations necessary to obtain an adequate quality of water in the vessels in accordance with annexes I and II of Royal Decree 742/2013, of 27 September, which establishes the technical-sanitary criteria for swimming pools, with the carrying out of the pertinent controls, as well as compliance with the rest of the applicable regulations.

CAPACITY IN SHOWERS AND CHANGING ROOMS. Showers and changing rooms may be used up to a maximum of seventy-five percent of the capacity of the changing rooms, guaranteeing in all cases a minimum safety distance of 1.5 meters between users.

NO FOUNTAINS. 6. Water sources may not be used.



MANDATORY HYGIENE SIGNS AND COVID SYMPTOMS.7. Users will be informed, by means of visible signs or public address messages, of the hygiene and prevention rules to be observed, reminding them of the obligation to leave the facility in the event of any symptom compatible with Covid-19.

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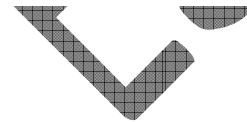
Article 1. General obligations

1.1. Prudential and protective measures

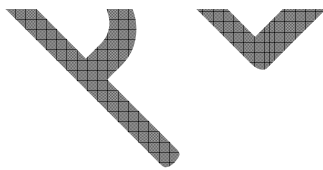
INDIVIDUAL RESPONSIBILITY. Citizens must take the necessary measures to avoid generating risks of the spread of Covid-19, as well as to avoid exposure to such risks.

OBLIGATIONS OF THE HEALTH AUTHORITIES. Likewise, the health and safety measures established by the health authorities for the prevention of Covid-19 must be respected.

1.2. Interpersonal safety distance



DISTANCE OF 1.5 M. The maintenance of the interpersonal safety distance established by the Royal Decree Law 21/2020, of June 9, on urgent measures of prevention, containment and coordination to face the sanitary crisis caused by the Covid-19 of, at least, 1.5 meters or, in its absence, alternative measures of physical protection with the use of a suitable mask and respiratory label must be complied with. The obligation to wear a mask will be enforceable except in the cases provided for in Article 6.2 of Royal Decree Law 21/2020 of 9 June.





2. Hygiene measures

2.1. Hygiene measures common to all activities

GENERAL LIST. In general, without prejudice to the specifications contained in this agreement for specific sectors of activity, and the specific rules or protocols that may be established, the following hygiene and prevention measures will be applicable to all establishments, business premises, facilities and spaces for public use and public activities:

INTENSIVE AND CONTINUOUS CLEANING IS MANDATORY. a) The person or entity that owns the business activity or, if applicable, the director, manager or person in charge of the centres, facilities, spaces for public use and entities, must ensure that the appropriate cleaning and disinfection measures are adopted according to the characteristics and intensity of use of the establishments, premises, facilities or spaces listed below.

CONTACT AREAS ARE CLEANED MORE THAN ONCE A DAY. In the cleaning and disinfection tasks, special attention shall be paid to the areas of common use and to the most frequent contact surfaces such as door handles, tables, furniture, handrails, floors, telephones, hangers and other elements of similar characteristics, according to the following guidelines

VALID CLEANING DILUTIONS 1) Disinfectants should be used as dilutions of freshly prepared bleach (1:50) or any of the disinfectants with viricidal activity that are on the market and duly authorized and registered. The use of this product will respect the indications on the label.

CLEANING MATERIALS ARE DISPOSED 2^a) After each cleaning, the materials used and the protective equipment used must be safely disposed of and hands must be washed.

WORKERS' CLEANING AREAS MUST ALSO BE CLEANED. Cleaning measures shall also be extended, where appropriate, to workers' private areas such as changing rooms, lockers, toilets, kitchens and rest areas.

SHARED STATIONS: CLEANING OF THE STATIONS WITH THE CHANGE OF USERS. b) Likewise, when there are jobs that are shared by more than one worker, the appropriate mechanisms and processes shall be established to guarantee the hygiene of these jobs.



TO SEEK INDIVIDUALITY. The equipment or tools used shall be personal and non-transferable, or the parts in direct contact with the person's body shall have replaceable elements. In the case of those equipments that have to be handled by different personnel, the availability of protection materials or the recurrent use of hydroalcoholic gels or disinfectants will be sought before and after their use.

UNIFORMS ARE CLEANED AS ALWAYS. c) If uniforms or work clothes are used, they shall be washed and disinfected regularly.

ONCE A DAY OR MORE THE FACILITIES MUST BE VENTILATED
d) The facilities must be ventilated periodically and, at least, daily and for the time necessary to allow the renewal of air.

SWIMMING POOL LIFTS ARE TO BE AVOIDED. MAXIMUM STAFF: 1 PERSON. e) When centres, entities, premises and establishments have a lift or freight elevator, the stairs shall be used preferably. When it is necessary to use them, their maximum occupancy must be one person, unless they are living together or all the occupants use masks.

THE CAPACITY OF THE TOILETS IS 1 PERSON/4M2. CLEANING WILL BE REINFORCED.f) The maximum occupation for the use of toilets, changing rooms, changing rooms, breastfeeding rooms or similar by customers, visiting staff or users will be one person for spaces of up to four square metres, except in the case of people who may need assistance; in this case, the use of the companion will also be permitted. For toilets of more than four square metres with more than one booth or urinal, the maximum occupation will be fifty percent of the number of booths and urinals in the room, and the interpersonal safety distance must be maintained during use. The cleaning and disinfection of these spaces must be reinforced, always guaranteeing their state of health and hygiene.

TELEMATIC PAYMENTS WILL BE PROMOTED. g) Payment by card or other means that do not involve physical contact between devices will be promoted, as well as the cleaning and disinfection of the equipment required for this purpose.

PAPER BINS FOR DISPOSABLE MATERIALS TO BE CLEANED ONCE A DAY. h) Waste bins with a pedal and a lid to deposit tissues and any other disposable material will be available and must be cleaned frequently and at least once a day.



COMMUNITY DISINFECTION IN EACH USE i) Those materials that are provided to users during the development of the activity and that are shared must be disinfected after each use.

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2.6. Additional hygiene and prevention measures in swimming pools for collective use

DAILY DEEP CLEANING IN THE MORNING. In addition to the general hygiene and prevention measures contained in sections 2.1 and 2.2, and without prejudice to the application of the technical-sanitary regulations in force, in swimming pools for collective use, the cleaning and disinfection of the installations must be carried out with special attention to closed spaces such as changing rooms or bathrooms prior to the opening of each day. Likewise, the different equipment and materials must be cleaned and disinfected, such as glasses, corkscrews, auxiliary class material, perimeter fence, first aid kit, lockers, as well as any other in contact with the users that are part of the facility.

SUITABLE BIOCIDES. The biocides to be used for surface disinfection will be those of product type 2, referred to in Annex V of Regulation (EU) No. 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the placing on the market and use of biocides. Disinfectants such as freshly prepared 1:50 dilutions of bleach or any of the disinfectants with viricidal activity on the market that are duly authorised and registered may also be used.

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2.7. Additional hygiene and prevention measures in sports facilities

In addition to the general hygiene and prevention measures contained in sections 2.1 and 2.2, the facilities shall be cleaned and disinfected periodically, at least twice a day, and always after each shift, including in the common areas, with special emphasis on surfaces, door handles, machines and appliances that are being handled, work benches and other shared items, light fixtures, lift buttons, handrails and railings, using regular detergents or household bleach diluted in water. Likewise, the material used by athletes will be cleaned and disinfected at the end of each training shift and at the end of the day.

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3.3 Measures relating to leisure activities and recreational playgrounds

1. Leisure activities aimed at children and young people must comply with the health and safety measures established by the health authorities for the prevention of Covid-19 and with the following capacity limits:

a) When they are carried out in the open air, the number of participants is limited to seventy-five percent of the usual maximum capacity of the activity, with a maximum of 250 participants, including monitors.

b) When carried out indoors, the number of participants is limited to seventy-five percent of the usual maximum capacity of the activity, with a maximum of 100 people participating, including monitors.

In both cases, during the development of the activities the participants will be organized in groups of up to a maximum of 15 people, including the monitors.

2. In the recreational playgrounds, the health and safety measures established by the health authorities for the prevention of Covid-19 must be respected.

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3.8.3. Sports facilities

1. In the sports facilities it will be possible to carry out individual sports activities without physical contact and the sports modalities that are practiced in pairs.
2. Persons with special needs may be accompanied by a support person.
3. Likewise, physical activities may be carried out in groups of up to a maximum of thirty people, when they are carried out in open facilities, and up to a maximum of twenty people, when they are carried out in closed facilities, without physical contact, maintaining a safety distance of 1.5 metres and provided that the maximum capacity established in point 4 of this paragraph is not exceeded.
4. The maximum capacity allowed will be one user per 4 m² of useful area for sports use. This calculation shall apply to each of the facility's sports use areas, including water areas and saunas.
5. The capacity of other non-sports services that the facility may have shall be governed by its specific regulations.
6. The persons or entities that own the facility will be responsible for establishing the necessary measures to guarantee compliance with the capacity.
7. The persons or entities that own the facility shall visibly signpost the square meters available in the area and the maximum permitted capacity at the accesses to each of the facilities.
8. At each of the accesses to the facility, the instructions for use of the facility shall be clearly indicated, and in particular
 - (a) The use of personal protective equipment: masks, hand hygiene, disinfection of the hands, etc.
 - b) Instructions for the use of services in changing rooms, common areas, catering areas and water areas.



c) Availability of hydro-alcoholic solution and other materials for personal hygiene

d) Availability of material for the disinfection of the material used.

9. The person or entity owning the installation must establish an access system that avoids the accumulation of people, and a shift system that allows physical activity to be carried out in conditions of safety and health protection.

10. Changing rooms and showers may be used, in compliance with the general prevention and hygiene measures laid down in this agreement. In order to facilitate the protection of the health of sportsmen and women, the minimum interpersonal distance of 1.5 metres must be guaranteed and the proportion of 4 m² for each user must not be exceeded.

11. In toilets and common areas, cleaning conditions shall be reinforced.

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