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# FREQUENTLY ASKED QUESTIONS ON SANITARY MEASURES FOR ECONOMIC ACTIVITIES (EXCLUDING THE HORECA SECTOR)



The purpose of these frequently asked questions ("FAQs") is to help businesses implement the health measures provided for in the amended law of 17-07-2020 on measures to combat the Covid-19 pandemic (hereinafter referred to as the "amended law on Covid measures").

*Warning: The measures will evolve in several phases until 28 February 2022. Unless otherwise specified, the provisions set out in the FAQ will apply from 17 December 2021, receptively from 15 January 2022.*

*The Covid check scheme, which becomes a 2G+ scheme will apply from 25 December 2021 for customers of so-called leisure activities (restaurants, pubs, etc.), while employees of these companies will be subject to the 3G scheme. The 3G scheme (vaccinated, reinstated or tested), which was optional in the context of employment relationships, will become compulsory for employees of all companies from 15 January 2022. In addition to the obligations resulting from these two schemes, companies must also comply with the measures imposed for gatherings where the conditions are met. The staff of establishments receiving the public or organisers of gatherings, demonstrations or events and the organiser are subject to the 3G regime.*

This document is purely informative and does not claim to be exhaustive. The information contained in this document is of a general nature and is not intended to address any particular situation in any specific company. It should not be relied upon as a basis for making decisions without seeking professional advice and conducting a detailed analysis of the situation in question.

## FREQUENTLY ASKED QUESTIONS ON SANITARY MEASURES FOR ECONOMIC ACTIVITIES (EXCLUDING THE HORECA SECTOR)

<b>I. 3G REGIME IN COMPANIES</b>	<b>5</b>
<b>A. CONCEPTS AND SCOPE</b>	<b>5</b>
1. WHAT IS THE 3G REGIME?	5
2. WHERE, WHEN AND TO WHOM DOES THE 3G REGIME APPLY?	6
3. WHO SHOULD THE EMPLOYER INFORM WHEN SETTING UP THE 3G SCHEME?	7
4. WHO MONITORS COMPLIANCE WITH THE 3G SCHEME?	7
<b>B. 3G SCHEME FOR EMPLOYEES</b>	<b>7</b>
5. WHAT IS THE ROLE OF EMPLOYEE REPRESENTATIVES IN THE IMPLEMENTATION OF THE 3G SCHEME?	7
6. IS IT POSSIBLE TO PROCESS EMPLOYEES' HEALTH DATA AND TO KEEP LISTS OF SUCH DATA?	7
7. WHEN AND HOW TO CHECK EMPLOYEES?	8
8. IS IT POSSIBLE TO VERIFY THE IDENTITY OF EMPLOYEES?	9
9. WHAT ARE THE CONSEQUENCES FOR THE EMPLOYEE WHO DOES NOT PRESENT A VALID CERTIFICATE OR DOES NOT VALIDLY PROVE HIS IDENTITY?	10
10. IS THE TIME NEEDED TO CARRY OUT THE CONTROL OF EMPLOYEES CONSIDERED AS WORKING TIME?	11
11. IS THE COST OF THE POSSIBLE TEST TO BE CARRIED OUT BY AN EMPLOYEE AT THE EXPENSE OF THE EMPLOYER? IS THE TIME FOR CARRYING OUT THE TEST CONSIDERED AS WORKING TIME?	12
<b>C. 3G SCHEME FOR PERSONS OTHER THAN EMPLOYEES</b>	<b>12</b>
12. IS THE 3G SCHEME SET UP IN COMPANIES COMPULSORY FOR EXTERNS WHO VISIT THESE COMPANIES?	12
13. IS IT POSSIBLE TO PROCESS THE HEALTH DATA OF EXTERNS AND TO KEEP LISTS CONTAINING THESE DATA?	12
14. WHEN AND HOW SHOULD THE CONTROL OF EXTERNALS BE CARRIED OUT?	12
15. IS AN IDENTITY CHECK OF EXTERNAL WORKERS POSSIBLE?	13
16. WHAT ARE THE CONSEQUENCES FOR THE EXTERN WHO DOES NOT PRESENT A VALID CERTIFICATE OR WHO DOES NOT VALIDLY PROVE HIS/HER IDENTITY?	13
<b>II. MEASURES CONCERNING GATHERINGS</b>	<b>13</b>
17. WHAT IS A GATHERING?	13
18. WHAT HEALTH MEASURES ARE REQUIRED AT A GATHERING?	13
19. WHAT IS THE COVID CHECK SCHEME?	14
20. WHERE, WHEN AND TO WHOM DOES THE COVID CHECK REGIME APPLY?	14
21. WHO SHOULD THE OPERATOR OR ORGANISER INFORM WHEN SETTING UP THE COVID CHECK SCHEME?	15
22. CHECKS COMPLIANCE WITH THE COVID CHECK SCHEME?	15
23. IS IT POSSIBLE TO PROCESS PEOPLE'S HEALTH DATA AND TO KEEP LISTS OF SUCH DATA?	15
24. WHEN AND HOW TO CHECK PERSONS?	15
25. IS AN IDENTITY CHECK OF PERSONS POSSIBLE?	16
26. WHAT ARE THE CONSEQUENCES FOR THE PERSON WHO DOES NOT PRESENT A VALID CERTIFICATE OR WHO DOES NOT VALIDLY PROVE HIS IDENTITY?	16

<b>III. INFRINGEMENTS AND SANCTIONS</b>	<b>17</b>
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<b>FURTHER INFORMATION</b>	<b>17</b>
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## I. 3G REGIME IN COMPANIES

### A. CONCEPTS AND SCOPE

*Warning: From 17 December 2021 until 14 January 2022, the 3G regime is optional for companies. Companies may define zones where the scheme is applicable to all persons in that zone. From 15 January 2022 until 28 February 2022, the 3G scheme is compulsory for employees of all companies established in the Grand Duchy of Luxembourg. Companies may provide for zones where external parties (e.g. customers, suppliers, service providers) are subject to the scheme and, conversely, zones where external parties are not subject to it. Unless otherwise specified, the provisions set out in the FAQ will apply from 17 December 2021.*

#### 1. What is the 3G regime?

The 3G scheme is the scheme provided for in the amended Covid Act, under which employees must be able to present a valid certificate at their place of work stating that they are vaccinated, recovered or tested negative.

For the 3G scheme, the national certificates or certificates recognised as equivalent that are permitted for the purpose of Covid-19 control are as follows :

- Certificate of vaccination,
- certificate of recovery,
- NAAT negative test certificate for Covid-19 with a validity of 48 hours, commonly referred to as "PCR test",
- Certificate of Rapid Negative Antigen Test for Covid-19 valid for 24 hours,
- Certificate of contraindication to vaccination against Covid-19 issued by the Director of Health accompanied by :
  - a certificate of negative NAAT test,
  - or a certificate of a negative rapid antigen test,
  - or a negative self-diagnostic test result performed on site,
- certificate of rapid negative antigenic test by a member of the Luxembourg Army designated by the Director of Health, valid for 24 hours.

The use of rapid antigenic tests carried out on the spot is therefore only valid for persons who have a certificate of contraindication to vaccination. It is not valid in other cases, even if the test is carried out under the supervision of the employer or another employee of the company.

The exemption from wearing a mask and observing social distances is only possible in areas where all persons are subject to the 3G regime at the same time. However, the 3G regime does not exempt people from complying with the other pandemic measures (e.g. ventilating premises, disinfecting surfaces, washing hands, avoiding handshakes).

## 2. Where, when and to whom does the 3G regime apply?

Period from 17-12-2021 to 14-01-2022	Period from 15-01-2022 to 28-02-2022
<p>The introduction of a 3G scheme within a company is an option and not an obligation. The employer therefore has the choice of whether or not to opt for the 3G scheme.</p>	<p>The teleworking employee is not subject to this obligation, as the notion of workplace does not include the teleworking location in the context of this obligation. However, as soon as the teleworker leaves the telework mode and comes back to the workplace, even if only for a short time (e.g. a weekly meeting), he/she has to comply with the obligations resulting from the 3G scheme. The same applies if she goes to clients or to an external meeting.</p>
<p>The employer can decide to place all or only part of his company under the 3G scheme. The employer who wants to introduce the 3G regime must clearly delimit the <u>geographical area</u> or even the <u>periods</u> in which the 3G regime applies.</p> <p>When the 3G regime is applicable in a zone, any person who wishes to enter the zone (e.g. workers, visitors, customers) is obliged to present a valid certificate.</p>	<p>The employer may decide to make access by persons other than company employees (external) subject to the obligation to present a valid 3G certificate for the whole company or for part of the company only.</p> <p>In other words, the employer may delimit <u>geographical areas</u> and <u>periods</u> where persons other than employees, such as suppliers, customers or service providers, are subject to the obligation to present a valid certificate for access and others where they are not.</p>
<p>Exemption from wearing a mask and respecting social distances is only possible in areas where all persons are subject to the 3G regime at the same time.</p> <p>The employer may, for example, decide that the 3G regime only applies in areas that are not accessible to the public.</p>	<p>Exemption from wearing a mask and respecting social distances is only possible in areas where all persons are subject to the 3G regime at the same time.</p>
<p>The exemption from wearing the mask and respecting the social distances is then only possible for those areas of the company that are not accessible to the public.</p>	<p>For example, the employer may decide that the 3G regime does not apply in areas of the company that are accessible to the public for people other than employees.</p> <p>The exemption from wearing the mask and respecting the social distances is then only possible in areas of the company that are not accessible to the public.</p>

### 3. Who should the employer inform when setting up the 3G scheme?

Period from 17-12-2021 to 14-01-2022	Period from 15-01-2022 to 28-02-2022
If the employer chooses to implement the 3G scheme, the scheme must be notified in advance by electronic means to the Health Directorate and posted visibly. When notifying, the <u>perimeter</u> of the venue of the event must be precisely determined and the notification must include the dates and <u>periods</u> covered.	There is no notification or posting requirement for the mandatory 3G scheme for employees. Although not mandatory, visible signage would in practice identify areas where all persons (employees and outsiders) are subject to 3G and areas where only employees are subject to 3G.

### 4. Who monitors compliance with the 3G scheme?

The employer monitors compliance with the 3G scheme. He can carry out the control himself or delegate it to one or more employees or third-party service providers.

In the case of temporary work, the control is the responsibility of the user company.

When several companies are located in the same area (e.g. shopping centre), they may decide to centralise the control.

#### B. 3G SCHEME FOR EMPLOYEES

*Warning: From 17 December 2021 until 14 January 2022, the 3G scheme is optional for companies. From 15 January 2022 until 28 February 2022, the 3G scheme is compulsory for employees of all companies established in the Grand Duchy of Luxembourg. Unless otherwise specified, the provisions presented in the FAQ apply from 17 December 2021.*

### 5. What is the role of employee representatives in the implementation of the 3G scheme?

Period from 17-12-2021 to 14-01-2022	Period from 15-01-2022 to 28-02-2022
The 3G scheme falls within the framework of the employer's obligations in terms of health and safety at work as set out in Articles L. 312-2 et seq. of the Labour Code. Ordinary law, and in particular the provisions of the Labour Code, are applicable as regards co-decision with the staff delegation for companies with 150 or more employees (Article L. 414-9 2° of the Labour Code), consultation and participation of the staff delegation (Article L. 414-3 (1) 7° of the Labour Code) and the powers and duties of the safety and health delegates for all matters relating to safety and health at work.	As the 3G scheme is compulsory for employees, the staff delegation cannot, in the context of its competences in the area of health and safety as set out in Articles L. 414-3 (1) 7° and L. 414-9 2° of the Labour Code, oppose the introduction of this scheme within the company, nor can it make its implementation conditional on requirements not provided for by the law.

### 6. Is it possible to process employees' health data and to keep lists of such data?

Health data are sensitive personal data whose processing is in principle prohibited by the GDPR. Permitted exceptions must comply with the principles and obligations of the GDPR, in particular the principle of data minimisation, security and confidentiality.

In order to facilitate control under the 3G scheme, the employer may keep a list of employees who have been vaccinated or reinstated within the company, including only the surname, the first name and the period of validity of the certificate, without keeping a copy of the certificate presented during the control. Vaccination certificates are valid for 270 days (approx. 9 months) from the date on which the vaccination schedule is considered complete. The validity of the certificate for the booster vaccination is unlimited. The validity of the reinstatement certificates starts on the 11th day after the date of the first positive result of a NAAT test and ends at the latest 180 days after this result.

The employer, as well as the user company of the temporary workers, may keep this list themselves or delegate the keeping of the list to one or more employees or third-party service providers. Only the employer and the persons responsible for keeping the list can access its contents.

Registration on the list is voluntary. An employee covered by a valid vaccination or recovery certificate and registered on the list may be exempted from control under the 3G scheme. The employee may request to be removed from the list at any time and without any reason. Failure to register has no impact on the employment relationship. The list must be destroyed on 28 February 2022.

In general, the employer may not keep any other health data that would be communicated during checks under the 3G scheme (see question 7). In this context, it should be recalled that the GDPR is only intended to apply when personal data are processed. The mere fact that employers view the personal data contained in, for example, a certificate or an identity document (see question 8) does not constitute data processing within the meaning of the GDPR.

### 7. When and how to check employees?

Health data are sensitive personal data whose processing is in principle prohibited by the GDPR. The exceptions allowed under the 3G regime must respect the principles and obligations of the GDPR, in particular the principle of data minimisation, security and confidentiality.

Period from 17-12-2021 to 14-01-2022	Period from 15-01-2022 to 28-02-2022
If the employer chooses to implement 3G, the check must be carried out each time a person wishes to enter an area where 3G is applicable, and this check is mandatory for any person wishing to enter that area.	Every employee must be able to present a valid certificate at work. The employer or his delegate can check this obligation at any time. Thus, it is no longer necessary for all employees to be obliged to present their certificate on arrival at their place of work and on each entry. As the employee must be in possession of a valid certificate at the beginning of his or her working day, it is recommended that the check be carried out as early as possible in the working day.

The employer should bear in mind that the results of the check may vary over time, particularly as the validity of the tests and the certificate of reinstatement are limited in time.

For certificates with a QR code, an application called "CovidCheck.lu" is made available by the Luxembourg authorities to carry out the check and scan these QR codes. This application only makes visible the name, first name and the green or red result (valid or invalid). This result is displayed for a few minutes and then disappears without being saved. The employer is not allowed to collect or keep the results that come out of the application during the check.



A manual check of the paper version of the certificates with a QR code should be avoided as far as possible, as it contains more information than that obtained via the "CovidCheck.lu" application. Exceptionally and only if the employee disputes the colour result displayed after scanning the QR code of a certificate via the application, or if the scan does not work for technical reasons, the persons in charge of the verification may proceed to a manual verification of the certificate.

For certificates that do not have a QR code, there is no choice but to consult the paper version, although they cannot keep a copy.

In order to carry out the control, the employer may:

- decide to restrict access routes into the undertaking to facilitate the control and to close off others or leave them only as exit doors.
- introduce a system of coloured wristbands or other such means to facilitate frequent entry and exit over a short period of time (e.g. one day), provided that the method used does not allow the identification of the vaccination, tested or reinstated status of the wristband wearer.

In order to check employees, the employer may also introduce the following measures:

- Exempt employees voluntarily included in the list of employees covered by a valid vaccination or recovery certificate (see question 6) from the checks imposed on other employees.
- Incorporate the period of validity of the vaccination or reinstatement certificate into the access badge of the employees concerned (see question 6), while allowing employees who do not wish to make use of this possibility to present their certificate in accordance with the control procedures available in the company, without them suffering any negative consequences as a result.

Where the employee is performing work assignments outside the company premises, the employer may implement the following measures:

- require the employee to go to the company's premises beforehand to carry out the check.
- appointing delegates to the places of work to carry out an on-site check.
- conduct the check via video-conferencing tools or by using mobile phones in video mode, without recording the videos, or invite the employee to provide a copy of the test certificate by email when it does not have a QR code or a screen copy of only the QR code of the certificate when it has a QR code which will be checked via the official application, these procedures must be carried out in compliance with the principles of the GDPR, in particular the principles of security, confidentiality and minimisation of data and without being able to keep a copy of this information, which should be destroyed immediately after the check has been carried out.

## **8. Is it possible to verify the identity of employees?**

From 15 January 2022, the employer or his delegate shall verify the identity of the holders of the certificates by comparing it with that shown on an identity document, i.e. any official document bearing a photograph proving a person's civil status (e.g. identity card, passport or driving licence). Any other document such as a business card or a professional badge presented by the employee is left to the discretion of the person responsible for carrying out this verification, who may refuse it. The retention of a copy of such documents is not allowed, a visual check being sufficient.

### 9. What are the consequences for the employee who does not present a valid certificate or does not validly prove his identity?

Period from 17-12-2021 to 14-01-2022	Period from 15-01-2022 to 28-02-2022
If the employer chooses to implement the 3G scheme in all or part of the company, the employee is not entitled to access this area in either case (lack of a valid certificate or proof of identity).	The employee has no right of access to the workplace in these two cases (lack of a valid certificate or proof of identity).
The employee must comply with the isolation or quarantine requirement, if applicable. This would be the case, for example, if the result of the test carried out on the spot by the employee with a certificate of contraindication to vaccination proves positive.	The employee must, if necessary, comply with the isolation or quarantine requirement. This would be the case, for example, if the result of the test carried out on the spot by the employee with a certificate of contraindication to vaccination proves positive.
The employee cannot unilaterally impose telework, leave or other work arrangements on the employer.	The employee cannot unilaterally impose telework, leave or other work arrangements on the employer.
Like other employees, the employee may request leave according to Article L. 233-10 of the Labour Code, but the employer may refuse if the needs of the service and the justified wishes of other employees in the company prevent this.	Like other employees, the employee may request leave according to Article L. 233-10 of the Labour Code, but the employer may refuse if the needs of the service and the justified wishes of other employees in the company prevent this.
The employee may, in the context of a case-by-case assessment, be subject to the sanctions permitted under labour law.	<p>The employment contract is maintained, but the employee automatically loses the part of his or her remuneration corresponding to the working hours not worked as a result.</p> <p>Note that the period without pay is different from unpaid leave, which must be granted by the employer.</p> <p>The unpaid period is treated as a period of actual work for the purposes of determining the duration of paid leave, for legal or contractual rights linked to the employee's seniority. This period is neutralised for the calculation of the unemployment benefit and the compensatory allowance in the event of professional reclassification. The employee concerned is not eligible for partial unemployment.</p> <p>Failure to present a valid certificate or absence from work as a result is not grounds for dismissal or disciplinary action. Termination of the employment contract in violation of this principle</p>

	<p>is null and void, by decision of the president of the labour court, who decides urgently and as in summary proceedings, and is seized within 15 days by the employee. The employer retains the possibility of sanctioning the employee or terminating the employment relationship on other grounds.</p> <p>The employee also remains covered by social security, the period without pay being considered in principle as an insurance period.</p> <p>At the pension insurance level, if the total number of hours worked is less than 64 for the month in question, the employer's and employee's shares of the contributions are paid, i.e. 16% in total.</p> <p>Payment is made up to a maximum of 64 hours when the number of monthly working hours provided for in the employment contract or in the work organisation plan, if any, reaches or exceeds this threshold of 64 hours.</p> <p>Payment is made up to the maximum number of hours stipulated in the employment contract or in the work organisation plan, if any, when the thresholds stipulated therein are less than 64 hours.</p> <p>Contributions are paid on the basis of the average hourly wage over the last three months or since the start of the employment contract if the employee has been employed for less than three months.</p> <p>The employer may recover the employee's share of the contributions on unpaid hours up to a maximum of 8% on subsequent salaries over a maximum period of 6 months.</p>
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**10. Is the time needed to carry out the control of employees considered as working time?**

The employee is at the disposal of the employer while waiting for and carrying out the control. Therefore, the time needed for this purpose must be considered as working time.

If the employee then has to travel to another location in the course of his or her work duties, the travel time to that location is also considered working time, without prejudice to specific provisions in a collective labour agreement.

The employee should not be penalised if the arrangements chosen by the employer lengthen the time needed to carry out the check (e.g. only one employee is responsible for carrying out the check of about 100 people in practice at the same time at 8 a.m.) or because the check is only possible on the company's premises where the employee would not have to go if there were no check because the place of his work assignment is outside these premises.

**11. Is the cost of the possible test to be carried out by an employee at the expense of the employer? Is the time for carrying out the test considered as working time?**

The cost of any test to be carried out by an employee does not have to be borne by the employer, and the time needed to carry out the test should not be considered as working time.

**C. 3G SCHEME FOR PERSONS OTHER THAN EMPLOYEES**

*Warning: From 17 December 2021 until 14 January 2022, the 3G scheme is optional for companies. From 15 January 2022 until 28 February 2022, the 3G scheme is compulsory for employees of all companies established in the Grand Duchy of Luxembourg and may be imposed on external persons. Unless otherwise specified, the provisions set out in the FAQ apply from 17 December 2021.*

**12. Is the 3G scheme set up in companies compulsory for externs who visit these companies?**

No (see question 2).

The employer may decide to allow access to persons other than company employees (externals) on the basis of a certificate valid under the 3G scheme for the whole company or for part of the company only.

When the employer makes use of this option, the scope is determined in accordance with the terms of the Covid check scheme. The Covid check scheme is notified in advance by electronic means to the Health Directorate and posted in a visible place. At the time of notification, the perimeter of the venue of the event must be precisely determined and the notification must include the dates or periods covered. Within the perimeter, the requirements to wear a mask and the minimum distance of 2 metres between people do not apply.

Where the employer does not make use of this option, the 3G scheme does not apply to externals and the mask wearing and social distance requirements must be observed in areas to which externals have access.

**13. Is it possible to process the health data of externs and to keep lists containing these data?**

No, without prejudice to the authorisations provided for under the Covid check scheme (see question 23).

**14. When and how should the control of externals be carried out?**

Period from 17-12-2021 to 14-01-2022	Period from 15-01-2022 to 28-02-2022
If the employer chooses to implement 3G, the check must be carried out each time a person wishes to enter an area where 3G is applicable, and this check is mandatory for any person wishing to enter that area.	The employer may decide to make the access of persons other than employees of the company subject to the obligation to present a valid certificate for the whole company or for part of the company only (see question 2).

	If the employer chooses to implement the 3G scheme, the check must be carried out each time a person other than an employee wishes to enter an area where the 3G scheme is applicable.
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See question 7 for other measures as long as they are not specific to employees.

**15. Is an identity check of external workers possible?**

Yes, as for employees, from 17 December 2021 (see question 8).

**16. What are the consequences for the extern who does not present a valid certificate or who does not validly prove his/her identity?**

The extern is not entitled to access the area where the 3G scheme has been made applicable to externs in these two cases (lack of valid certificate or proof of identity).

## II. MEASURES CONCERNING GATHERINGS

*Avertissement : Warning: The Covid check regime is used in particular in the context of gatherings. From 17 December 2021, this scheme becomes a 2G scheme (vaccinated or reinstated). Unless otherwise specified, the provisions presented in the FAQ apply from 17 December 2021.*

**17. What is a gathering?**

Gatherings are meetings of people in the same place on the public highway, in a place accessible to the public or in a private place and are regulated with regard to the wearing of masks and the respect of social distances.

**18. What health measures are required at a gathering?**

During an assembly, and except as provided for in the amended Covid Measures Act, masks must be worn in all circumstances for activities open to a circulating public and taking place in an enclosed area, except for activities taking place under the Covid check regime.

In gatherings of more than 10 and up to 20 people (inclusive), people must wear a mask and keep a minimum distance of 2 metres. However, the obligation to maintain a minimum distance of 2 metres does not apply to persons who are members of the same household or who are cohabiting. These conditions do not apply to gatherings that take place under the Covid check regime.

Any gathering involving between 21 and 200 people (inclusive) is subject to the Covid check regime or to the obligation to wear a mask and to be seated at a minimum distance of 2 metres.

Any gathering of more than 200 people is prohibited, unless authorised by the Health Directorate on the basis of a validated health protocol.

This interdiction does not apply to the freedom to demonstrate, outdoor markets or public transport. Masks must be worn at all times.

### 19. What is the Covid check scheme?

The Covid check regime provided for in the amended Law on Covid measures is the regime applicable to establishments receiving the public, gatherings, demonstrations or events whose entry is exclusively reserved for persons fulfilling the conditions of certificates or tests provided for in the amended Act on Covid measures. This scheme becomes a 2G+ scheme from 25 December 2021.

From 12 January 2022, access to the establishments, gatherings, demonstrations or events referred to is limited to persons who can show

- 1° either a valid vaccination certificate, when the certificate was issued 180 days or less ago;
- 2° a valid vaccination certificate, provided that they also present either a self-diagnostic test for Covid-19 carried out on the premises or a valid NAAT test or a valid Covid-19 rapid antigen test, where the certificate was issued more than 180 days ago; or
- 3° a valid booster vaccination certificate; or
- 4° a recovery certificate valid for a maximum of 180 days; or
- 5° a certificate of contraindication to vaccination against Covid-19, provided that the person also presents either a self-diagnostic test for Covid-19 carried out on the spot, or a valid NAAT test or a valid Covid-19 rapid antigen test.

There are no requirements for children under the age of 12 years and 2 months to enter institutions, gatherings, demonstrations or events.

The use of rapid antigenic tests performed on site is therefore only valid for persons who have a certificate of contraindication to vaccination. It is not valid in other cases, even if the test is carried out under the supervision of the organiser or another employee of the company.

The Covid check scheme exempts you from the obligation to wear a mask and to maintain a social distance. However, it does not dispense with compliance with the other Covid-19 pandemic control measures (e.g. ventilating premises, disinfecting surfaces, cleaning hands, avoiding handshakes).

### 20. Where, when and to whom does the Covid check regime apply?

The operator of the establishment or organiser of the gathering, demonstration or event should clearly delineate the geographical area or even the time periods in which the Covid check regime applies. This information should be notified to the Health Directorate (see question 21).

When the Covid check regime is applicable, any person wishing to enter the area (e.g. visitors, clients) is obliged to present a certificate of vaccination, recovery or test admissible under the amended Covid Measures Act (see question 1).

Staff of establishments or organisers are subject to the 3G regime (see question 2).

The check must be carried out each time a person wishes to enter an area where the Covid check regime is applicable, and this check is compulsory for any person wishing to enter that area.

## **21. Who should the operator or organiser inform when setting up the Covid check scheme?**

The Covid check scheme is notified in advance electronically to the Health Directorate and is visibly displayed.

Establishments or activities that are subject to the mandatory Covid check regime are exempt from such notification.

When notifying, the perimeter of the place of the event must be precisely determined and the notification must include an indication of the dates or periods concerned.

In the event of an inspection, proof of notification may be provided by means of a copy of the notice of dispatch of the notification form.

## **22. Who checks compliance with the Covid check scheme?**

The operator of the establishment or the organiser of the gathering, event or demonstration may have one or more of his employees carry out the certificate and identity checks, or delegate them to one or more external parties.

## **23. Is it possible to process people's health data and to keep lists of such data?**

Health data are sensitive personal data whose processing is in principle prohibited by the GDPR. The exceptions allowed must respect the principles and obligations of the GDPR, in particular the principle of data minimisation, security and confidentiality.

To facilitate checks under the Covid check scheme, any operator or organiser may keep a list of persons vaccinated or reinstated when they regularly access a given establishment or regularly participate in activities or events under the Covid check scheme. Inclusion in this list must be voluntary. Individuals who are on the list may request to be removed from the list at any time and without explanation or justification.

The list may only contain the names of those who have been vaccinated or reinstated, and the period of validity of the authorised certificates.

The list must be destroyed by 28 February 2022.

The operator or organiser may delegate the keeping of this list to one or more employees or to one or more external service providers. Only the operator, the organiser or the persons in charge of the maintenance of the list may access its content.

## **24. When and how to check persons?**

If the operator or organiser chooses to implement the Covid check regime, the check must be carried out each time a person wishes to enter an area where the Covid check regime is applicable, and this check is mandatory for any person wishing to enter that area.

See question 7 for other measures insofar as they are not specific to employees.

**25. Is an identity check of persons possible?**

If the Covid check scheme is applied, the operator or organiser is obliged to ask for an identity document from the person presenting the certificate in order to check that the identities match. The operator or organiser may have one or more of his employees carry out the checks, or delegate them to one or more external service providers.

**26. What are the consequences for the person who does not present a valid certificate or who does not validly prove his identity?**

A person who refuses or is unable to produce a certificate and to prove his or her identity on request by the operator or organiser will not be allowed access to the establishment or event concerned.



### III. INFRINGEMENTS AND SANCTIONS

From 17 December 2021, infringements of the amended Covid Measures Act are punishable by fines and taxable warnings for employees. They are subject to fines and even suspension of the establishment permit for employers.

An employer who fails to comply with the control obligations under the 3G scheme or the notification and entry control obligations under the Covid check scheme is liable to an administrative fine of up to EUR 4 000 or EUR 6 000.

An employee who accesses his or her workplace in violation of the 3G scheme is liable to a fine of between EUR 500 and EUR 1000.

Companies must also refrain from discrimination on the basis of health status, which is in principle prohibited and punishable under Articles 454 to 457-4 of the Criminal Code, in particular with regard to the enjoyment of or access to property, the provision of or access to a service, the hiring or dismissal of a person and access to work.

### FURTHER INFORMATION

[Official website](#) of the Luxembourg Government on the Coronavirus

[Consolidated text](#) of the amended law of 17 July 2020 on measures to combat the Covid-19 pandemic applicable from 15 January 2022 (text with documentary value)

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FOR FURTHER INFORMATION, PLEASE CONTACT YOUR USUAL CONTACT PERSON AT ONE OF OUR MEMBERS.

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