

**The government of The Netherlands has introduced the following strict measures to control the coronavirus outbreak.**

1. Events and gatherings for which organisers would normally be required to apply for a permit or notify the authorities are banned until 1 June 2020.
2. All other gatherings are banned until at least 28 April 2020, with a small number of exceptions:
  - a. gatherings that are required by law, such as municipal council meetings and meetings of the States-General. These gatherings must not exceed 100 people.
  - b. gatherings that are necessary to ensure the continued daily operations of institutions, businesses and other organisations. These gatherings must not exceed 100 people.
  - c. funerals and marriage ceremonies. These gatherings must not exceed 30 people.
  - d. religious or ideological gatherings. These gatherings must not exceed 30 people.

*The gatherings listed above can only take place if all recommended hygiene measures to combat the spread of coronavirus are taken and participants stay 1.5 metres away from one another.*

3. Casinos, amusement arcades and similar establishments must close. Businesses in contact-based industries, such as hair salons and beauty parlours must also close.
4. All those in contact-based roles must stop performing their jobs, unless it is possible to maintain a distance of 1.5 metres from clients at all times. This includes masseurs, hairdressers, nail stylists, escorts and driving instructors. An exception has been made for those providing treatment in medical or paramedical roles, but only if there is a specific medical reason and the relevant hygiene measures are taken.
5. Shops and markets must close and public transport services must cease if the relevant hygiene measures are not complied with sufficiently or if people are not keeping a good distance from others (1.5 metres).
6. Places such as holiday parks, camp sites, parks, nature conservation areas and beaches will be closed if the relevant hygiene measures are not complied with sufficiently, if people are not keeping a good distance from others (1.5 metres) or if there is a risk of either of these situations occurring.
7. There is a ban on gathering in groups in public, regardless of whether or not this is intentional. The government is defining a group as three or more people together who are not keeping at least 1.5 metres away from one another. This rule does not apply to people who are part of the same household. It does also not apply to children aged 12 or below who are playing together, supervised by one or more parents or guardians. However, the parents or guardians must ensure they themselves are 1.5 metres apart.

**In short: Corona and commercial contracting under Dutch contract law**

Parties to a contract can in general claim performance. However the COVID-19 pandemic and the measures taken by various government, can constitute under circumstances a force majeure according to the Dutch Civil Code (legal notion as well as contractual notion of force majeure). Force

majeure events relieve the debtor from performance, but the creditor has also the option to dissolve ("*ontbinden*" ) or alter the contract.

### **Dissolution**

Under Dutch contract law, any failure (attributable or not attributable) of a party in the performance of one of its obligations under the contract automatically grants to the other party the power to terminate the contract in question, unless the failure in view of its special nature or its minor significance, does not justify this dissolution and the consequences thereof.

### **Alteration**

Under Dutch law, a party to a contract can also request a civil court to modify a contract (or its consequences) or to wholly or partially dissolve a contract on the basis of unforeseen circumstances. The COVID-19 pandemic and the measures taken by various governments can under circumstances be seen as unforeseen circumstances.

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Sjoerd Tilman and Steven Kerkhof, MannaertsAppels advocaten