

COVID-19: PRESSURE POINTS: ROYAL DECREE-LAW 16/2020, OF 28 APRIL, OF PROCEDURAL AND ORGANISATIONAL MEASURES TO TACKLE COVID-19 CONNECTED TO THE ADMINISTRATION OF JUSTICE (SPAIN)

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Legal Briefings - By **Javier de Carvajal, Fernando Gascón, Miguel García Casas**

With the aim of managing the potential ramifications of the measures that have so far been implemented in the context of the COVID-19 crisis, the Spanish Government has approved Royal Decree-law 16/2020, of 28 April, of procedural and organisational measures to tackle COVID-19 connected to the administration of justice (“RDL 16/2020”). The aim of these measures has, on the one part, been to avoid courts becoming swamped when the current pause on procedural terms and deadlines is ultimately lifted, and on the other, relaxing certain insolvency rules to avoid an avalanche of insolvency proceedings.

In general, the measures are divided into two sets: (i) procedural and organisational measures; and (ii) insolvency measures (our e-bulletin - [COVID-19 Pressure points: Measures adopted by Royal Decree-Law 16/2020 in relation to insolvency \(Spain\)](#) analyses the main insolvency measures).

The most significant procedural and organisational measures from a practical standpoint are:

THE 11TH TO 31ST OF AUGUST 2020 ARE WORKING DAYS

With the exception of Saturdays, Sundays and public holidays, the 11th to the 31st of August count as working days (except where procedural laws had already established that those days were already working days in respect of certain judicial actions).

The different bodies involved (regional authorities, State Prosecutors' Office, Ministry of Justice and General Council of the Judiciary) will take measures to distribute the holidays of judges, magistrates and other staff working in the Administration of Justice.

RESTARTING OF PROCEDURAL TIME PERIODS

All procedural time periods that were paused as a result of the state of emergency will resume from the start of the period. The first day for calculating a time period will be the working day following the day on which pause on procedural time periods and deadlines is lifted; that is, when the state of emergency comes to an end or when the provision that paused procedural time periods and deadlines becomes ineffective. The new provision therefore clarifies any doubts generated by the ambiguous provisions in Royal Decree 463/2020, of 14 March, which declares the state of emergency to tackle the health emergency caused by COVID-19.

On the other hand, RDL 16/2020 extends the term for announcing, preparing, formalising and filing appeals against judgments and other court decisions that bring an end to proceedings and that have been notified during the pause in procedural time periods or within the 20 working days following the lifting thereof. The extension will be equal to the period initially established for announcing, preparing, formalising and filing the appeal.

PRIORITY GIVEN TO CERTAIN PROCEEDINGS

The following civil proceedings will be given priority processing after the pause on procedural time periods has been lifted and up to 31 December 2020:

- Non-contentious proceedings in which measures are adopted for the protection of minors;
- Claims concerning lenders' failure to recognise the legal freeze on primary home mortgages and mortgages for properties connected to business activities;
- Claims made by tenants due to a failure to apply the established freeze or mandatory extension of agreements; and
- Insolvency proceedings of debtors who are non-entrepreneur individuals.

Certain contentious administrative proceedings and labour proceedings related to the measures adopted as a result of the state of emergency will also be given preference.

PRIORITY PROCESSING AND SPECIFIC PROCEEDINGS FOR FAMILY-RELATED MATTERS

A special fast-track proceeding is established for certain family-related claims (visitation rights, shared custody, review of definitive measures regarding marital obligations, spousal maintenance and child maintenance, and review of maintenance payment rights). In general terms, these proceedings are handled in an oral hearing, without written response to the claim.

ORGANISATIONAL AND TECHNOLOGICAL MEASURES

During the state of emergency and for a period of three months after it is lifted, the following organisational measures will be adopted, among others:

- On a preferential basis, trials, appearances, statements and hearings will be held electronically (except for criminal proceedings regarding serious crimes);
- Public access to the court will be supervised by the judicial body in question;
- Medical forensic reports will be based solely on documentary evidence (if possible);
- The use of gowns at public hearings is dispensed with;
- Public enquiries are handled by telephone or e-mail. If it is essential to attend the court building, an appointment must be scheduled; and
- It will be possible to convert court premises that have not yet been brought into operation into bodies devoted exclusively to handling priority proceedings as established in RDL 16/2020.

Certain courts may be entrusted with handling exclusively matters associated with COVID-19 (family-related matters eligible to the new fast-track proceedings and the proceedings given priority identified previously).

EXTENDED PERIODS CONNECTED TO THE CIVIL REGISTER

Certain time periods have been extended in relation, among other things, to marriage and births.

[COVID-19 Europe](#)

[Navigating the COVID-19 Outbreak](#)

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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