



MAIN ASPECTS OF ROYAL DECREE 463/2020, DATED 14 MARCH, DECLARING A STATE OF EMERGENCY IN SPAIN TO MANAGE THE HEALTH CRISIS CAUSED BY COVID-19

1. BACKGROUND

On 14 March 2020, the Spanish Government issued Royal Decree 463/2020 declaring a state of emergency in Spain, with the aim of managing the health crisis caused by COVID-19 (RD 463/2020).

The purpose of the Decree, which is applicable to the entire Spanish territory, is to take certain measures for the protection of citizens' health and safety, with the objective of stopping the expansion of the illness and strengthening the public health system.

2. MAIN CHARACTERISTICS OF THE DECREE

a Term

The state of emergency will be in force for 15 calendar days and it may be extended by an act of Parliament, depending on how the current situation evolves. The scope and term of said potentially new measures would be determined at such time.

b Competence

The Spanish Government is the competent authority during the state of emergency. In this regard, the law enforcement officers of the state and regional governments (*Comunidades Autónomas*) and local municipalities have been put at the disposal and orders of the Spanish Government.

However, each Regional Administration continues to be in charge of the day-to-day management of the services in its territory, within the scope of the direct instructions it receives from the competent authority.

c Relevant measures

Measures restricting people's freedom of movement

During the state of emergency, people will only be allowed in the streets to do the following:

- Buy food, pharmaceutical items and staple/essential products
- Attend medical centres
- Go to work
- Return to their homes
- Look after the elderly, children, or people who are physically dependent or who have disabilities that make them especially vulnerable



- Go to financial or insurance institutions
- Deal with *force majeure* situations
- Attend to any other activity of a similar nature, which they must do individually (alone), except in cases of disabled people who need to be accompanied by another person or if there is some other justified reason for not acting alone
- Drive one's own vehicle on public roadways to perform any of the aforementioned activities or to refuel at petrol stations or filling stations

Measures regarding education and training activities: suspension of all in-person classes

- All in-person educational activities at any school or educational centres and all stages, cycles, grades, courses and levels of education provided therein, including university studies and any other educational or training activities given at either public or private institutions.
- Continuance of educational activities through on-line means, where possible

Measures regarding commercial, cultural and leisure-related businesses, restaurants and others: containment of said activities

- Temporary closure to the public of retail stores and premises, **except for** those providing the following: **(i)** staple food, drinks or essential products; **(ii)** pharmaceutical, medical, optical, orthopaedic or hygiene products; **(iii)** hairdresser's services; **(iv)** press and stationery products; **(v)** fuel; **(vi)** tobacconist products; **(vii)** technological and telecommunication equipment; **(viii)** pet food; **(ix)** online, telephone or postal commerce; **(x)** dry cleaning and laundry

People's presence at said establishments is restricted to the time that is strictly necessary for them to buy the products in question. When doing so, consumers must respect the stipulated safety distance (at least 1 metre from any other individual) and may not consume products in said establishments.

- Temporary closure to the public of museums, archives, libraries, monuments, and premises or establishments where public performances, sports, recreational or leisure activities are held.
- Temporary closure of restaurant activities. Home delivery is the only activity that is allowed to continue.
- Temporary closure of public fairs, parades and festivities

Measures regarding places of worship and civil and religious ceremonies

- Attendance to such places/ceremonies is subject to the implementation of organizational measures to avoid crowds and ensure the minimum safety distance of one metre between individuals is respected.



Measures regarding the provision of goods and services that are necessary to protect public health

- The government is authorised to take over and temporarily occupy industries, plants, workshops, holdings or premises of any kind, including privately-owned health centres, services and establishments, and those operating in the pharmaceutical sector

Measures regarding transport

- Public passenger transport by road, rail, air and sea which is subject to private contracting: 50% reduction in the total operations supplied.
- Public passenger transport by road, rail, air and sea which is subject to public contracting or public service obligations ("PSOs"): reduction in the total operations supplied by at least: (i) 50% for medium-distance rail services; (ii) 50% for "AVANT" medium-distance rail services; (iii) 50% for regularly-scheduled road transport services; (iv) 50% for air transport services subject to PSOs; and; (v) 50% for maritime transport services subject to navigation contracts.
- **Local rail services and public passenger transport services by road, rail and sea that are subject to regional or local jurisdiction and public contracting, PSOs, or which are publicly owned, shall continue to offer their services.**

Measures regarding jurisdictional orders

- Suspension of court activities and the procedural terms and deadlines in all jurisdictions orders throughout the entire Spanish territory. Exceptions in the employment jurisdiction: proceedings regarding collective disputes or fundamental rights
- Authority of any judge or court to issue any procedural measures deemed necessary to avoid irreparable harm to the parties of the proceedings
- Suspension of procedural activities and deadlines while RD 463/2020 is in force (15 calendar days), as well as during any potential extension of the state of emergency that may be decreed. Once the state of emergency is over, the suspension and interruption of the procedural periods will be lifted and the calculation of the relevant periods will be resumed
- Suspension of limitation periods and deadlines to bring legal action
- Suspension of administrative deadlines, applicable to the entire public sector

Other issues

- Power of the competent authority to impose penalties if any of the above measures are violated.



- Power of the competent authority to issue decrees that may amend or extend the measures established in RD 463/2020

ANNEX TO RD 463/2020 REGARDING THOSE FACILITIES AND BUSINESSES THAT MUST TEMPORARILY CLOSE TO THE PUBLIC

Cultural establishments	Recreational activities
Museums Archives Libraries Monuments Public performances	Discotheques and dance halls Halls used for young people's activities Non-spectator premises or spaces used for public recreation of any kind
Leisure and Entertainment	Gaming and gambling
Live entertainment cafés Circuses Exhibition halls / galleries Nightspots Live entertainment restaurants Other premises or similar facilities	Casinos Collective gaming and gambling establishments Gaming halls Recreation halls Raffles and tombolas Other premises and similar facilities Specific-betting establishments
Businesses related to culture and art	Cultural and recreational facilities
Auditoriums Cinemas Bullfighting facilities	Amusement parks, fairs and similar Water parks Fair stands or kiosks Zoos Children's playgrounds
Other facilities or establishments	Open facilities and spaces, public roadways
Pavilions for large events Concert halls Conference halls Showrooms Multipurpose halls Theatres	Public fairs, parades and popular or folkloric festivities Courses for foot races Courses for cycling, motorcycling, car or similar races Courses for motocross, trial or similar races Nautical competitions or exhibitions. Aeronautical competitions or exhibitions. Other premises, facilities or similar activities
Sports	Leisure and entertainment
Premises or enclosed facilities Football, rugby, baseball and similar fields or pitches Basketball, handball, volleyball and similar courts Skeet shooting ranges, pigeon shooting ranges and similar Shooting ranges	Special bars: Nightclubs without live music Nightclubs with live music
	Hotels and restaurants



<p>Tennis and similar courts Skating, ice hockey, roller hockey rinks and similar Swimming pools Boxing, wrestling, judo establishments and similar Permanent circuits for motorcycles, cars and similar Velodromes / cycle tracks Hippodromes, dog tracks and similar Fronton, ratchet, squash and similar courts Sports facilities Bowling alleys and similar Billiard establishments and similar Gyms Athletic tracks Stadiums Other premises, facilities or similar businesses</p>	<p>Pubs and wine cellars. Cafeterias, bars, café-bars and similar establishments. Chocolate shops, ice-cream parlours, tea halls, croissant shops and similar establishments. Restaurants, self-service restaurants and similar establishments. Bar-restaurants. Hotel bars and restaurants, except for serving guests staying in the hotel. Banquet halls. Cafés or terraces.</p>
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