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News Alert

Litigation & Arbitration Department

How are deadlines affected by Royal Decree 463/2020, of 14 March, declaring the state of alert for the management of the health crisis situation caused by COVID-19?

Last Saturday [Royal Decree 463/2020](#), of 14 March, was published in the Boletín Oficial del Estado [Official Spanish Gazette] declaring the state of alert arising from the health crisis caused by COVID-19. In turn, on Tuesday a second Royal Decree (RD 465/2020, of 17 March) was published, amending and completing some of the provisions set forth in the first one (THE “RD”).

Among the measures adopted in this RD we want to highlight the suspension, until the end of the state of alert – in principle on 29 March, although extensions are expected – of deadlines and procedural actions of all jurisdictions. These measures leave behind any possible confusions regarding the positions taken by different courts, unifying the actions of judicial bodies throughout the national territory. Therefore, deadlines will not apply for answering claims, appeals or any judicial action subject to a deadline. Trials and hearings will also not be scheduled or held, and those set to take place during this period will have to be changed.

However, urgent judicial proceedings will not be affected, especially in the criminal sphere, where due to their sensitive nature they cannot be suspended (habeas corpus, proceedings with detainees, injunctive measures, etc.). In the remaining jurisdictions, the anticipated exceptions concern fundamental rights and the protection of minors. Likewise, in the labour jurisdiction, proceedings related to collective bargaining or matters of fundamental rights will not be suspended.

It is important to emphasise that, in any jurisdiction, when the judge or court considers it necessary, they may agree to the performance of any judicial action necessary to avoid irreparable damage to the interested party.

Moreover, the suspension of deadlines for the exercise of actions, both prescription and limitation, is also anticipated. That is, throughout the period that the state of alarm lasts, no actions will be precluded, nor will it be necessary to suspend deadlines for their future exercise.

Although the Royal Decree makes no mention of what happens to the deadlines agreed in contracts, we believe it necessary to mention this briefly. These will not be affected by the suspension, and the agreement of the parties remains in force. It is for this reason that reviewing contracts and assessing the possibility of renegotiating agreements and the terms they contain is recommended, in order to avoid breaches and possible legal claims.

Furthermore, it is clear that the current situation will cause new commercial conflicts and that it will be difficult for judicial administration to respond quickly to existing and emerging conflicts.

Therefore, it is necessary to consider alternative means of conflict resolution, such as arbitration and mediation, which in addition to being fast, cheap and effective, can be carried out entirely by electronic means.

We hope you find this information useful and we remind you that Roca Junyent is at your disposal to expand upon or clarify any question of interest.

Sincerely,

Roca Junyent Litigation & Arbitration Department