

PROCEDURAL AND ORGANIZATIONAL MEASURES DURING COVID-19 WITHIN THE ADMINISTRATION OF JUSTICE SECTOR

Further to our bulletin of last March informing of the extraordinary measures taken by the Spanish government in the legal field as a consequence of declaring the State of Alarm to face COVID-19, we would inform you now of the procedural and organizational measures provided by Royal Decree-Law 12/2020 of 28 April 2020 in order to facilitate the resumption of the Court proceedings, from the date of their entry into force, i.e. 30th of April.



- **The days from August 10th to 31st are declared working days for all Court procedures** (except for Saturdays, Sundays and public holidays)
- **Calculation of the procedural deadlines:** it is agreed to resume the calculation of the procedural deadlines suspended by the State of Alarm decree; that means deadlines **start to be calculated from its beginning**, day one being the first working day following the day on which the State of Alarm cease to have effect .
- **Term extension to lodge an appeal against judgements** and other decisions which bring the proceedings to an end and which have been served during the State of Alarm, as well as judgements served within the next twenty working days following the lifting of the suspension of the procedural deadlines.
- **Priority given to specific proceedings**, as from the date the State of Alarm is lifted until 31/12/2020:
 - a) Family law proceedings (voluntary jurisdiction)
 - b) Mortgage moratorium (civil jurisdiction)
 - c) Administrative resolutions on public aids (contentious administrative jurisdiction)
 - d) Dismissal proceedings, ERTES (labour force adjustment) and labour issues arising from COVID-19 (social jurisdiction)

This new regulation is intended to gradually activate the normal functioning of the judicial system.

Also organizational measures are adopted as concerns Trials to take place on-line, assistance to public by phone or by e-mail, as well as Court Forensic Medical Reports based upon the medical documents; all of them being measures to be taken during three months as from the lift of the State of Alarm.

On the other hand, the procedural deadlines suspended during the lockdown period are restarted as from 1 June.



The de-escalation of the various measures is summarized as follows:

- As from 1st June: cease of suspensions of administrative deadlines (to claim to the administration, to submit recourses, etc.) That means, on 14th March the calculation of the deadline was suspended, and as from 1st June deadlines are resumed from where they were.
- As from 4th June: cease of deadlines for limitation period suspended on 14th March. That means that the number of days between 14th March and 1st June do not count for statute of limitation purposes (for instance to enforce a sentence). Nevertheless, we at DEKRA Claims, have continued to interrupt limitation period for the sake of precaution.
- As from 5th June, the calculation of the procedural deadlines is restarted (deadline to appeal judgements, to submit recourse to judicial decrees, etc.). As in the aforementioned points, the counting of days is resumed from where they were.

UPDATE OF THE LEGAL SCALE FOR THE ASSESSMENT OF PERSONAL INJURY AND DAMAGES CAUSED TO PEOPLE IN ROAD TRAFFIC ACCIDENTS IN SPAIN

On 30th March 2020 the SPANISH MINISTRY OF ECONOMIC AFFAIRS AND DIGITAL TRANSFORMATION through the General Directorate of Insurance and Pensions published the updated amounts for compensations of the system for the assessment of the personal injury and damages caused to people in traffic accidents.



According to the Act on Civil Liability and Insurance in the Circulation of Motor Vehicles, the amounts for compensation established by the system of valuation of damage are updated with effect January 1st each year, in the percentage of Pension Revaluation Index provided for under the General State Budget Act. In view of the above, **the amounts for compensation have been reassessed in 0,9% for 2020.**

As an example, the increase in 2020 with respect to 2019 is from €31,05 to €31,32 for each day of basic personal damage (non-impeditive day), from €53,81 to €54,30 for each day of moderate personal damage (impeditive day), and from €77,63 to €78,31 for each day of hospitalization.

As concerns permanent injuries or sequelae, both physical and aesthetic, for instance, one point sequelae in a 40 years old person will be €821,52 instead of €814,19. In a 50 year old person with five points sequelae, the increase means from €4.198,97 as per 2019 Scale to €4.236,76 according to 2020 Scale.

The purpose of updating the amounts of the Scale of compensations for death and personal injury is to adapt them to the real cost of living. Exceptionally this year the increase has been over the Consumer Price Index which was 0,8% in 2019.