

Madrid, 15 March 2020

I. STATE OF ALARM

On Saturday 14 March 2020, the declaration of the state of alarm was published in the Spanish Official Gazette¹ (*B.O.E.*) as a response to the public health crisis caused by COVID-19.

Royal Decree 463/2020, of 14 March, which has declared a state of alarm for the management of the health crisis caused by COVID-19 (the “**RDEA**”), has established a series of extraordinary measures to protect the health and safety of citizens, contain the spread of the disease and strengthen the public health system.

The approval of the RDEA entails that all the powers required to combat COVID-19 will be centralized in the Spanish Government, putting an end to the various and different decisions that were being taken by different Autonomous Communities to deal with the issue. Any prior decisions taken by the Autonomous Communities will now remain in force only if they are compatible with the RDEA.

A. The state of alarm as a state of emergency. Requirements for its declaration

In accordance with the Organic Law 4/1981, of 1 June, on the states of alarm, emergency and siege (the “**LOEAES**”)², the Spanish Government may declare the state of alarm, emergency or siege when, due to extraordinary circumstances, it is impossible to preserve normal conditions by means of the ordinary powers granted to the relevant authorities.

The state of alarm is the least critical of the three states of emergency provided for in the Spanish Constitution. It can be declared, in all or part of the country, when there are serious disruptions to normal conditions such as (i) catastrophes, calamities or public disasters –i.e. earthquakes, floods, fires or major accidents–; (ii) health crises, such as epidemics or serious pollution situations; (iii) the breakdown of essential public services for the community; or (iv) shortages of basic necessities³.

¹ B.O.E. No. 67 of 14 March 2020, Section I.

² B.O.E. No. 134 of 5 June 1981, Section I.

³ The state of emergency may be declared when the free exercise of rights and freedoms, the normal functioning of democratic institutions, public services for the community, or any other aspects of public order are so seriously disrupted that the exercise of ordinary powers is insufficient to restore and maintain them. In addition, the state of siege may be approved if there is an insurrection or threat of insurrection or an act by foreign forces against the sovereignty or independence of Spain, its territorial integrity or the constitutional order, which cannot be resolved by other means.

In these two situations, fundamental rights can be suspended, pursuant to Article 55 of the Constitution.

B. Main purposes of the state of alarm. Centralisation of decision-making and the various extraordinary measures that can be taken

The state of alarm does not entail the suspension of the Spanish Constitution nor the fundamental rights therein. Its effectiveness focuses on two fundamental aspects⁴.

The first is to centralise decision-making powers in the Spanish Government and, to this end, the declaration of a state of alarm means that all civil authorities, members of the police forces of the autonomous and local councils, and other civil servants and workers are placed under the direct authority of the Spanish Government.

The second is the power of the Spanish Government to adopt the following extraordinary measures:

- (i) to limit the movement or retention of persons or vehicles at designated times and places, or making them conditional on the fulfilment of certain requirements;
- (ii) to temporarily confiscate all types of goods and to impose personal compulsory services;
- (iii) to intervene in and to temporarily occupy of industries, factories, workshops, businesses or premises of any kind, with the exception of private residences;
- (iv) to limit or rationalize the use of services or the consumption of basic necessities; or
- (v) to issue the necessary orders to ensure the supply of markets and the operation of the services of manufacturing facilities affected by shortages.

C. Formal aspects of the state of alarm. Involvement by the Congress (*Congreso de los Diputados*)

The state of alarm can only be declared by a decree adopted by the Council of Ministers, which acts as a constitutional body in such cases. The consequence of this is that the RDEA has the nature of a decision or provision with the power or status of law and, therefore, is excluded from the contentious-administrative jurisdiction⁵.

⁴ RODRÍGUEZ-PIÑERO, M. AND CASAS BAAMONDE, M.E. (DIRS.), "COMMENTS ON THE SPANISH CONSTITUTION. XL ANIVERSARIO", TORRES MURO, I. COMENTARIOS AL ARTÍCULO 116, B.O.E. Y WOLTERS KLUWER, MADRID 2018, PP. 632 Y 633.

⁵ Judgment of the Constitutional Court 83/2019 of 28 April, rapporteur H.E. Adela Asua Batarrita (B.O.E. No. 131 of 31 May 2016, Supplement to the TC), ES:TC:2016:83, F.D. 11.

Order of the Supreme Court (Contentious-Administrative Chamber, Section 8), of 10 February 2011, appeal number 553/2011, rapporteur H.E. Mr. Nicolás Antonio Maurandi Guillen, ES:TS:2011:857A, R.J. 4^º; confirmed by Order, of 9 March 2011, ES:TS:2011:2985A. In the same sense, Order of the Supreme Court (Contentious-Administrative Chamber, Section 7^a), of 30 May 2011, appeal number 152/2011, rapporteur H.E. Mr. Nicolás Antonio Maurandi Guillen, ES:TS:2011:5698A. Reached the same conclusion regarding the extension of the state of alarm Order of the Supreme Court (Contentious-Administrative Chamber, Section 8), of 5 April 2011, appeal number 180/2011, rapporteur H.E. Mr. Pablo María Lucas Murillo de la Cueva, ES:TS:2011:3816A.

This does not imply, however, that such a declaration, or the acts or provisions that may be issued in the course of its application, are not subject to scrutiny by the Constitutional Court. They may be challenged, where appropriate, before the contentious-administrative jurisdiction⁶.

The approval of the state of alarm must be communicated immediately to the Congress, which may request the information and documentation it considers relevant.

The declaration of a state of alarm must specify its territorial scope of application, duration and effects, subject to the principles of necessity and proportionality. Its duration may not exceed 15 days, but may be extended with the prior authorisation of the Congress.

D. Addressing the emergency situation of national interest

The declaration of the state of alarm also means that Spain is in a situation of emergency of national interest (“**EIN**”), in accordance with Law 17/2015, of 9 July, of the National System of Civil Protection (the “**LSNPC**”)⁷.

The declaration of the EIN is the responsibility of the Minister of the Interior, who at such time will generally be in charge of the supervision, planning and coordination of the actions and the management of all of the state, regional and municipal resources in the affected area, without prejudice to the provisions of the state of alarm.

II. THE RDEA. SPECIAL REFERENCE TO THE MEASURES ADOPTED AS A RESULT OF COVID-19

A. Purpose, aims and implementation

The aim of the RDEA is to manage the health crisis caused by COVID-19 throughout the country, its main objectives being the protection of the health and safety of citizens, the containment of the spread of the disease and the strengthening of the public health system.

It entered into force with its publication in the B.O.E., and its initial duration was 15 calendar days, extendable with the authorisation of the Congress of Deputies.

B. The Spanish Government as the Relevant Authority and the intervention of Law Enforcement Bodies

The Spanish Government is established as the Relevant Authority to manage the state of alarm, with the Delegated Relevant Authorities being (i) the Minister of Defence; (ii) the Minister of the Interior; (iii) the Minister of Transport, Mobility and Urban Agenda; and (iv) the Minister of Health,

⁶ Judgment of the Constitutional Court 83/2019 of 28 April, rapporteur H.E. Adela Asua Batarrita (B.O.E. No. 131 of 31 May 2016, Supplement to the TC), ES:TC:2016:83, F.D. 11.

⁷ B.O.E. No. 164 of 10 July 2015, Section I.

who shall also be responsible for all of the areas of responsibility that do not fall within the spheres of responsibility of the previous Ministers (the “**Relevant Authorities**”).

The RDEA specifically empowers the Relevant Authorities to issue decisions, resolutions, provisions and interpretative instructions necessary to ensure the provision of all essential services to address the health crisis through the adoption of any of the measures required by the state of alarm. To this end, no administrative procedures will be required.

Nevertheless, each public administration retains its powers to take the necessary measures in the day-to-day management of its services, within the framework of direct orders from the Relevant Authorities.

On the other hand, the RDEA specifies that all Law Enforcement Bodies fall under the direct authority of the Minister of the Interior, and any official of the authority is empowered to carry out the necessary checks on persons, goods, vehicles, premises and businesses and to prevent the carrying out of services and activities that have been suspended by the RDEA itself.

Furthermore, the RDEA reserves the authority to request the assistance of the Armed Forces if and when necessary.

C. Measures taken as a result of COVID-19

For the management of the crisis caused by COVID-19, the RDEA has established a variety of measures, all of which are aimed at protecting health, and include the following:

- (i) measures to strengthen the National Health System;
- (ii) measures to ensure and guarantee the supply of goods and basic services;
- (iii) transport and customs measures;
- (iv) containment measures in different areas;
- (v) measures limiting freedoms;
- (vi) expropriation measures and compulsory personal services; and
- (vii) other measures.

C.1 Measures to strengthen the National Health System

The main measure planned is the centralization in the Ministry of Health of the necessary orders for the protection of persons, goods and places.

Accordingly, all the civil health authorities of the public administrations, as well as the other officials and workers in the service of the same, will be placed under the authority of the Minister of Health.

The RDEA specifically provides for the possibility of determining the optimal allocation of all equipment and personnel throughout Spain, in accordance with the needs of the country.

It is also envisaged that military health personnel as well as military centres and facilities will contribute to strengthening the National Health System, as well as privately owned centres, services and establishments.

C.2 Insurance and guarantee measures

i. Measures to ensure the supply of goods and services necessary for the protection of public health

The RDEA establishes the safeguarding of the provision of goods and services necessary for the protection of public health as an absolute priority. To this end, the Minister of Health is empowered with the following extraordinary powers:

- (i) to issue the necessary instructions to ensure the supply of the market and the operation of the manufacturing facilities that are not supplied with products necessary for the protection of public health;
- (ii) to intervene in and temporary occupy industries, factories, workshops, businesses or premises of any kind, including privately owned centres, services, establishments and facilities in the healthcare sector, as well as businesses in the pharmaceutical sector; and
- (iii) to temporary confiscate property and to impose personal obligations for the adequate protection of public health, in the context of the health crisis.

Those who may be affected by the intervention, occupation or temporary confiscation must be compensated, as explained in section III of this note.

ii. Measures to safeguard food supply

Another of the most important issues that the RDEA addresses is safeguarding the food supply of the entire population, as well as the operation of the production facilities, allowing the complete distribution of food.

To this end, the Relevant Authorities will have to adopt the following measures:

- (i) For safety reasons, the escort of the vehicles carrying out the delivery.
- (ii) The establishment of sanitary corridors to allow the entry and exit of persons and products to and from facilities where food is produced.

Given the importance of the food supply, the intervention of private companies or services is also contemplated, as well as the mobilisation of the Law Enforcement Bodies and the Armed Forces.

iii. Guarantee of supply of electrical energy, petroleum products and natural gas

The Relevant Authorities contemplate the possibility of adopting specific measures to guarantee the supply of these goods, in accordance with the sector-specific regulations.

C.3 Transport and customs measures

i. Transport

Another of the essential aspects of the RDEA is found in the measures adopted in the area of transport. In general, in order to guarantee any transport service for the protection of persons, goods and places, the Minister of Transport may adopt the necessary acts or provisions to establish conditions for mobility services.

In particular, the RDEA establishes several measures applicable to internal transport. In general, it provides for a 50% reduction of the total supply of public road, rail, air and sea transport services.

It also requires that in all online ticket purchase transactions, an announcement must appear that discourages travel, except for reasons that cannot be postponed.

In order to ensure the cleanliness of transport, all operators of passenger transport services are required to carry out a daily cleaning, in accordance with the recommendations established by the Ministry of Health.

Finally, it should be noted that the movement of collective means of transport may be limited by the Relevant Authorities.

ii. Customs Transit

The Relevant Authorities should also ensure customs transit for essential goods as a matter of priority.

C.4 Containment measures

i. Containment measures in the education sector

On-site educational activity, including university education, is suspended. Distance and online courses are maintained whenever possible.

ii. Containment measures in commercial activity, cultural venues, recreational establishments and activities, hotel and restaurant businesses and other additional services

As a general rule, the opening to the public of retail premises and establishments is suspended, except for (i) retailers of food, beverages, products and essential goods; (ii) pharmaceutical, medical, optical and orthopaedic premises; (iii) hygiene products; (iv) hairdressers; (v) newspapers and stationery; (vi) motor fuel; (vii) tobacconists; (viii) technological and telecommunications equipment; (ix) pet food; (x) internet, telephone or mail order business; (xi) dry cleaners; and (xii) laundries.

In any case, the opening of commercial premises will be limited to that which is strictly necessary for the purchase of food and basic necessities. The consumption of food on the premises is suspended.

Similarly, it is suspended the opening to the public of (i) museums, archives, libraries, monuments; (ii) premises and establishments where public performances are held; and (iii) certain sports and leisure activities.

The suspension also covers hotel and restaurant businesses. However, home deliveries are allowed.

Finally, public holidays, parades and festivals are suspended.

iii. Containment measures with respect to places of worship, funerals, and civil and religious ceremonies

All these activities are subject to the adoption of organisational measures to avoid crowds.

C.5 Measures restricting the freedom of movement of persons

One of the measures that has the greatest impact on daily life is the limitation of freedom of movement.

Therefore, public roads can only be used for the following reasons:

- (i) the acquisition of food, pharmaceuticals and basic necessities;
- (ii) attending healthcare facilities;
- (iii) travelling to the place of work in order to carry out work, professional or business activities;
- (iv) returning to the place of habitual residence;
- (v) assistance and care of the elderly, children, dependants, disabled or particularly vulnerable persons;
- (vi) travelling to financial and insurance institutions;

- (vii) due to *force majeure* or necessity causes; or
- (viii) any other duly justifiable activity of a similar nature.

The use of public roads must be done individually, unless a person with a disability is accompanied or for another justifiable reason.

Additionally, the use of private vehicles is permitted for the above activities or for refuelling. Any journey must comply with the instructions and obligations issued by the health authorities.

The closure of roads, or sections of roads, for reasons of public health, safety or traffic flow is also contemplated.

As is evident from the seriousness of these measures, there are no similar precedents in Spanish democracy.

C.6 Expropriation measures and compulsory personal services

The Relevant Authorities may order the confiscation of all types of goods necessary for the fulfilment of the objectives of the RDEA and, in particular, for the provision of security services or essential critical operators (*operadores críticos esenciales*).

Critical operators are those entities or organisations involved in the management or day-to-day operation of a facility, network, system, or physical or IT asset designated as critical infrastructure under Law 8/2011 of 28 April, which establishes measures for the protection of critical infrastructure (the “LPIC”)⁸.

Similarly, the Relevant Authorities may impose the performance of compulsory personal services that are essential. In this regard, it should be noted that Article 30, paragraph 4 of the Spanish Constitution provides that the law may regulate the duties of citizens in cases of serious risk, disaster or public catastrophe.

In line with this constitutional provision, the aforementioned LSNPC establishes the duty of all citizens and legal entities to collaborate personally or materially in civil protection.

For adults, this duty includes the performance of personal services required by the relevant authorities, without the right to compensation for this service, as well as compliance with the orders and instructions established. The temporary confiscation of all types of goods, intervention or temporary occupation may be compensated. This issue is specifically addressed in section III of this note.

⁸ B.O.E. No. 102 of 29 April 2011, Section I.

Critical infrastructures are those whose operation is indispensable and does not allow for alternative solutions, so that their disruption or destruction would have a serious impact on essential services, in accordance with the definitive one contained in Article 2(e) LPIC.

C.7 Other measures

i. For critical operators of essential services

Every critical operator of essential services must take the necessary steps to ensure the provision of the essential services that are its responsibility.

This requirement extends to those companies and suppliers that, without being critical operators, are essential to ensure the supply of the population and essential services.

An essential service is any service that is necessary for the maintenance of basic social functions, the health, security, social and economic well-being of citizens, or the effective functioning of State institutions and public administrations.

ii. For public and private media

Given the importance of the correct dissemination of official information, all of the media are obliged to broadcast messages, announcements and communications that the Relevant Authorities, as well as the regional and local authorities, consider necessary.

iii. Sanctions

Failure to comply with the measures established in the RDEA could lead to the commission of criminal or administrative offences.

From the point of view of criminal justice, compliance with the RDEA is guaranteed by the possible inclusion of actions contrary to it in the following criminal offences established in Organic Law 10/1995 of 23 November 1995 on the Criminal Code⁹:

- (i) Disobedience, in the event of disregard of specific orders from the authority or its officials, provided that the disobedience is serious.
- (ii) Attacks against the authority, if assaults are committed or those who, with serious intimidation or violence, oppose the authority, its employees or public officials, when they are in the exercise of their functions or on the occasion of them. In this respect, firefighters, healthcare workers, first-aid teams, if prevented from carrying out their duties, as well as private security personnel, are considered agents of the authority.
- (iii) Public disorder, in the event of group acts or those by individuals within the group, which disturb the public order, carrying out acts of violence on persons or property.

From the administrative point of view, compliance with the RDEA is guaranteed by the possible inclusion of offences against it in administrative offences at the State level in the following areas:

⁹ B.O.E. No. 281 of 24 November 1995, Section I.

- (i) Civil protection: in accordance with the provisions of the LSNPC, which provides for fines of between €1,500 and €600,000.
- (ii) Public safety: in accordance with the provisions of Organic Law 4/2015, of 30 March, on the protection of public safety¹⁰, which provides for fines of between €600 and €600,000.

iv. Suspension of limitation and prescription periods

In its fourth additional provision, the RDEA has approved the suspension of the periods of prescription and expiration of any actions and rights during the duration of the state of alarm and, where appropriate, any extensions adopted.

v. Suspension of procedural deadlines in Spain

The second additional provision of the RDEA has also adopted the following measures of a procedural nature, applicable to the entire country:

- (i) the suspension of the terms and the interruption of the time limits provided for in the procedural laws for all jurisdictional orders. The measure will end with the expiry of the RDEA or its extensions, and the calculation of the time limits will resume from that moment on.
- (ii) a number of exceptions to the general rule are established, in which the suspension of procedural time limits shall not apply:
 - (a) In criminal proceedings, it shall not apply to proceedings which relate to guard duty, to proceedings with detainees, to protection orders, to urgent prison surveillance proceedings and to any preventative measures in the area of violence against women or minors.

During the investigation phase, the relevant judge or court may agree to conduct proceedings that, because of their urgent nature, cannot be postponed.

(b) In the area of contentious-administrative proceedings:

- (1) the procedure for the protection of the fundamental rights of the person provided for in articles 114 and the subsequent relevant provisions of Law 29/1998, of 13 July, regulating the contentious-administrative¹¹ jurisdictional order; and

¹⁰ B.O.E. No. 77 of 31 March 2015, Section I.

¹¹B.O.E. No. 167 of 14 July 1998, Section I.

- (2) the processing of judicial authorisations or ratifications provided for in Article 8.6 of the aforementioned law.
- (c) In employment proceedings: the procedures of collective conflict and for the protection of fundamental rights and public freedoms regulated by Law 36/2011, of 10 October, regulating social jurisdiction¹².
- (d) In the area of civil law:
 - (1) the judicial authorisation for non-voluntary detention on grounds of mental disorder provided for in Article 763 of Law 1/2000 of 7 January on Civil Procedure¹³; and
 - (2) the adoption of measures or provisions for the protection of minors as provided for in Article 158 of the Civil Code.
- (e) For any judicial order: the exercise of any judicial proceedings that are necessary to avoid irreparable damage to the rights and legitimate interests of the parties to the proceedings.

vi. Suspension of scheduled legal proceedings in Spain

In line with the RDEA announced by the Spanish Government, the General Council of the Judiciary (“CGPJ”), in a special session, has also agreed to suspend the scheduled legal proceedings and procedural deadlines throughout the country, in view of the measures contained in the RDEA. In each judicial district, the appropriate measures will be adopted, relating to the cessation of activity in the courts and the closure and/or evacuation of the same if necessary. Certain exceptions are provided for, such as those legal actions, which, if not carried out, could cause irreparable damage. The resolution can be consulted [here](#).

vii. Suspension of administrative deadlines in Spain

The third additional provision of the RDEA suspends the terms and interrupts the time limits for the processing of procedures by public sector entities. The calculation of the time limits will be resumed at the moment the Royal Decree or, if applicable, any extensions thereof are no longer in force. The suspension of terms and the interruption of deadlines applies to any Public Sector defined in Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations¹⁴.

¹²B.O.E. No. 245 of 11 October 2011, Section I.

¹³B.O.E. No. 7 of 8 January 2000, Section I.

¹⁴B.O.E. No. 236 of 2 October 2015, Section I.

As an exception to the above, the relevant body may agree, by means of a reasoned resolution, to the measures of organisation and instruction strictly necessary to avoid serious damage to the rights and interests of the affected party in the procedure, and provided that the latter agrees, or when the interested party agrees that the time limit should not be suspended.

The suspension does not affect proceedings and decisions relating to situations closely linked to the situation justifying the state of alarm.

viii. Measures in the ambit of the TJUE

To conclude with the outline of the measures taken in respect of judicial proceedings, beyond the territorial scope of the RDEA, it should be noted that the Court of Justice of the European Union (“TJUE”), has agreed a partial suspension of its judicial activity. The measures adopted consist of:

- (i) The postponement to a later date of the oral hearings set until 27 March 2020.
- (ii) The handling only of cases of particular urgency (such as urgent proceedings, accelerated proceedings, proceedings for interim measures and priority proceedings). The TJUE, where appropriate, will contact the parties’ representatives to inform them about the possible reorganisation of the proceedings.
- (iii) In all other cases, procedural time limits, including the time limits for bringing an action, continue to run, and the parties are under an obligation to comply with them, without prejudice to the possibility of proving the existence of *force majeure* or unforeseen circumstances, which preclude the possibility of a stay on proceedings on account of the expiry of procedural time limits, in accordance with the second paragraph of Article 45 of the Protocol on the Statute of the TJUE.

III. IMPACT ON PRIVATE GOODS AND RIGHTS

The declaration of the state of alarm does not change the principle of responsibility of the Spanish Government or its agents. Therefore, all persons have the right to be compensated for damages directly suffered to their rights or property for acts not attributable to them.

This general provision requires that measures which result in a specific deprivation or expropriation of property and rights, even on a temporary basis, must be duly compensated, in accordance with the provisions of the Law of 16 December 1954 on compulsory expropriations (the “LEF”)¹⁵.

In the case of searches or intervention in any type of premises, industries or companies referred to in the RDEA, the authority may temporarily occupy those assets that are considered necessary or suitable.

¹⁵ B.O.E. No. 351 of 17 December 1954, Section I.

This type of occupation has the essential feature of not requiring a prior formal declaration of public utility or social interest, since the urgency of the circumstances is sufficient and only the Relevant Authorities can evaluate it. In other words, given the urgency that justifies the occupation, no prior procedure is necessary¹⁶.

There are legal precedents that have determined this type of confiscation and temporary occupation as a consequence, for example, of heavy storms¹⁷, serious threats to security and public order¹⁸, difficulties in supplying home drinking water¹⁹ or the need for decontamination²⁰.

In these cases, for the calculation of compensation, the rules of temporary occupation of buildings and of the valuation of the property within are applicable. The affected party must initiate the relevant proceedings.

On the other hand, it is also possible that damages may occur that, in some cases, may lead to the liability of the Administration. In this regard, the action of liability requires (i) loss or damage suffered as a result of the normal or abnormal operation of public services; (ii) that this damage can be individualized; (iii) that the damage is real and economically quantifiable; (iv) that the injured party does not have a legal duty to bear it; and (v) that there is no cause of *force majeure*.

However, in general, the measures adopted in the RDEA that constitute a general burden on the whole of society or on all economic agents are, in principle, difficult to compensate - except for the expropriation of goods or rights referred to above - since by declaring a state of alarm, collective and general duties are imposed, and there is a legal duty to bear them without providing for general compensation.

Certainly, there are case law precedents that have established the liability of the Administration in other health crises due to the lack of justification for the measure in question²¹, although this classification may be difficult in the present case, since the pandemic has been directly declared by the World Health Organization and there are thousands of cases in Spain.

In any event, the analysis of this possible liability must always be done on a case-by-case basis, as well as the suitability of those affected to take advantage of the general economic measures that may be approved by the Spanish Government for economic rehabilitation.

¹⁶ ESCRIBANO COLLADO, P. "Temporary occupation", Public Administration Magazine No. 106, January/April 1985, page 94.

¹⁷ Judgment of the High Court of Justice of Valencia (Administrative Chamber, Section 8), of 2 April 2004, appeal number 417/2001, rapporteur Mr Luis Jimena Quesada, ES:TSJCV:2004:1661.

¹⁸ Judgment of the Galician High Court of Justice (Contentious-Administrative Chamber, Section 2), of 13 November 2003, appeal number 4638/1999, rapporteur Mr. Jose Antonio Méndez Barrera, ES:TSJGAL:2003:6077.

¹⁹ Judgment of the High Court of Justice of the Balearic Islands (Contentious-Administrative Chamber, Section 1), of 2 March 1995, appeal number 146/1995, rapporteur Mr Pablo Delfont Maza, ES:TSJBAL:1995:3.

²⁰ Judgment of the Supreme Court (Contentious-Administrative Chamber, Section 6) of 21 October 2013, appeal number 331/2010, rapporteur H.E. Mr Diego Córdoba Castroverde, ES:TS:2013:5180.

²¹ Judgment of the Supreme Court (Contentious-Administrative Chamber, Section 6) of 25 November 2009, appeal number 3627/2005, rapporteur H.E. Mr Agustín Puente Prieto, ES:TS:2009:7603.

IV. GENERAL RECOMMENDATIONS

It is recommended that all persons facilitate the implementation of all measures adopted by the Relevant Authorities in order to overcome the health crisis. Therefore, it is advisable that all persons collaborate with the authorities, following their instructions, orders and recommendations.

In the case of confiscations and occupations of property or rights, an inventory can be made of them and, if possible, to draw minutes to identify the property and rights affected by the confiscation or occupation. The same action to identify damages may be carried out by those entities that, without being subject to expropriation, consider that they have suffered unique and specific damage.

This document was prepared on 15 March 2020 and Pérez-Llorca does not assume any commitment to update or revise its contents. The information contained in this Information Note is of a general nature and does not constitute legal advice.