

Royal Decree-law 26/2020 of 7 July on economic recovery measures to deal with the impact of COVID-19 on transport and housing

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On 8 July 2020, Royal Decree-law 26/2020 of 7 July on economic recovery measures to deal with the impact of COVID-19 on transport and housing ("**RDL 26/2020**") was published in the Official State Bulletin. RDL 26/2020 establishes new economic recovery measures to deal with the impact of COVID-19 and extends the period of application of measures previously adopted through the Royal Decree-laws approved in recent months.

In this Special Information Briefing we analyse the measures introduced by RDL 26/2020 in the financial, real estate, and energy sectors, and briefly describe the measures adopted in the air transport sector.

## 1. Financial measures

One of the main features introduced by RDL 26/2020 is the extension of the deadlines applicable to applications for moratoriums on loans with and without mortgage guarantees:

### A. Mortgage debt moratorium

Royal Decree-law 8/2020 of 17 March, on urgent extraordinary measures to deal with the economic and social impact of COVID-19, established a moratorium on the mortgage debt incurred for the purchase of the primary residence, in order to guarantee the right to housing for borrowers in a particularly vulnerable situation whose income was reduced as a result of the COVID-19 health crisis (the "**Mortgage Moratorium**"). The conditions applicable to the Mortgage Moratorium were amended by Royal Decree-law 11/2020 of 31 March, adopting additional urgent measures in the social and economic sectors to deal with COVID-19 ("**RDL 11/2020**"). You can consult the Special Information Briefing in which we analyse the Mortgage Moratorium [here](#), and the amendments included in RDL 11/2020 [here](#).

RDL 26/2020 now extends its scope, so that borrowers can apply for the Mortgage Moratorium until 29 September 2020.

### B. Non-mortgage debt moratorium

RDL 11/2020 also introduced the option of a moratorium for borrowers of non-mortgage debt, provided that they are in a situation of vulnerability, in terms substantially similar to those applicable to the moratorium on mortgage debt. The Special Information Briefing on this non-mortgage moratorium can be found [here](#).

In keeping with the provisions of the Mortgage Moratorium, RDL 26/2020 also amends the deadline for applying for the non-mortgage moratorium by borrowers of non-mortgage loan agreements, which can also be applied for until 29 September 2020.

In both cases (both for the Mortgage Moratorium and for the moratorium on non-mortgage loan agreements), in the event that the lender has granted such legal moratorium and, in addition, a conventional moratorium in accordance with the provisions of Royal Decree-law 19/2020, of 26 May, adopting supplementary measures in the agricultural, scientific, economic, employment and Social Security and tax sectors to alleviate the effects of COVID-19, the conventional moratorium agreement will expressly include recognition of the legal moratorium. In this regard, the effects of the conventional moratorium will be suspended until the end of the legal moratorium.

## 2. Rental sector measures

RDL 11/2020 established certain measures regarding residential leases, which we analyse in detail in the Special Information Briefing that can be found [here](#).

In relation to these measures, RDL 26/2020 amends: (i) the deadline for applying for extraordinary extensions to the lease of primary residences, so that they can be applied for from the entry into force of RDL 26/2020 until 30 September 2020; and (ii) the deadline for applying for the automatic application of the lease moratorium in the case of large landlords, which will also be until 30 September 2020.

## 3. Measures applicable to essential supplies

RDL 11/2020 prohibited the suspension of the supply of electrical energy, petroleum products (including manufactured gases and liquefied petroleum gases), natural gas, and water to natural persons in their primary residence, for reasons other than the security of supply, persons and facilities.

The application of this measure was linked to the validity of the state of alarm. RDL 26/2020 extends the validity of this provision until 30 September 2020.

## 4. Measures applicable to air transport

In addition to the extension of the deadlines for implementing the measures outlined so far in this Special Information Briefing, RDL 26/2020 includes a series of measures applicable to the transport sector. With regard to air transport, RDL 26/2020 incorporates into domestic law the operational guidelines for the management of air passengers and aviation personnel in relation to the COVID-19 pandemic, adopted by the European Union Aviation Safety Agency and the Centre for Disease Prevention and Control<sup>1</sup> ("**EASA/ECDC Guidelines**"), and provides for their mandatory compliance by managers of airports open to civil traffic located throughout the Spanish national territory, air carriers operating at such airports, including air taxi and general aviation operations, and companies providing ancillary services at airports. These measures include the following:

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<sup>1</sup> The updated English version of the EASA/ECDC Guidelines can be found [here](#).

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- (i) Companies and individuals involved in the conduct of air operations (i.e. airlines, passengers) shall implement measures to minimise the risk of COVID-19 infection. (Art. 2).
- (ii) The Spanish Committee for the Facilitation of Air Transport shall establish guidelines for the management of passengers and aviation personnel, following the EASA/ECDC Guidelines.
- (iii) Airport managers shall implement procedures that apply the EASA/ECDC Guidelines, and shall inform passengers of the preventive measures to be adopted.
- (iv) Air carriers shall also provide information to passengers on the reasons why a passenger should refrain from entering the airport, as well as on the consequences of detecting a person suspected of suffering from COVID-19.
- (v) Passengers should refrain from entering the airport when they show symptoms, are in quarantine, or have been diagnosed with COVID-19.
- (vi) In addition, they shall be required to undergo health checks established by the Ministry of Health. The detection of symptoms of COVID-19 may result in the refusal of access to the airport, the refusal of boarding, or the removal from the aircraft after boarding.
- (vii) The following may only access the airport terminals in the national territory of Spain (without prejudice to the provisions of each Autonomous Community): (i) Passengers with a valid ticket or boarding card, within the 6 hours prior to the scheduled departure of the flight, together with accompanying persons with justifiable reasons; (ii) Airport employees, company crews and pilots, and various operators; (iii) State security forces and airport services personnel (customs, health, postal and security); and (iv) Persons with justifiable reasons.
- (viii) All persons with access to the airport terminal must wear a mask.
- (ix) The Spanish Air Transport Facilitation Committee shall coordinate the adapted EASA/ECDC Guidelines. The State Aviation Safety Agency will implement the practical aspects of the application of the EASA/ECDC Guidelines and their supervision.
- (x) Failure to comply with the obligations arising from the EASA/ECDC Guidelines shall be subject to the system of offences and penalties provided for in Title V of Law 21/2003 on Air Safety.

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