

Informative Note

The lifting of limitations on the presentation of documents by telematic means

14th April 2020

13th April 2020 Decision by the Minister of Justice and the Permanent Commission of the General Council of the Judiciary of adapting the provision of public justice services to Royal Decree 487/2020

The Minister of Justice, by consensus with the Permanent Commission of the General Council of the Judiciary (hereinafter, "PCGCJ") has agreed - by means of a resolution issued on April 13th, 2020, adapting the provision of public service of justice to Royal Decree 487/2020, of April 10 (hereinafter, "CGPJ"), the "**Resolution of 13th April 2020**")- to lift, as from Wednesday 15th April 2020, the limitations established on 18th March 2020¹ on the submission of written documents by telematic means through Lexnet or equivalent systems set up in Aragon, Cantabria, Catalonia, Navarre and the Basque Country.

This 13th April 2020 Resolution of was adopted, , *"as a result of the changing circumstances of the health crisis caused by the COVID-19, which makes it possible to contemplate a new scenario of greater activity in all sectors, and in particular the functioning of the administration of justice"*, according to the judges' governing body.

The suspension and interruption of procedural terms and deadlines should not lead to days of incapacity to carry out procedural activities, and the 13th April 2020 Resolution therefore adopts guidelines for action that respond to an appropriate balance between the rendering of the civil service represented by the performance of the judicial function, with the consequent fulfilment of the right to effective judicial protection and the protection of the rights and interests of individuals, and the safeguarding of public health and safety.

Thus, the 13th April 2020 Resolution adjusts the operation of courts and tribunals, as well as the system of essential Justice Administration services. It establishes the bases for an eventual reactivation of the public justice service, which include, amongst others:

- (i) **the confirmation and maintenance of essential services** under the original conditions referred to in the 14th March 2020 Resolution of the Secretary of State for Justice and the corresponding resolutions of the and the Attorney General's Office;

¹ 18th March 2020 Permanent Commission of the General Council of the Judiciary Agreement



- (ii) the normal provision of non-essential services, provided that the material resources allow it, in compliance with 14th March RD 463/2020, on the state of alert whose determination of the suspension of procedural deadlines does not imply the loss of days.

Consequently, from Wednesday 15th April 2020, it will be possible to file the **pleadings initiating the proceedings, for non-essential actions and services**, register and distribute them, as well as process them in accordance with the procedural rules applicable until such time as they give rise to a procedural action that opens a period of time that must be suspended by virtue of the Second Additional Provision of Royal Decree 463/2020, which declared the state of alert.

The same shall apply to **procedural documents that are not linked to interrupted or suspended terms or deadlines**, and until they give rise to procedural actions that open procedural deadlines that must be suspended, all in accordance with the aforementioned Additional Provision.

This rule shall apply both to the proceedings at first instance and to the proceedings at subsequent instances and appeal proceedings.

The above actions and services shall be carried out in accordance with the material means available. With the aim of confirming the sufficiency, or otherwise, of these services and actions, the Joint PCGCJ -Ministry of Justice Commission shall carry out weekly assessments and evaluate the effects of the provisions adopted on the functioning of the Administration of Justice, adopting the necessary measures as appropriate.

In short, the failure to adopt the aforementioned measure through the Resolution of 13 April 2020 would have led to the collapse and imminent paralysis of our courts and tribunals at the moment when the state of alarm finally came to an end, and consequently, would have damaged the rights and interests of individuals.

We hope the information is useful and of your interest. At Andersen Tax & Legal we have created a multidisciplinary team to deal with all the questions that may arise on this aspect or in relation to the COVID-19 and all the professionals of the firm are at your disposal.

For more information please contact:

[Iñigo Rodríguez-Sastre](mailto:inigo.rsastre@AndersenTaxLegal.es) | Partner in the area of Litigation, Insolvency and Arbitration
inigo.rsastre@AndersenTaxLegal.es

[Benjamín Prieto](mailto:benjamín.prieto@AndersenTaxLegal.es) | Partner in the area of Litigation, Insolvency and Arbitration
benjamín.prieto@AndersenTaxLegal.es

[Carlos Soto](mailto:carlos.soto@AndersenTaxLegal.es) | Director in the area of Litigation, Insolvency and Arbitration
carlos.soto@AndersenTaxLegal.es

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