



EMERGENCY MEASURES COVID-19
Royal Decree-Law 11/2020 (I)
Complementary measures to provide temporary support for businesses:

[Industry Support](#)

[Tax Area](#)

[Consumer Area](#)

[Corporate Area](#)

Click on the title to access directly

In view of the diversity of areas for which this RDL 11/2020 introduces measures to support businesses faced by the transitional difficulties resulting from COVID-19, this [News Alert XVI](#) focuses on these first four areas.



INDUSTRY SUPPORT

- The processing of loans and aid granted by SGIPYME for providing financial support to industrial research, development and innovation projects in the manufacturing industries, pending resolution at the time of the entry into force of RD 463/2020 of 14 March, has been streamlined.
- Refinancing of loans granted by the SGIPYME. During a period of two and a half years from the entry into force of RD 463/2020 of 14 March, a loan rescheduling may be applied for.
- Aid for companies due to the cancellation of international events as a result of COVID-19. ICEX España Exportación e Inversiones is authorised to reimburse the fees paid for participation in trade fairs when these have been cancelled, seriously affected or postponed by the organiser, and to provide assistance based on the expenses incurred for cancelled events that cannot be recovered.
- Principal and interest payments are suspended for a period of one year on loans granted by the Secretary of State for Tourism within the framework of the Entrepreneur “Young Entrepreneurs” programme:
 - ^ “Entrepreneur I+D+i”
 - ^ “Entrepreneur Jóvenes Emprendedores”
 - ^ “Entrepreneur Internacionalización”

Increased flexibility in supplies for self-employed workers and SMEs

- The temporary suspension, amendment or extension of contracts is allowed, in order to contract an alternative offer. Once the state of emergency has ended, further amendments will be allowed without any penalty or charge.
- Suspension of payment of electricity, natural gas and petroleum product bills pertaining to billing periods that include days covered by the state of emergency. The amounts due will be settled in equal parts within six months, after the end of the state of emergency.

Other measures

- Deferral in the payment of Social Security liabilities. Companies and self-employed workers included in any Social Security scheme may request the deferral of liabilities falling due between April and June 2020, subject to interest at a rate of 0.5%.



- CERSA COVID_19 guarantee facility, with €60 million set aside for the "Support for Small and Medium-sized Enterprises" programme.

MOST SIGNIFICANT TAX-RELATED MEASURES

- Granting of applications for the deferral of liabilities, with total or partial waiver of guarantees, arising from customs declarations submitted between 2 April and 30 May 2020, provided that the amount concerned is greater than €100 and less than €30,000.
 - △ The deferral will be for six months, with no interest accruing for the first three months.
 - △ The RD regulates the limitations and details that must be complied with for approval.
- Extension of the effects of suspensions of deadlines for proceedings initiated with the Tax Administration State Agency (AEAT) (not including tax self-assessments) established by Article 33 of RDL 8/2020, which extends them generally until 30 April 2020 (with some exceptions until 20 May) for both regional and local authorities. It should be noted that some of these administrations or institutions had already agreed to their own suspension terms, which, if longer, will prevail over those agreed under said RDL.
- The calculation of the deadline for lodging administrative appeals or for initiating any other objection, claim, conciliation, mediation or arbitration procedures that may replace them by law, in any procedure that might result in unfavourable or burdensome consequences for the interested party, will be made from the business day following the date of termination of the state of emergency, irrespective of the time that has elapsed since the notification of the administrative action being appealed against or challenged prior to the declaration of the state of emergency. The foregoing is without prejudice to the effectiveness and enforceability of the administrative act being appealed against or contested.
 - △ In particular, in the tax area, the period for filing economic-administrative appeals or claims will commence from 30 April 2020 and will apply both in cases where the one-month period for appealing commenced from the day after the notification of the contested act or resolution and has not ended by 13 March 2020, and in cases where the administrative act or resolution that is the subject of the appeal or claim has not yet been notified. The same measure will apply to appeals for reversal and tax-related claims against municipal authorities and other institutions regulated by the Law on Local Tax Administrations.



- The calculation of the term running from 14 March to 30 April 2020 is suspended with respect to:
The maximum duration for the implementation of rulings by economic-administrative agencies (mainly regional Economic-Administrative Courts).
The calculation of limitation and expiration periods in tax-related matters.
The suspension of the calculation will also affect local authorities and public resources.
- Once the state of emergency has ended, an action plan is expected to be approved to speed up the activity of the labour, commercial and contentious-administrative courts to expedite outstanding procedural formalities.
- The availability of pension plans is provided for within the six months following the implementation of the state of emergency when the parties concerned:
 - △ Are unemployed as a result of temporary lay-off proceedings resulting from the health crisis caused by COVID-19
 - △ Have ceased their business activities because they were suspended under RD 463/2020.

This availability will be limited to the salaries not paid while the temporary lay-off proceedings last, or to the amount of estimated net income not earned while the obligatory cessation of business lasts.

- With respect to the exemption established for the formalisation of deeds for the novation of mortgage loans, the exemption from stamp duty is limited to those deeds that refer to the moratorium on mortgage loans for the acquisition of a habitual residence.

CONSUMER MEASURES

- **Right to terminate contracts and to the reimbursement of payments**
Consumers and users may exercise the right to terminate a contract for a period of 14 days, in the case of contracts for the sale of goods or the provision of services, whether or not they involve continuous performance, the execution of which is impossible due to the application of the measures adopted in the declaration of the state of emergency, provided that it is not possible to obtain a solution from the proposal(s) for revision (among others, the offer of vouchers or coupons instead of reimbursement or the recovery of the service subsequently in the case of service contracts of an ongoing nature) once 60 days have elapsed as from the date on which performance of the contract became impossible.

The business will be obliged to return the sums paid by the consumer or user, except for expenses incurred, duly itemised and provided to the consumer, in the same form in which payment was made, within a maximum of 14 days.



- **Right to suspend collection of instalments**

In the case of ongoing contracts, the payment of instalments will be suspended until the service can be resumed normally; however, the contract will not be terminated except by mutual agreement of both parties.

- **Package travel**

The consumer or user may choose to request a refund or use the voucher provided by the organiser or, where appropriate, the retailer. This voucher can be used within one year after the end of the state of emergency. If it is not used during that period, the consumer may exercise the right of reimbursement which, in any event, must be exercised within a period not exceeding 60 days.

If only some of the suppliers provide a reimbursement or the amount reimbursed by each of them is partial, the consumer or user will be entitled to a partial refund based on the reimbursements made, this being discounted from the amount of the voucher provided due to the termination of the contract.

- **Gambling sector regulated by Law 13/2011 of 27 May.**

In order to prevent an increase in online gambling (in particular casino games, bingo and poker) which may lead to compulsive or even pathological consumption behaviour, commercial communications made by gaming operators on a national level are prohibited, including companies designated for the marketing of lottery games, which involve:

- Λ Promotional activities aimed at attracting new customers or building loyalty among existing customers
- Λ Sending of commercial communications:
 - i. In the audio-visual communication services provided for in Article 2.2 of Law 7/2010.
 - ii. Those marketed, sold or organised by video exchange service providers, except between 1 a.m. and 5 a.m.
 - iii. In emails or equivalent media and social networks.

Failure to comply with any of these obligations will be considered a serious offence for the purposes of the aforementioned sectoral law.

CORPORATE MEASURES

- **Amendment of Article 40 Royal Decree-Law 8/2020 of 17 March, on urgent extraordinary measures to deal with the economic and social impact of COVID-19**

The possibility of holding meetings or assemblies of members or shareholders by video or telephone conference calls during the state of emergency is extended, even if the by-laws do not so allow, subject to the requirements detailed in paragraph 1.2.



In addition to the suspension provided for in sub-paragraph 3, the drawing up of the accounts by the governing body of a legal entity during the state of emergency will be considered valid, and the accounts may be audited within the legally stipulated deadline or the extension provided for in the following paragraph may be applied.

Paragraph 4 also applies where the accounts are drawn up during the state of emergency, not only on the date it was declared, as stated in the original wording.

A new paragraph 6(ii) is added according to which business enterprises which, having prepared their annual accounts, convene an ordinary general meeting of shareholders from the date of entry into force of the RDL under analysis, are allowed to replace the proposal for the distribution of results contained in the accounts by a different proposal, provided that it is duly justified and accompanied by a document from the auditor.

If the ordinary general meeting had already been convened, the Board of Directors may withdraw the proposal for the distribution of results from the agenda for the purpose of submitting a new proposal to the approval of the shareholders in a general meeting which must also be held within the legally established term for holding the ordinary general meeting, with the same requirements as described in the previous paragraph.

- o [New Additional Provision Ten of Royal Decree Law 8/2020 of 17 March on extraordinary urgent measures to deal with the economic and social impact of COVID-19 "Specific provisions regarding the application of Chapter II to insolvent companies"](#)

The measures provided for in Chapter II of the aforementioned RDL 8/2020 relating to the relaxation of the mechanisms for the temporary adjustment of business activities in order to avoid redundancies will also be applicable to companies undergoing insolvency proceedings, provided that the de facto requirements set out in Articles 22 and 23 of the aforementioned RDL 8/2020 are met.

In these cases, the procedure under Article 64 of Law 22/2003 of 9 July on Insolvency will not be applicable, which is replaced by the procedure envisaged in Articles 22 to 28 of said RDL 8/2020, but with certain exceptions, which are detailed in paragraph 3 of the new additional provision ten of RDL 8/2020.

The full text of Royal Decree-Law 11/2020 may be consulted at:
<https://www.boe.es/buscar/act.php?id=BOE-A-2020-4208&p=20200401&tn=1#df>



We will continue to inform you of any new socio-economic measures that may arise as a result of the COVID-19 pandemic.

The professionals that regularly work with your company are at your disposal for any clarification or additional information you may require in relation to the content of this Alert. Please contact us by telephone at 934 677 414.

**Yours sincerely,
AUDICONSULTORES**

The sole aim of this Circular Letter is to provide its recipients with a selection of general information items about novelties or issues of a labour, tax or legal nature, without this constituting professional advice of any kind or being sufficient for the making of personal or business decisions. © 2020 "Audiconsultores Advocats i Economistes, S.L.P.". All rights reserved.