

I. GENERAL PROVISIONS

Ministry of the Presidency

Relations with Parliament and Democratic Memory

3692 *Royal Decree 463/2020, of 14 March which declares the state of alarm for managing the situation of health crisis created by COVID-19.*

On 11 March 2020 the World Health Organisation raised the situation of public health emergency created by COVID-19 to international pandemic. The rapidity in the evolution of events to a national and international scale, requires adopting immediate and effective measures to deal with this situation. These extraordinary circumstances undoubtedly constitute an unprecedented health crisis of enormous magnitude both for the very high number of people affected and for the extraordinary risk to their rights.

Article four, sub-section b), of Organic Act 4/1981, of 1 June, on the states of alarm, exception and siege, authorises the Government, exercising the powers attributed to it under Article 116.2 of the Constitution, to declare a state of alarm in all or part of Spain, when a health crisis arises that entails serious alterations to normality.

The measures envisaged in this regulation fall under the framework of the decisive action of the Government to protect the health and safety of our citizens, contain the advance of the disease and strengthen the public health system. The temporary measures of an extraordinary nature that have already been adopted at all levels of Government must now be intensified without delay to prevent and contain the virus and reduce the impact on health, social and economic life.

To address this grave and exceptional situation, it is essential to declare a state of alarm.

The measures contained in this Royal Decree are those essentially required to face the situation, considered proportionate to the extreme gravity of the situation and do not involve the suspension of any basic rights, as provided for in Article 55 of the Constitution.

Accordingly, at the proposal of the First Deputy Prime Minister of the Government and Minister of the Presidency, Relations with Parliament and Democratic Memory, of the Minister of Health, of the Minister of Defence, and of the Ministers of the Interior and Transport, Mobility and Urban Agenda, and after being debated by the Cabinet in its meeting held on 14 March 2020.

I HEREBY DECREE:

Article 1. Declaration of the state of alarm.

Pursuant to the provisions of Article four, sub-sections b) and d), of Organic Act 4/1981, of 1 June, on the states of alarm, exception and siege, the state of alarm is declared with the intention of addressing the situation of health emergency caused by the coronavirus COVID-19.

Article 2. Territorial scope.

The declaration of state of alarm affects the entire Spanish territory.

Article 3. Duration

The duration of the state of alarm declared by this Royal Decree is fifteen calendar days.

Article 4. Competent authority.

1. For the purposes of the state of alarm, the competent authority will be the Government.
2. For implementing the functions referred to in this Royal Decree, subject to the higher authority of the Prime Minister, the following will be the competent authorities delegated to handle their respective areas of responsibility:

- a) the Minister of Defence.
- b) the Minister for Internal Affairs.
- c) the Minister of Transport, Mobility and Urban Agenda.
- d) the Minister of Health.

Furthermore, in areas of responsibility that do not fall to any of the Ministers indicated in paragraphs a), b) or c), the delegated competent authority will be the Minister of Health.

3. The Ministers designated as delegated competent authorities in this Royal Decree are authorised to issue any orders, resolutions, provisions and instructions that, in their spheres of action, may be necessary for guaranteeing the provision of all regular or extraordinary services, with a view to the protection of people, property and places, by adopting any of the measures provided in Article eleven of Organic Act 4/1981, of 1 June.

The acts, provisions and measures referred to in the previous paragraph can be adopted on their own motion or at the reasoned request of the competent autonomous and local authorities, in accordance with the legislation applicable in each case and special attention must be given to persons at risk. For this, no administrative procedures need to be followed.

4. For the duration of the state of alarm, the Status Committee envisaged in the first additional provision of the National Security Act 36/2015, of 28 September, will be activated, as a support body to the Government in its capacity as a competent authority.

Article 5. Collaboration with the delegated competent authorities.

1. The components of the State Security and Police Forces, the Police Forces of the autonomous regions and of the local corporations will be under the direct orders of the Minister for Internal Affairs for the purposes of this Royal Decree, for anything that is needed for the protection of people, property and places, on whom extraordinary services may be imposed for its duration or due to their nature.

2. Law enforcement officers may carry out any checks of people, property, vehicles, premises and establishments as required for checking and, where appropriate, preventing the services and activities suspended under this Royal Decree from being performed, except for those expressly excluded. To this end, they may give any orders and make any prohibitions necessary and suspend the activities or services that are being performed.

Citizens have the duty of cooperating and not hindering the work of the law enforcement officers in exercise of their functions.

3. In any autonomous regions having their own police forces, the Monitoring and Coordination Committees envisaged in the respective Security Councils will establish the necessary mechanisms for ensuring compliance of the content of the two preceding sub-sections.

4. The services participating and assisting in civil protection emergencies defined in Article 17 of Act 17/2015, of 9 July, on the National System for Civil Protection, will act under the operational dependency of the Minister for Internal Affairs.

5. The Minister for Internal Affairs may give any orders, resolutions, provisions and instructions he considers necessary to all individuals included under the scope of application of the Private Security Act 5/2014, of 4 April.

6. For the effective fulfilment of the measures included in this Royal Decree, the delegated competent authorities may call upon the Armed Forces, according to the provisions of Article 15.3 of Organic Act 5/2005, of 17 November, on National Defence.

Article 6. Ordinary management of services.

Each Administration will conserve the competencies attributed to them by legislation in force for the ordinary management of their services in order to be able to adopt any measures they consider necessary in the framework of the direct orders of the competent authority in relation to the state of alarm and notwithstanding the provisions of Articles 4 and 5.

Article 7. Limitation of the freedom of circulation of individuals.

1. For the duration of the state of alarm, people may only circulate in public thoroughfares for the purpose of carrying out the following activities:

- a) Buying food, medicines and essential items.
- b) Going to health centres, services and establishments.
- c) Going to their workplace, to work as an employee, or on a professional or business basis.
- d) Return to their regular place of residence.
- e) Assistance and care of the elderly, the young, dependants, disabled persons or those at special risk.
- f) Going to banks and insurance companies.
- g) For reasons of force majeure or situation of necessity.
- h) Any other activity of a similar nature, which must be carried out individually, except in the case of accompanying disabled persons or for any other justified reason.

2. Private vehicles may also travel on public thoroughfares for carrying out the activities referred to in the previous sub-section or for refuelling in petrol stations or service stations.

3. In any case, in all movements, the recommendations and obligations issued by the health authorities must be observed and fulfilled.

4. The Minister for Internal Affairs may order roads or sections of roads to be closed due to reasons of public health, safety or flow of traffic, or the restriction of certain vehicles using them for the same reasons.

When the measures referred to in the preceding paragraphs are adopted on their own initiative, prior notification will be sent to the Autonomous Administrations exercising the powers to implement State legislation on issues relating to traffic, circulation of vehicles and road safety.

The State, regional and local authorities with the competence to act regarding traffic, circulation of vehicles and road safety will ensure that the public is made aware of any measures that might affect road traffic.

Article 8. Temporary requisitions and mandatory personal services or duties.

1 In accordance with the provisions of Article eleven b) of Organic Act 4/1981, of 1 June, the delegated competent authorities may, on their own initiative or at the request of the autonomous regions or local corporations, order the temporary requisitioning of all manner of items necessary for the fulfilment of the aims set out in this Royal Decree, in particular for the provision of security services or for critical and

essential operators. When the requisitions are made on their own initiative, the corresponding Regional or Local Authorities will be notified in advance.

2 Mandatory personal services or duties may be required in the same terms for the essential attainment of the purposes of this Royal Decree.

Article 9. Measures of containment in schools and training centres.

1. Personal classroom attendance is suspended in all education centres and at all stages, cycles, grades, courses and levels of education covered by Article 3 of the Education Act 2/2006, of 3 May, including university education, as well as all other educational or training activities given in other public or private centres.

2 During the suspension period, classes will continue to be given using distance methods and on-line, wherever possible.

Article 10. Measures of containment in the field of trade, business, cultural facilities, establishments and entertainment, hotel and catering and other additional activities.

1 Retail shops and establishments may not open to the public, except for retail establishments selling food, drinks, essential products and items, pharmaceutical, medical and optical establishments and for the sale of orthopaedic and hygiene articles, hairdressing salons, newspaper and stationery shops, fuel for vehicles, technological and telecommunications equipment, pet food, e-commerce, trade by telephone or correspondence, dry cleaners and laundries. Any other activity or establishment that, in the opinion of the competent authority could involve a risk of contagion, is suspended.

2 Consumers should remain in the establishments which are permitted to open for the time that is strictly necessary for them to purchase food and basic items, and the consumption of products inside the establishments is suspended.

In any case, agglomerations must be avoided and consumers and employees will be controlled so that they observe a minimum safety distance of one metre in order to avoid possible contagion.

3 The opening of museums, archives, libraries, monuments to the public is suspended, as well as premises and establishments in which public performances, sports and recreational activities take place, as indicated in the appendix to this Royal Decree.

4 Hotel and catering activities are suspended, and only home delivery services may be provided.

5 Popular festivities, parades and street parties are also suspended.

Article 11. Measures of containment in relation to places of worship and civil and religious ceremonies.

Attendance at places of worship and civil and religious ceremonies, including funerals, are subject to adopting organisational measures consisting of avoiding agglomerations of people, in accordance with the dimensions and characteristics of those places, in such a way as to guarantee attendees the possibility of standing at a distance of at least one metre from each other.

Article 12. Measures aimed at reinforcing the National Health System throughout the country.

1 All civil health authorities under the public administrations in Spain, and any other public officials and employees working for them, will be under the direct orders of the Minister of Health for everything

necessary for the protection of people, property and places on whom extraordinary services may be imposed for its duration or due to their nature.

2 Notwithstanding the above, the regional and local public administrations, within the scope of their competence, will conserve the management of the corresponding medical services, ensuring that they are operating correctly at all times. The Minister of Health reserves any powers necessary for ensuring cohesion and fairness in the provision of that service.

3 In particular, the full availability of the civil authorities responsible for public health will be ensured, and of the employees working in that service.

4 These measures will also guarantee the possibility of establishing how to best distribute all technical and human resources throughout the country, depending on the needs made evident in the management of this health crisis.

5 The delegated competent authorities will exercise their powers in order to ensure that medical personnel and the medical centres and establishments of a military nature contribute to reinforcing the National Health System throughout the country.

6 The Minister of Health may also exercise any powers necessary to this end regarding privately owned medical centres, services and establishments.

Article 13. Measures for ensuring the supply of goods and services necessary for the protection of public health.

The Minister of Health may:

a) Give the necessary orders for ensuring market supply and the operating of services at production centres affected by any shortages of products necessary for the protection of public health.

b) Intervene and temporarily take over industries, factories, workshops, operations or premises of any nature, including privately owned medical centres, services and establishments, and also any engaged in the pharmaceutical sector.

c) Make temporary requisitions of goods of all kind and impose the mandatory providing of services in any cases where they are necessary for the adequate protection of public health, in the context of this health crisis.

Article 14. Measures for transport.

1 For all means of transport, regardless of the Administration to whose competence they fall, the following will apply:

a) The Minister for Transport, Mobility and Urban Agenda is authorised to order any actions and provisions which, within his sphere of action, may be necessary for establishing conditions for regular or extraordinary services of mobility, for the protection of people, property and places.

b) The acts, provisions and measures referred to in the previous paragraph a) can be adopted on their own motion or at the reasoned request of the competent autonomous and local authorities, in accordance with the legislation applicable in each case. For this, no administrative procedures need to be followed.

2 The following measures applicable to domestic transport will be adopted:

a) In services for public passenger transport by road, railway, air and sea which are not subject to a public contract or public service obligations (PSO), transport operators will reduce the total number of operations by at least 50 %. By resolution of the Minister for Transport, Mobility and Urban Agenda this percentage may be changed and specific conditions established in this respect.

b) The services of public passenger transport by road, railway, air and sea operated by the State, which are subject to a public contract or public service obligations, will be reduced by at least the following percentages:

- i. Medium distance train services: 50 %.
- ii. Medium distance-AVANT train services: 50 %.
- iii. Regular passenger transport services by road: 50 %.
- iv. Air transport services subject to public service obligations: 50 %.
- v. Sea transport services subject to shipping agreements: 50 %.

Local railway services will continue offering the same services.

By resolution of the Minister for Transport, Mobility and Urban Agenda the percentages for reducing the above services may be changed and specific conditions established in this respect. That resolution will take into account the need to guarantee that people can reach their places of work and basic services if necessary.

c) The services of public passenger transport by road, railway and sea operated by the regional or local authorities, which are subject to a public contract or public service obligations (OSP), or any that are privately owned, will continue to offer the same transport.

The Minister for Transport, Mobility and Urban Agenda and the regional and local authorities responsible for transport may establish a percentage for reducing services if the health situation so dictates, and any other specific conditions for their provision.

When adopting these measures, the need to guarantee that people can reach their places of work and necessary basic services will be taken into account.

- d) Notwithstanding the provisions of paragraphs a), b) and c) specific criteria will be established for transport between the Mainland and the non-mainland territories, and also for inter-island transport.
- e) For all means of transport, the operators of passenger transport services are required to clean their transport vehicles daily, in compliance with the recommendations established by the Ministry of Health.
- f) Online ticket sales systems must include in their process a sufficiently visible message saying people are advised to not travel unless strictly necessary. By order of the Minister for Transport, Mobility and Urban Agenda the characteristics and content of that announcement may be established.
- g) In any services in which the ticket indicates a seat or cabin, the transport operators will take the measures necessary to ensure the maximum separation possible between passengers.

3 Transport operators will implement any adjustments necessary to comply with the percentages established in this article as uniformly as possible between the different services they provide and may bring up with the Ministry of Transport, Mobility and Urban Agenda any issues requiring interpretation or clarification.

If for technical or operational reasons it is not feasible to directly apply the percentages established on the first day, the services must be adjusted as quickly as possible within no more than five days.

4 By resolution of the Minister for Transport, Mobility and Urban Agenda the necessary conditions will be established for facilitating goods transport throughout the country, in order to guarantee supplies.

5 The delegated competent authorities may adopt any additional measures necessary for restricting collective means of transport as required and proportionate to preserving public health.

Article 15. *Measures for guaranteeing food supply.*

1. The delegated competent authorities will adopt the measures necessary for guaranteeing:

a) Food supply to consumption points and the functioning of the production centres, enabling food to be distributed from source to the establishments where they are sold to consumers, including warehouses, logistics centres and markets at the place of destination. In particular, whenever necessary for reasons of security or safety, it can be arranged for the vehicles transporting the goods in question to be escorted.

b) Whenever required, sanitary corridors can be established to enable the entry and exit of people, raw materials and manufactured products going to or coming from establishments where foodstuff is produced. Including farms, fish markets, animal feed mills and slaughterhouses.

2. The competent authorities may also order the intervention of businesses or services, and also the mobilization of the State Security and Police Forces and the Armed Forces in order to ensure the correct functioning of the provisions under this article.

Article 16. *Customs transit.*

The delegated competent authorities will adopt the measures necessary for guaranteeing customs transit at the points of entry or border inspection points at sea ports and airports. In this respect, priority will be given to items of basic necessity.

Article 17. *Guarantee supply of electricity, petroleum products and natural gas.*

The delegated competent authorities may adopt the measures necessary to guarantee the supply of electricity, petroleum products and natural gas, in accordance with the terms of article 7 of Act 24/2013, of 26 December, on the Electricity Sector, and articles 49 and 101 of the Act 34/1998, of 7 October, on the hydrocarbons sector.

Article 18. *Operators of essential services*

1. Operators of essential services as provided for in Act 8/2011, of 28 April which establishes measures for the protection of basic infrastructure, will adopt the measures necessary to ensure the provision of essential services pertinent to each one.

2. That requirement will also be adopted by any companies and suppliers who, while not considered critical, are essential for ensuring the supply to the population and the essential services themselves.

Article 19. *Publicly and privately owned communication media.*

Publicly and privately owned communication media are required to insert any messages, announcements and communications that the delegated competent authorities and the regional and local administrations, may consider necessary to broadcast.

Article 20. *Penalties.*

Any non-compliance of or resistance to the orders given by the competent authorities in the state of alarm will be penalised in accordance with the law, in the terms established in article ten of Act 4/1981, of 1 June.

First additional provision. *Foreign personnel accredited as members of the diplomatic corps.*

Foreign personnel accredited as members of the diplomatic corps, consular offices and international institutions situated in Spain are excluded from the restrictions to the freedom of circulation, both for travel within the country, to their countries of origin or to other countries where they are equally accredited, provided that their travel is related to the performance of their official functions.

Second additional provision. *Suspension of procedural deadlines*

1. The time periods provided under procedural law are suspended and deadlines are interrupted in all jurisdictions. The calculations of deadlines will resume once this Royal Decree ceases to be in effect or any extensions thereof.

2. In the criminal jurisdiction, the suspension and interruption will not apply to procedures of *habeas corpus*, to actions carried out by the duty court, actions with persons under arrest, protection orders, urgent action in the execution of sentences and any precautionary measure related to violence against women or minors.

Also, during the investigation stage, the competent judge or court may order any actions to be carried out which, due to their urgent nature, cannot be postponed.

3. As for all other jurisdictions, the interruption referred to in sub-section 1 will not apply to the following circumstances:

- a) Proceedings for the protection of the fundamental rights of individuals set out in articles 114 and subsequent articles of Act 29/1998, of 13 July which regulates the Jurisdiction for Contentious-Administrative issues, nor to the processing of authorisations or judicial ratification provided for in article 8.6 of that law.
- b) Collective dispute proceedings and for the protection of the fundamental rights and public freedoms regulated in Act 36/2011, of 10 October, which regulates social jurisdiction.
- c) Judicial authorisation for involuntary internment due to mental disorders as provided in article 763 of the Civil Procedures Act 1/2000, of 7 January.
- d) The adoption of measures or provisions for the protection of minors as provided in article 158 of the Civil Code.

4. Notwithstanding the provisions of the previous sub-sections, the judge or the court may order implementing any judicial actions necessary to irreparable harm to the legitimate rights and interests of the parties to the process.

Third additional provision. *Suspension of administrative deadlines*

1 Time periods are suspended and deadlines are interrupted for the processing of procedures for public sector entities. The calculations of deadlines will resume once this Royal Decree ceases to be in effect or any extensions thereof.

2 The suspension of time periods and interruption of deadlines will apply to the whole public sector defined in Act 39/2015, of 1 October, on the Public Administrations and Common Administrative Procedure.

3 Notwithstanding the above, the competent institution may, following a reasoned decision, order measures of organisation and investigation strictly necessary for preventing serious harm to the rights and interests of interested parties in the proceedings and provided that they state their acceptance, or if the interested party states their acceptance of not suspending the deadline.

4 This provision will not affect the proceedings and decisions referred to in subsection one, if they relate to situations closely linked to the facts justifying the state of alarm.

Fourth additional provision. *Suspension of limitation periods and expiry times.*

The limitation periods and expiry times for any actions and rights will be suspended for the duration of the state of alarm and, where appropriate, any extensions adopted.

Fifth additional provision. *Members of the Armed Forces as agents of authority.*

Under the Third additional provision of the Military Career Act 39/2007, of 19 November, in relation to articles 15.3 and 16 e) of the National Defence Act 5/2005, of 17 November, members of the Armed Forces performing the duties established in this Royal Decree will have the status of agents of authority.

First final provision. *Ratification of the measures adopted by the competent authorities of the Public Administrations.*

1. All provisions and measures adopted previously by the competent authorities of the autonomous regions and local entities in relation to coronavirus COVID-19 are ratified; they will continue to be in force and have the effects anticipated, provided that they are compatible with this Royal Decree.

2 The ratification contained in this provision shall be without prejudice to the judicial ratification contemplated in article 8.6.2. of Act 29/1998, of 13 July.

Second final provision. *Empowerment.*

For the duration of the state of alarm declared by this Royal Decree the Government may issue subsequent decrees that amend or extend the measures established herein, which must be communicated to the Congress of Deputies in accordance with the provisions of article eight, point two of the Organic Act 4/1981, of 1 June.

Third final provision. *Coming into force.*

This Royal Decree will come into force once it is published in the Official State Gazette

Given in Madrid, on 14 March 2020.

FELIPE R.

The First Deputy Prime Minister of the Government and Minister for
the Presidency, Relations with Parliament and Democratic Memory,
CARMEN CALVO POYATO

APPENDIX:

List of facilities and activities for which opening to the public is suspended according to the provisions of article 10.3

Museums.

Archives.

Libraries.

Monuments.

Public performances.

Recreation and enjoyment:

Café-shows.

Circuses

Exhibitions.

Night clubs.

Restaurant-shows

Other premises or facilities similar to those mentioned

Cultural and artistic:

Auditoriums.

Cinemas.

Bullfighting rings, enclosures and facilities.

Other enclosures and facilities:

Convention Centres.

Concert halls.

Conference halls.

Exhibition rooms.

Multi-purpose rooms.

Theatres.

Sports:

Closed premises or enclosures.

Football, rugby, baseball and similar fields or pitches.

Basketball, handball, volleyball and similar courts.

Clay pigeon and skeet shooting ranges and similar.

Shooting galleries.

Tennis courts and similar.

Skating, ice hockey, roller hockey rinks and similar.

Swimming pools.

Boxing, wrestling, judo clubs and similar.

Permanent motor-cycle, car racing circuits and similar.

Velodromes.

Horse-racing dog-racing tracks and similar.

Fronton, pelota, squash courts and similar.

Multi-sports centres.

Bowling alleys and similar.

Billiard rooms and similar.

Gymnasiums.

Athletics tracks.

Stadiums.

Other premises, facilities or activities similar to those mentioned

Open spaces and public thoroughfares:

Routes for running races.

Routes for cycling, motor-cycle and car races and similar.

Routes for motocross, motor-cycle trial races and similar.

Boat trials and shows.

Air trials and shows.

Other premises, facilities or activities similar to those mentioned

Leisure activities:

Dancing:

Discotheques and dance halls.

Youth clubs.

Sporting-recreational:

Premises or enclosures, without spectators, used for public sporting-recreational use, in any of its modalities.

Gambling and betting:

Casinos.

Collective gaming establishments for money and games of chance.

Amusement arcades.

Gaming rooms

Raffles and tombolas.

Other premises and facilities similar to those used for gaming and betting activities in compliance with regulations established for the gaming sector.

Specific betting premises.

Cultural and for entertainment.

Amusement parks, fairgrounds and similar.

Water parks.

Fair marquees.

Zoos.

Children's playgrounds.

Outdoor venues and public thoroughfares:

Popular street parties, parades and festivals or folklore performances.

For leisure and entertainment:

Special bars:

Bars without live music performances.

Bars with live music performances

Hotel and catering:

Pubs and wine-bars.

Coffee-shops, bars, café-bars and similar.

Chocolate and ice cream parlours, tea rooms, croissanteries and similar.

Restaurants, self-service catering establishments and similar.

Bars-restaurants.

Hotel bars and restaurants except for serving their own guests.

Banqueting halls.

Terraces.