

# Current Legislation

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## I. Environment

In this area, we consider the following to be of interest:

1. **Commission Implementing Decision (EU) 2019/2010 of 12 November 2019 establishing the best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for waste incineration.** Its Annex describes the BAT conclusions that can be applied to the activities specified in Annex I to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions. In particular, these activities are: (a) disposal or recovery of hazardous or non-hazardous waste in waste incineration plants; (b) disposal or recovery of hazardous or non-hazardous waste in waste co-incineration plants whose main purpose is not the production of material products and where at least one of the following conditions is fulfilled; and (c) disposal, recovery, or a combination of disposal and recovery of hazardous waste involving the treatment of slags or bottom ashes from the incineration of waste. As these are BATs, they are neither prescriptive nor exhaustive, although applicable legislation allows the operators concerned to use other techniques, provided that they ensure at least an equivalent level of environmental protection.
2. **Decree-law 16/2019 of 26 November on urgent measures for the climate emergency and the promotion of renewable energy**<sup>1</sup>. By means of this decree-law, the Regional Government ('Generalitat') of Catalonia adopts urgent measures to face the state of climate emergency and to reach, in the shortest time possible, the objectives laid down in the Climate Change Act 16/2017 of 1 August. Likewise, this regulation amends the recast version of the Urban Planning (Catalonia) Act, as approved by Legislative Decree 1/2010 of 3 August <sup>2</sup>, to facilitate and simplify the implementation of facilities for the use of solar and wind energy. Finally, it determines the requirements for the authorisation of wind and photovoltaic solar energy production facilities, for which it defines the energy, environmental, urban and landscape criteria that must govern their implementation.
3. The **Circular Economy (Castilla-La Mancha) Act 7/2019 of 29 November**. It aims to incorporate the principles of the circular economy into the region's legal system in order to promote economic growth, job creation and the generation of conditions that favour sustainable development decoupled from the consumption and production of non-renewable resources. To this end, provision is made for the promotion of cross-sectoral economic incentives that reduce food waste, promote patterns of efficiency and sustainability in the production and consumption phase, and encourage the establishment in Castilla-La Mancha of companies and business activities whose purpose lies within the scope of the circular economy.

Ignacio Álvarez Serrano and Paloma Tuñón Matienzo

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<sup>1</sup> Decreto-ley 16/2019, de 26 de noviembre, de medidas urgentes para la emergencia climática y el impulso a las energías renovables.

<sup>2</sup> Decreto Legislativo 1/2010, de 3 de agosto, por el que se aprueba el texto refundido de la Ley de urbanismo.

## II. Agri-food

On this occasion, we refer to **Royal Decree 628/2019, of 31 October, amending Royal Decrees 1075/2014 and 1076/2014, both of 19 December, which were issued for the application of the Common Agricultural Policy in Spain**<sup>3</sup>. This piece of legislation clarifies and facilitates the application of the "active farmer" test. It also favours entries into the agricultural activity, by making some of the necessary requirements for access to the "supplementary payment for young farmers" more flexible.

As regards the "integrated management and supervision system" (the system used to check that the aid is actually used for the purposes for which it was granted), the 'autonomous communities' (devolved regions) are allowed to use monitoring with the coordination of the Spanish Agricultural Guarantee Fund (FEGA).

In addition, the competent authority is empowered to process the data contained in the 'single application' (the document by which aid from the Common Agricultural Policy is applied for) for statistical purposes, and to access the information contained in official registers, in order to determine the applicant's eligibility.

Finally, the date for requiring ownership of an active holding in the General Register of Livestock Holdings ('REGA') is unified: the last day of the period for amending the 'single application'.

José Luis Palma Fernández and Yago Fernández Darna

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## III. Data protection

In relation to this area, in November the Spanish Data Protection Agency published a "**Cookie Guide**". The guide departs from the path taken by the guidelines of the Article 29 Working Party (WP29), now the European Data Protection Committee, and understands that the fact of continuing to browse a page implies, in certain circumstances, consenting to cookies.

Ángel García Vidal

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<sup>3</sup> Real Decreto 628/2019, de 31 de octubre, por el que se modifican los Reales Decretos 1075/2014 y 1076/2014, ambos de 19 de diciembre, dictados para la aplicación en España de la Política Agrícola Común.

## IV. Intellectual property

With regard to this matter, we must highlight the following legislation of special relevance:

1. **Council Decision (EU) 2019/1754 of 7 October 2019 on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.**

In parallel, **Regulation (EU) 2019/1753 of the European Parliament and of the Council of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications** has been adopted.

It is thus provided, inter alia, that, at the request of the Member States, the Commission shall file applications for the international registration of geographical indications protected and registered under Union law and pertaining to products originating in the Union with the International Bureau of the World Intellectual Property Organization.

2. The European Parliament has adopted a new **resolution of 19 September 2019 on the patentability of plants and essentially biological processes**, in which it reiterates that patents on products derived from essentially biological processes or on genetic material required for conventional breeding are contrary to the European Patent Convention and Directive 98/44/EC. It urges the Commission, therefore, to submit an *amicus curiae* before 1 October 2019 with the Enlarged Board of Appeal of the EPO, reinforcing the conclusions laid down in its Notice of 2016 that the EU legislator's intention when adopting Directive 98/44/EC was to exclude from patentability products that are obtained through essentially biological processes.
3. The European Union and China have concluded, on 6 November, a bilateral **Agreement on Cooperation on, and Protection of, Geographical Indications** under which each party will protect 100 geographical indications of the other. And four years after the entry into force, the agreement will extend to one hundred and seventy-five designations of geographical indications on both sides.

The list of European Union geographical indications to be protected in China includes Cava and Manchego cheese. The agreement is expected to enter into force at the end of 2020, once it is approved by the parties (in the European Union, the approval of the European Parliament and the Council will be required).

Ángel García Vidal

## V. Taxes

We consider that the following rules and regulations in the field of taxation deserve special attention:

1. **Royal Decree 595/2019, of 18 October, amending the Non-Resident Income Tax Regulations, approved by Royal Decree 1776/2004 of 30 July<sup>4</sup>.** The purpose of this amendment is the approval of a special system for proof of residence by pension funds and collective investment schemes for the purposes of applying the exemption of interest and other income obtained from the transfer to third parties of equity capital, as well as of capital gains derived from movable property, with certain exceptions, provided that such income is obtained without a permanent establishment by residents in another Member State of the European Union or by permanent establishments of such residents located in another Member State of the European Union.
2. **Order HAC/1164/2019, of 22 November, implementing for the year 2020 the standard presumptive determination method of personal income tax and the special simplified value added tax scheme<sup>5</sup>.** With regard to personal income tax, the amount of the signs, indices or modules and the instructions for application are maintained for the financial year 2020, as well as the 5% reduction in the net yield of modules derived from the agreements reached at the Self-Employment Steering Committee. As regards value added tax, the modules and their instructions applicable under the special simplified scheme in the previous year will also be maintained for the financial year 2020.
3. In the Historical Territory of Araba-Álava, **Foral<sup>6</sup> Decree 51/2019, of November 19, of the Foral Cabinet, approving the amendment of the Personal Income Tax Regulations<sup>7</sup>**, is relevant. The most important new feature of the decree, which has taken effect as of 1 January 2019, is the extension of the exemption applicable to certain aid provided by the Basque Government.
4. In the same territory, we highlight **Foral Act 19/2019, of 20 November, determining the effects of Foral Act 10/2019, of 27 March, amending the Personal Income Tax<sup>8</sup>**. The amendment concerned

<sup>4</sup> Real Decreto 595/2019, de 18 de octubre, por el que se modifica el Reglamento del Impuesto sobre la Renta de no Residentes, aprobado por el Real Decreto 1776/2004, de 30 de julio.

<sup>5</sup> Orden HAC/1164/2019, de 22 de noviembre, por la que se desarrollan para el año 2020 el método de estimación objetiva del impuesto sobre la renta de las personas físicas y el régimen especial simplificado del impuesto sobre el valor añadido.

<sup>6</sup> Translator's note: "Foral" is the generic name used in Spain for all the institutions of the autonomous administration and legal systems of the former Kingdom of Navarre and the former seigniories of Araba-Álava, Gipuzkoa and Biscay, constituting Navarre.

<sup>7</sup> Decreto Foral 51/2019, de 19 de noviembre, del Consejo de Gobierno Foral, por el que se aprueba la modificación del Reglamento del Impuesto sobre la Renta de las Personas Físicas.

<sup>8</sup> Norma Foral 19/2019, del 20 de noviembre, de determinación de los efectos de la Norma Foral 10/2019, de 27 de marzo, de modificación del Impuesto sobre la Renta de las Personas Físicas.

the exemption from the aforementioned tax of public maternity and paternity benefits received from the Social Security system or of those received by public employees under a Social Security scheme, with retroactive effect in respect of years prior to that commencing on 1 January 2019 that are not time-barred. Foral Act 19/2019 establishes that these retroactive effects must apply to all taxpayers of personal income tax, regardless of whether the administrative acts affecting them are final in the administrative track.

5. **Council Directive (EU) 2019/1995 of 21 November 1995 amending Directive 2006/112/EC as regards provisions relating to distance sales of goods and certain domestic supplies of goods.** The recent directive, applicable from 1 January 2021, clarifies the following aspects: (a) the transport of the goods shall be ascribed to the supply made by the supplier and the taxable person who facilitates the supply through the use of an electronic interface; (b) the chargeable event of the supply made by the supplier and the taxable person who facilitates the supply through the use of an electronic interface occurs, in both cases, at the time when the payment has been accepted; (c) the supply by the supplier shall be exempt from value added tax, but the supplier shall be entitled to deduct the value added tax paid in respect of the purchase or import of the goods supplied; for this purpose, the supplier must be registered in the Member State where he acquired or imported those goods.
6. **Council Implementing Regulation (EU) 2019/2026 of 21 November 2019 amending Implementing Regulation (EU) No 282/2011 as regards supplies of goods or services facilitated by electronic interfaces and the special schemes for taxable persons supplying services to non-taxable persons, making distance sales of goods and certain domestic supplies of goods.** In order to ensure the uniform application across Member States of the provisions concerning taxable persons facilitating supplies of goods and services in the Community, this Regulation (a) defines and clarifies certain terms; (b) specifies the cases in which a taxable person is not deemed to facilitate the supply of goods or services through the use of an electronic interface; (c) details the type of information that should be kept in the records of taxable persons facilitating supplies of goods and services in the Community through an electronic interface; and, among other things, (d) defines the moment when the payment by the customer can be considered to be accepted so as to determine in which taxable period supplies by taxable persons facilitating supplies of goods in the Community through the use of an electronic interface or by any taxable person making use of the special scheme for distance sales of goods imported from third territories or third countries have to be declared.

Mariana Díaz-Moro Paraja and Marta Algaba Dueñas

## VI. New obligations on money laundering

In relation to this matter, the single additional provision of Royal Decree Law 11/2018 of 31 August on the transposition of directives on the protection of employee pension commitments, the prevention of money laundering and requirements for entry and residence of nationals of third countries and amending the Public Administrations (Common Administrative Procedure) Act 39/2015 of 1 October, introduced certain registration, filing and disclosure obligations for natural or legal persons who, in a business or professional capacity, provide all or some of the services described in Art. 2(1)(o) of the Anti-Money Laundering and Counter-Financing of Terrorism Act 10/2010 of 28 April ('LPBCFT'), which came into force on 4 September 2019. The **Direction (Instrument) of the Directorate-General for Registries and Notaries of 30 August 2019** completes these obligations by regulating the statement for the registration of natural persons who provide the services listed in the aforementioned Art. 2(1)(o)<sup>9</sup>:

— *Obligation to register in the competent register of companies pursuant to address*

Natural and legal persons who carry out in a business or professional manner the activities provided in Art. 2(1) LPBCFT must be registered with the Register of Companies before commencing their activities. Those who already provided the above-mentioned services before 4 September 2018 must register before 4 September 2019. If they were already registered in the Register of Companies prior to 4 September 2018, they must present to the Registry before 4 September 2019, by way of a note on the margin, a statement that they are subject, as obligors, to the rules established in the aforementioned statute and disclose their beneficial owners.

In the case of natural persons who are employers or legal persons, they shall register ordinarily in the Register of Companies as an entity or employer and shall submit a simple statement that one of the activities included in Art. 2(1) LPBCFT is being or will be carried out.

In the case of professional natural persons, registration shall be effected by the simple completion of a pre-established form, either of declaration of registration as a supplier of the services referred to in Art. 2(1), or of cancellation when the service which gave rise to the registration has ceased.

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<sup>9</sup> "Persons who, on a professional basis and in accordance with the specific legislation applicable in each case, provide the following services on behalf of third parties forming companies or other legal persons; acting as or arranging for another person to act as a member or non-member secretary of the board of directors or external adviser of a company, a member of an association or similar functions in relation to other legal persons or having another person performing said functions; providing a registered address or a commercial, postal, administrative or other related service address for a company, an association or any other instrument or legal person; acting as or arranging for another person to act as a trustee in a trust or similar legal arrangement; or acting as or arranging for another person to act as a shareholder on behalf of another person, except for companies listed on a regulated market in the European Union which are subject to disclosure requirements in accordance with Union law or equivalent international rules ensuring adequate transparency of proprietary information."



The period for filing this declaration began on 4 September 2019 and ended on 31 December 2019 for natural persons who provided the services in the fiscal year 2019 or earlier.

— *Obligation to file annual accounts*

With the exception of professionals who are natural persons subject to registration, the rest of the persons included in Art. 2(1)(o) LPBCFT – employer natural persons and legal persons - must file their annual accounts with the Register of Companies. Professional natural persons are not required to submit annual accounts.

— *Annual information return on services provided*

Natural and legal persons must file with the Register of Companies each financial year, together with the annual accounts, a document containing certain information on the services provided from among those covered by Art. 2(1)(o). Professional natural persons will be required to file, within the first three months of each year, the annual information return on the services provided with the Register of Companies where they are registered.

Failure by natural or legal persons to register, failure by legal persons to state their submission to the law or their beneficial ownership, or failure to comply with the obligation to file the required information annually, shall be considered minor infringements (with fines of up to EUR 60,000).

Inés Fontes Migallón

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## VII. Real estate

Of particular interest is the **Judgment no. 320/2019 of the Supreme Court of 5 June** on the claim of buyers of a home under construction against an insurance company for the reimbursement of amounts advanced on account of the purchase price under the previous scheme (Act 57/1968, now repealed). The question that arises in the appeal is whether the buyers' action against the insurer is subject to the two-year limitation period of Art. 23 of the Insurance Contract Act (as ruled by the appellate judgment a quo); or, on the contrary, whether the applicable period is that of Art. 1964 of the Civil Code (fifteen years in its previous wording), as the home buyers or appellant claim.

The conclusion of the Supreme Court in this judgment is that the statute of limitations is the general one in Art. 1964 of the Civil Code, and not in Art. 23 of the Insurance Contract Act. The main reason put forward by the Supreme Court is that, bearing in mind that Act 57/1968 provides for both the insurance contract and the joint and several bond as alternative guarantees for the repayment of the amounts advanced, it would not make any sense for the limitation period for the action for

repayment of amounts to be different and shorter in the insurance than for the bond when both constitute imperative guarantees to be contracted by the seller for the benefit of the buyers in accordance with the same Act 57/1968. Finally, we would like to point out that the collection of amounts on account of the price during construction is currently regulated by the Building Regulations Act 38/1999 of 5 November.

Marina Martínez Plaza

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## VIII. Employment and labour

This time developments have been marked by the following legislation:

1. **Royal Decree-law 16/2019, of 18 November, adopting measures relating to the implementation of the social security budget<sup>10</sup>**, in particular credit extensions to cover certain benefits or transfers of State funding to the Social Security to support its budgetary balance.
2. **Royal Decree-law 12/2019, of 11 October, adopting urgent measures to mitigate the effects of the commencement of insolvency proceedings of the Thomas Cook group of companies<sup>11</sup>**. Among other measures, those that guarantee the extension of the period of activity of workers with discontinuous permanent contracts in the sectors of both tourism and commerce and hotels and restaurants linked to tourist activity for companies with work centres in the Autonomous Communities of the Balearic and Canary Islands during the months of October and December 2019 and February and March 2020 were approved. The National Employment Service and the Autonomous Communities shall coordinate, within the scope of their respective powers, unemployment protection and the implementation of active labour market policies in order to respond to the situation of workers affected by this exceptional situation.
3. The **Decision, of 24 September 2019, of the Social Security Agency, authorising the deferral of contribution payments by companies and self-employed workers affected by temporary and other catastrophic situations<sup>12</sup>**.
4. The **Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed**. It recommends that Member States establish minimum standards in the

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<sup>10</sup> Real Decreto-ley 16/2019, de 18 de noviembre, por el que se adoptan medidas relativas a la ejecución del presupuesto de la Seguridad Social.

<sup>11</sup> Real Decreto-ley 12/2019, de 11 de octubre, por el que se adoptan medidas urgentes para paliar los efectos de la apertura de procedimientos de insolvencia del grupo empresarial Thomas Cook.

<sup>12</sup> Resolución de 24 de septiembre del 2019, de la Tesorería General de la Seguridad Social, por la que se autoriza a diferir el pago de cuotas a las empresas y a los trabajadores por cuenta propia o autónomos afectados por temporales y otras situaciones catastróficas.

field of social protection of workers and the self-employed, including through a combination of schemes, provided that they are not private insurance products, which fall outside the scope of this recommendation.

5. The **European Parliament legislative resolution of 19 April 2018 on the proposal for a Council decision on guidelines for the employment policies of the Member States**; it includes the amendments made to the initial text on the labour market, entrepreneurship, social exclusion, etc.
6. The **Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community**; in particular, Title II, Chapter 2 concerning the rights of workers and self-employed persons or Title III on the coordination of social security systems, as well as Part III of Annex I on adaptations to, inter alia, Regulation (EC) No 883/2004 of 29 April 2004 on the coordination of social security systems.
7. The European Union has adopted three opinions of interest, all from the European Economic and Social Committee. Firstly, the **opinion entitled ‘The new role of public employment services (PES) in the context of the implementation of the European Pillar of Social Rights**, which encourages the pursuit of a better response to job supply and demand, more incentives for both employers and workers (e.g. allowing low-wage workers to keep some unemployment-related social benefits) and a fair balance between employment flexibility and job security leading to more stable contracts. Secondly, the **opinion ‘Blockchain and distributed ledger technology as an ideal infrastructure for the social economy’**, in which it is considered that social economy organisations can help to promote greater and informed awareness of the potential of blockchain, specifically with regard to identifying cultural and methodological values built around forms of open and participatory governance, with the aim of maintaining a high level of transparency and involving all Europeans in the development that these new technologies may bring about. And finally, the **opinion on ‘Fostering an entrepreneurship and innovation-friendly single market – promoting new business models to address societal challenges and transitions’**, which sets out how the changes to productive processes and to the economy in general brought about by the new technologies, artificial intelligence and big data will also radically change the labour market. To this end, it is considered crucial that these changes take place in the context of constructive social dialogue and with due respect for workers' rights and quality of life.

Lourdes López Cumbre

## IX. Audiovisual

In this sector, the approval of **Royal Decree 579/2019, of 11 October, regulating the direct granting of subsidies to public service providers of audiovisual television communication at the national and regional levels, aimed at offsetting the costs derived from the simultaneous and transitory**

**broadcasting of their television channels during the process of liberating the 694-790 MHz frequency band (second digital dividend)**<sup>13</sup>, is noteworthy. In view of the imminent liberalisation of the second digital dividend on 30 June 2020 for the use of services associated with fifth generation mobile telephony (5G technology), direct subsidies are granted to Corporación de Radio y Televisión Española, S. A. and to some regional televisions for the costs derived from the simultaneous and transitory emission of the television channels that have been broadcasting in the 694-790 MHz frequency band through any technological platform. This is intended to prevent a large part of the population from losing access to the television channels provided through the aforementioned band.

Ana Isabel Mendoza Losana

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## X. Telecommunications

In the telecommunications sector, **Royal Decree-law 14/2019, of 31 October, adopting urgent measures for reasons of public security in the area of digital administration, public sector procurement and telecommunications**<sup>14</sup> has been adopted. Of its varied content, the following aspects are particularly relevant for the sector:

- It grants the Government the power to take over the direct management of, or to intervene in, electronic communications networks and services, on an exceptional and transitory basis and for reasons of public policy, public security and national security. It should be pointed out that this power of government intervention without a court order or judicial supervision refers to the network infrastructure and not to the content (websites, YouTube channels, television channels...).
- It obliges the Public Administration to notify the Ministry of Economy and Business of any project for the installation or operation of electronic communications networks under a self-provision system that makes use of publicly-owned property, whether such installation or operation is to be carried out directly by an entity or company dependent on it or by an entity or company that has been granted a concession or authorisation.
- Finally, it expands the cases in which the Ministry of Economy and Business may order, as a precautionary measure, before the initiation of the sanctioning procedure and without a prior

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<sup>13</sup> Real Decreto 579/2019, de 11 de octubre, por el que se regula la concesión directa de subvenciones a prestadores del servicio público de comunicación audiovisual televisiva de ámbito estatal y autonómico destinadas a compensar los costes derivados de la emisión simultánea y transitoria de sus canales de televisión durante el proceso de liberación de la banda de frecuencias 694-790 MHz (segundo dividendo digital).

<sup>14</sup> Real Decreto Ley 14/2019, de 31 de octubre, por el que se adoptan medidas urgentes por razones de seguridad pública en materia de administración digital, contratación del sector público y telecomunicaciones.

hearing, the immediate cessation of an activity of providing telecommunications services for reasons of "great urgency".

Ana I. Mendoza Losana

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## XI. Energy

We would like to highlight the following rules:

1. Particularly significant is **Royal Decree-law 17/2019, of 22 November, adopting urgent measures for the necessary adaptation of remuneration parameters affecting the electricity system and responding to the process of cessation of activity of thermal power plants<sup>15</sup>**. Its contents revolve around the following three axes:
  - *Renewal of reasonable rates of return on investment.* The royal decree-law sets the rate of return applicable to the remaining regulatory lifespan of standard facilities for the production of electricity from renewable energy sources, cogeneration and waste for the next regulatory period (7.09% between 2020 and 2025); as well as the rate of financial remuneration for production activity in non-peninsular electricity systems with additional remuneration (5.58% between 2020 and 2025).
  - *Incentives for the end of arbitral or judicial proceedings concerning remuneration cuts for renewable energy facilities.* Facilities producing electricity from renewable energy sources, cogeneration and waste that were recognised as having priority remuneration on the entry into force of Royal Decree-law 9/2013, of 12 July, adopting urgent measures to guarantee the financial stability of the electricity system, may maintain their remuneration on the basis of the reasonable profitability established for the first regulatory period during the two subsequent regulatory periods (7.398% during the period 2020-2031, more than the 7.09 % established for the period 2020-2025), provided that the facility owner waives compensation or indemnification deriving from a final judgment or arbitration award or, where appropriate, desists from all arbitral or judicial proceedings against the modification of the special remuneration scheme operated after Royal Decree 661/2007, of 25 May, including those deriving from the entry into force of Royal Decree-law 9/2013 and its implementing regulations. Correlatively, the initiation of any arbitral or judicial proceedings whose claim for compensation is based on the modification of the special remuneration scheme of these facilities operated after Royal Decree 661/2007, including those derived from the entry into force of Royal Decree-law 9/2013 and its implementing regulations, excludes the possibility of benefiting from the fixed return.

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<sup>15</sup> Real Decreto Ley 17/2019, de 22 de noviembre, por el que se adoptan medidas urgentes para la necesaria adaptación de parámetros retributivos que afectan al sistema eléctrico y por el que se da respuesta al proceso de cese de actividad de centrales térmicas de generación.

- *Measures to mitigate the economic and social effects of the closure of existing coal-fired power plants in Spain:* amendment of the Recast Version of the Water Act, approved by Royal Legislative Decree 1/2001, of 20 July, with regard to concessions for the use of water for energy production, and amendment of the Electricity Sector Act 24/2013 of 26 December, with regard to the system for granting rights of grid access and connection to renewable energy facilities.
2. The **Decision, of 10 October 2019, of the Spanish Markets and Competition Authority, approving the adaptation of the rules for the operation of the daily and intraday markets and of certain operating procedures to allow the opening of the continuous intraday market in the Iberian electricity market to be brought forward to 15.00 CET, in accordance with the Decision of the Agency for the Cooperation of Regulators No 04/2018 of 24 April 2012, adopted pursuant to Commission Regulation (EU) 2015/1222 of 24 July establishing a guideline on capacity allocation and congestion management**<sup>16</sup>. As indicated in its title, the decision approves the rules for the operation of the daily and intraday markets for electricity production (including the appropriate standard acceptance contract) and the operating procedures 1.5, 3.1, 3.2, 3.3, 3.6, 3.8, 7.3 and 14.4 contained in the annexes to the decision itself.
  3. **Spanish Markets and Competition (Rules) Instrument 2/2019, of 12 November, establishing the methodology for calculating the financial remuneration rate for electricity transmission and distribution activities, and the regasification, transmission and distribution of natural gas**<sup>17</sup>. This financial remuneration rate will be considered by the appropriate instruments of the Spanish Markets and Competition Authority that establish the methodology of remuneration of the activities to which the instrument itself refers. This instrument displaces the provisions prior to Royal Decree-law 1/2019 of 11 January, which became inapplicable (despite not having been formally repealed).
  4. **Spanish Markets and Competition (Rules) Instrument 3/2019, of 20 November, establishing the methodologies that regulate the operation of the wholesale electricity market and the management of the system's operation**<sup>18</sup>. In particular, this instrument aims to regulate the wholesale

<sup>16</sup> Resolución de 10 de octubre del 2019, de la Comisión Nacional de los Mercados y la Competencia, por la que se aprueba la adaptación de las reglas de funcionamiento de los mercados diario e intradiario y de determinados procedimientos de operación para permitir el adelanto de la apertura del mercado intradiario continuo en el mercado eléctrico ibérico a las 15.00 CET, de acuerdo a la Decisión de la Agencia Europea para la Cooperación de Reguladores núm. 04/2018, de 24 de abril del 2012, adoptada al amparo del Reglamento (UE) 2015/1222 de la Comisión, de 24 de julio, por el que se establece una directriz sobre la asignación de capacidad y la gestión de las congestiones.

<sup>17</sup> Circular 2/2019, de 12 de noviembre, de la Comisión Nacional de los Mercados y la Competencia, por la que se establece la metodología de cálculo de la tasa de retribución financiera de las actividades de transporte y distribución de energía eléctrica, y regasificación, transporte y distribución de gas natural.

<sup>18</sup> Circular 3/2019, del 20 de noviembre, de la Comisión Nacional de los Mercados y la Competencia, por la que se establecen las metodologías que regulan el funcionamiento del mercado mayorista de electricidad y la gestión de la operación del sistema.

electricity market and the management of Spain's interconnections within the European Union and with third countries in the different trading horizons, as well as the technical aspects of the system's operation.

5. **Order TEC/1080/2019, of 23 October, approving the percentages for the distribution of the amounts to be financed relating to the social energy tariff and the cost of electricity supply to clients referred to in Article 52(4)(j) and 52(4)(k) of the Electricity Sector Act 24/2013 of 26 December, for the year 2019<sup>19</sup>.** The annex to the aforementioned order contains the table of distribution of the contributions for 2019 from the various electricity suppliers to the financing of the social energy tariff and the cost of essential supplies. These contributions are calculated for each company according to its number of clients.
6. The **Decision of the State Secretariat for Energy, of 6 November 2019, publishing the Decision of the Cabinet, of 31 October 2019, ending the hibernation of the "Castor" underground storage facilities by agreeing to their dismantling and ordering the sealing and definitive abandonment of the wells<sup>20</sup>.** Scientific studies, which have shown the existence of seismic risk in the event of the resumption of gas storage operations at "Castor", and nonalignment of the actual demand for natural gas to the forecasts that justified the construction of the storage facility have led the Government to end the hibernation of the facility and to begin its gradual dismantling. The dismantling work will be carried out by Enagás Transporte, S. A. U., which will receive payment for the costs it incurs from the revenue from gas system charges and fees, including the additional cost corresponding to the industrial profit and, in the event of outsourcing, the payment of the costs of its management and administration.
7. The **Decision of the State Secretariat for Energy, of 2 December 2019, approving the calendar and characteristics of the competitive call-for-applications procedure for the assignment of the demand-side interruptible load management service regulated in Order IET/2013/2013, of 31 October, for the delivery period from 1 January to 30 June 2020<sup>21</sup>.**
8. The **Decision of the Spanish Markets and Competition Authority, of 7 November 2019, approving the adaptation of operating procedure 14.8 "Subject to the liquidation of production facilities**

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<sup>19</sup> Orden TEC/1080/2019, de 23 de octubre, por la que se aprueban los porcentajes de reparto de las cantidades a financiar relativas al bono social y al coste del suministro de electricidad de los consumidores a que hace referencia el artículo 52.4j y 52.4k de la Ley 24/2013, de 26 de diciembre, del Sector Eléctrico, correspondientes al año 2019.

<sup>20</sup> Resolución de 6 de noviembre del 2019, de la Secretaría de Estado de Energía, por la que se publica el Acuerdo del Consejo de Ministros de 31 de octubre del 2019, por el que se pone término a la hibernación de las instalaciones del almacenamiento subterráneo «Castor» acordando su desmantelamiento y se ordena el sellado y abandono definitivo de los pozos.

<sup>21</sup> Resolución de 2 de diciembre del 2019, de la Secretaría de Estado de Energía, por la que se aprueba el calendario y las características del procedimiento competitivo de subastas para la asignación del servicio de gestión de la demanda de interrumpibilidad regulado en la Orden IET/2013/2013, de 31 de octubre, para el periodo de entrega comprendido entre el 1 de enero y el 30 de junio del 2020.

**and of self-consumption facilities" and operating procedure 14.4 "Collection rights and payment obligations for system adjustment services" to Royal Decree 244/2019 of 5 April<sup>22</sup>.**

9. Mention should also be made of the Community proposals and rules intended to regulate the implications of the United Kingdom's departure from the European Union. In particular, the Council communication containing the above-mentioned **Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (2019/C 384 I/01)** and **Council Decision (EU) 2019/1750 of 21 October 2019, amending Decision (EU) 2019/274 on the signing, on behalf of the European Union and the European Atomic Energy Community, of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.**

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<sup>22</sup> Resolución de 7 de noviembre del 2019, de la Comisión Nacional de los Mercados y la Competencia, por la que se aprueba la adaptación del procedimiento de operación 14.8 «Sujeto de liquidación de las instalaciones de producción y de las instalaciones de autoconsumo» y del procedimiento de operación 14.4 «Derechos de cobro y obligaciones de pago por los servicios de ajuste del sistema» al Real Decreto 244/2019, de 5 de abril.