



The starting date for the calculation of time-limits is the date of filing to the common electronic register, unless there is a specific electronic form or procedure

Judgment of the Chamber for Contentious-Administrative Proceedings of the Supreme Court (4th Section) of 25 October 2022

Filing applications to the common electronic register

The common electronic register (or general electronic register -art.16 of the Law no. 19/2015-, commonly known as RedSara) is a common point for submitting applications, documents and communications. It is a general register used for those applications that do not have an electronic procedure or a standardised form in the electronic platform of the competent ministerial department.

Since it is a separate electronic register from the registers of the individual ministries, there may be a time gap between the date of filing in the common electronic register and its entry in the register of the competent body to decide. The question arises as to the starting date (*dies a quo*) for calculating the time-limit (article 31(2) Law no. 19/2015).

Dies a quo when using the common electronic register

This question is answered by the Supreme Court in its Judgement of 25 October 2022. The Supreme Court determined that, when using the common electronic register, the *dies a quo* is the date of filing to the register, when the document is addressed to a body of the General State Administration (“AGE” by its Spanish acronym). It is therefore irrelevant if the document is received at a later date in

the electronic register of the corresponding competent body to make the decision.

The interpretation could be different if the document submitted to the common electronic register is addressed to a body or an entity linked to the national government (as is the case of the Spanish Agency for Medicinal Products and Medical Devices), since these are different administrations, not bodies of the same AGE. It should also be noted that it is not possible to submit documents via the common electronic register if the legislation expressly requires them to be submitted through a specific form.

Para que los pliegos puedan recoger dicho mecanismo de revisión, la reforma exige que la suma de los costes de las materias primas, los bienes intermedios y la energía que se vayan a utilizar para la ejecución el contrato superen el 20 por ciento del presupuesto base de licitación.

Dies a quo and ad quem of the time-limit for deciding on a request for suspension of an administrative act

This criterion has been applied in the case of an administrative appeal in which the suspension of the contested act has been requested, in order to determine the start of the calculation of the one-month period before the automatic suspension (Article 117(3) Law no. 19/2015).



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In these cases, the dies a quo should be considered as the date of filing in the common electronic register when there is no specific electronic procedure or standard form or when, even if one exists, there is no legal obligation to use it.

Regarding the dies ad quem, recall that it expires after one month, within which the administration must notify. For this purpose, it is sufficient for the notification to be made available in the electronic headquarters (Judgment of the Supreme Court of 10 November 2021, appeal no. 4886/2020).

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