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'State Liability for Personal Injuries Caused by the COVID-19 Disease under Spanish Law'

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Contribution originally from *Coronavirus and the Law in Europe*

The fundamental question about causation that arises in relation to COVID-19 infections is whether the appearance of the virus (together with its high transmission capacity among the population and its lethality) amounts in effect to force majeure that breaks the causal relationship between the personal damages caused by COVID-19 and the Government's action in managing the health crisis. This paper also addresses the issue whether, in a situation of extreme urgency, and given limited healthcare resources, a lower standard of care is expected of public health professionals than the one that would prevail under normal conditions. In addition, public administrations are likely to face claims based on tort law on the grounds that some patients were not properly attended to by medical services due to the limited health resources available, as well as the fact that some health professionals were bound to provide essential services, without being provided with the mandatory protective equipment to carry out such activity safely in accordance with the legislation. Additionally, this project is aimed at assisting businesses and citizens, who wish to be informed about the implications of the virus in the existence, performance, and enforcement of their contracts.

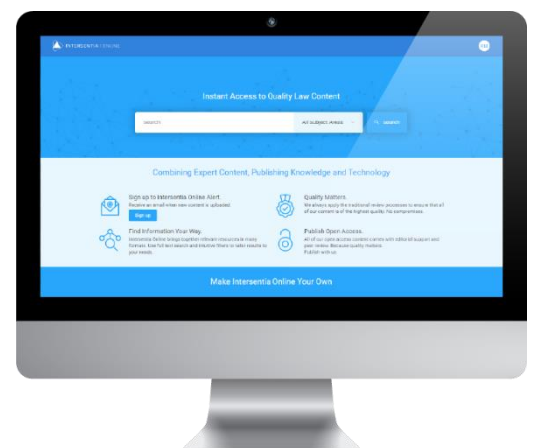
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Coronavirus and the Law in Europe

Ewoud Hondius, Marta Santos Silva, Andrea Nicolussi, Pablo Salvador Coderch, Christiane Wendehorst and Fryderyk Zoll (eds.)

States introduced *ad hoc* legislation to fight the COVID-19 pandemic that endangered the health and life of citizens. It impacted businesses, the labour market and consumers. This regulatory activity of European states and its consequences is depicted in the project through papers of renowned European scholars and practitioners.

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