

Law 39/2015, of October 1, of the Common Administrative Procedure of the Public Administrations.

TEXT

FELIPE VI

KING OF SPAIN

All those who were present saw and understood.

Know: That the Cortes Generales have approved and I come to sanction the following law:

I

The legal area of citizens' rights vis-à-vis the performance of Public Administrations is protected through a series of reactive instruments, such as the system of administrative appeals or control by judges and courts, such as Preventive, through the administrative procedure, which is the clear expression that the Public Administration acts with full submission to the Law and the Law, as stated in Article 103 of the Constitution.

The report prepared by the Commission for the Reform of Public Administrations in June 2013 is based on the conviction that a competitive economy requires efficient, transparent and agile Public Administrations.

Along the same lines, the National Reform Program of Spain for 2014 expressly includes the approval of new administrative laws as one of the measures to be taken to rationalize the performance of institutions and entities of the executive branch, to improve efficiency in the use of Resources and increase their productivity.

The defects that have traditionally been attributed to the Spanish administrations are due to several causes, but the current legislation is not alien to them, since the normative framework in which the public action has been developed has led to the emergence of duplications and inefficiencies, With overly complex administrative procedures that have sometimes generated problems of legal uncertainty. In order to overcome these shortcomings, a comprehensive and structural reform is necessary to order and clarify how Administrations are organized and related both externally, with citizens and companies, and internally with other Administrations and institutions of the State.

Consistent with this context, it is proposed a reform of the public legal system articulated in two fundamental axes: the "ad extra" and "ad intra" relations of Public Administrations. To this end, two new laws are being promoted simultaneously, which will constitute the pillars on which Spanish administrative law will be based: the Law on the Common Administrative Procedure of Public Administrations and the Law on the Legal Regime of the Public Sector.

This Law constitutes the first of these two axes, by establishing a complete and systematic regulation of the "ad extra" relationships between the Administrations and the administrations, both as regards the exercise of the power of self-administration and by virtue of which administrative acts Which have a direct impact on the legal area of the parties concerned, such as the exercise of regulatory power and legislative initiative. The regulation of the ad extra relationships of the Administrations with the citizens as an administrative law of reference has been brought together in a single legislative body, which has to be complemented by all that is

provided for in the budget regulations with regard to the actions of the Public Administrations. Especially as provided in Organic Law 2/2012, of April 27, Budgetary Stability and Financial Sustainability; Law 47/2003, of November 26, General Budget, and the Law of General State Budgets.

II

The Constitution includes in its title IV, under the rubric "Of the Government and the Administration", the own features that differentiate to the Government of the Nation of the Administration, defining to the first one like an eminently political organ to which the function of governing is reserved, The exercise of the regulatory power and the direction of the Administration and establishing the subordination of this to the direction of that one.

In the aforementioned constitutional title Article 103 establishes the principles that must govern the performance of the Public Administrations, among which are those of efficiency and legality, by imposing the full submission of administrative activity to Law and Law. The materialization of these principles takes place in the procedure, constituted by a series of formal channels that have to guarantee the proper balance between the effectiveness of the administrative action and the essential safeguard of the rights of the citizens and the companies, that must be exerted in Basic conditions of equality in any part of the territory, regardless of the Administration with which its owners are related.

These "ad extra" actions of the Administrations are expressly mentioned in article 105 of the constitutional text, which establishes that the Law will regulate the hearing of citizens, directly or through the organizations and associations recognized by the Law, in the Elaboration of administrative provisions affecting them, as well as the procedure by which administrative acts should take place, ensuring, where appropriate, the hearing of interested parties.

It should be added that Article 149.1.18 of the Spanish Constitution attributes to the State, among other aspects, the competence to regulate the common administrative procedure, without prejudice to the specialties derived from the organization of the Autonomous Communities, as well as The system of responsibility of all Public Administrations.

In accordance with the constitutional framework described, this Law regulates the minimum rights and guarantees that correspond to all citizens with respect to administrative activity, both as regards the exercise of the power of self-direction, and of the regulatory power and legislative initiative.

As regards the administrative procedure, understood as the ordered set of formalities and actions formally carried out, according to the legally provided channel, to dictate an administrative act or express the will of the Administration, with this new regulation state powers are not exhausted And regional authorities to establish specialties "ratione materiae" or to specify certain extremes, as the competent body to resolve, but their common character results from its application to all Public Administrations and all their actions. This has been acknowledged by the Constitutional Court in its jurisprudence,

III

There are several relevant legislative antecedents in this matter. The legislator has evolved the concept of administrative procedure and adapting the form of action of the Administrations to the historical context and the social reality of each moment. Apart from the Azcárate Act of 19 October 1889, the first complete regulation of the administrative procedure in our legal system is contained in the Administrative Procedure Law of July 17, 1958.

The 1978 Constitution enunciates a new concept of Administration, express and fully subject to Law and Law, as a democratic expression of the popular will, and enshrines its instrumental character, by placing it at the service of the general interests under the direction of the Government , Which is politically responsible for its management. In this sense, Law 30/1992, of 26 November, on the Legal Regime of Public Administrations and Common Administrative Procedure, was a key milestone in the evolution of administrative law in the new constitutional framework. To this end, it incorporated significant advances in the relations of Administrations with those administered by improving the operation of those and, above all,

Law 4/1999, of January 13, amending Law 30/1992, of November 26, on the Legal Regime of Public Administrations and Common Administrative Procedure, reformulated several substantial aspects of the administrative procedure, such as administrative silence , The system of review of administrative acts or the regime of patrimonial responsibility of the Administrations, which allowed to increase the legal security of the interested parties.

The development of information and communication technologies has also been deeply affecting the form and content of the relations of the Administration with citizens and companies.

Although Law 30/1992, of 26 November, was already aware of the impact of new technologies on administrative relations, it was Law 11/2007 of 22 June, on electronic access of citizens to Public Services, Which gave them a letter of legal nature, establishing the right of citizens to interact electronically with the Public Administrations, as well as the obligation of the latter to equip themselves with the means and systems necessary for that right to be exercised. However, in the current environment, electronic processing can not yet be a special form of management of procedures, but must be the usual action of the Administrations. Because a paperless Administration based on fully electronic operation not only serves the principles of efficiency and efficiency, saving costs to citizens and companies, but also reinforces the guarantees of stakeholders. The fact that documents and actions are recorded in an electronic file facilitates the fulfillment of transparency obligations, since it allows the provision of timely, agile and up-to-date information to stakeholders.

On the other hand, the regulation of this subject was suffering from a problem of normative dispersion and overlapping of different legal regimes that are not always coherent with each other, which shows the successive approval of norms with incidence in the matter, among which : Law 17/2009, of 23 November, on free access to service activities and their exercise; Law 2/2011, of 4 March, on Sustainable Economy; The Law 19/2013, of December 9, on transparency, access to public information and good governance, or Law 20/1013, of December 9, guaranteeing the market unit.

Given this legislative scenario, it is crucial to have a new Law that systematizes all the regulations related to the administrative procedure, which clarifies and integrates the content of the aforementioned Law 30/1992 of 26 November and Law 11/2007 of 22 June , And deepen the streamlining of procedures with full electronic operation. All this will revert to a better compliance with the constitutional principles of effectiveness and legal certainty that should govern the performance of Public Administrations.

IV

During the more than twenty years of Law 30/1992 of 26 November 1992, within the European Commission and the Organization for Economic Co-operation and Development, progress has been made in improving normative production (Better regulation 'and' Smart regulation '). The various international reports on the subject define smart regulation as a quality legal framework, which allows the fulfillment of a regulatory objective while offering the appropriate incentives to boost economic activity, simplify processes and reduce administrative burdens. To this end, an adequate analysis of the impact of standards on a continuous basis, both ex ante and ex post, is essential, as well as the participation of citizens and companies in the processes of normative elaboration,

In the last decade, Law 17/2009, of 23 November, and Law 2/2011, of March 4, represented an advance in the implementation of the principles of good regulation, especially in relation to the exercise of activities Economic development. Already in this legislature, Law 20/2013, of December 9, has taken important additional steps, by making available to citizens the information with legal relevance of the procedure of elaboration of norms.

However, it is necessary to have a new regulation that, ending with the existing normative dispersion, reinforces citizen participation, legal certainty and revision of the legal system. With these objectives, the basis for establishing the legislative initiative and the regulatory authority of Public Administrations for the first time in a law is established in order to ensure its exercise in accordance with the principles of good regulation, Adequately guarantee the audience and participation of the citizens in the elaboration of the norms and to achieve the predictability and public evaluation of the order, as an essential corollary of the constitutional right to legal certainty. This novelty becomes crucial especially in a territorially decentralized state in which three levels of territorial administration coexist that project their normative activity on subjective and geographical spaces in many coincident occasions. This regulation follows the recommendations made in this regard by the Organization for Economic Co-operation and Development (OECD) in its report issued in 2014 "Spain: From Administrative Reform to Continuous Improvement".

V

The Law is structured into 133 articles, divided into seven titles, five additional provisions, five transitional provisions, one derogatory provision and seven final provisions.

The preliminary title, of general provisions, addresses the objective and subjective scope of the Law. Among its main novelties, it should be noted, the inclusion in the object of the Law, with a basic character, of the principles that inform the exercise of the legislative initiative And the regulatory power of the Administrations. The provisions of this Law are foreseen for all subjects included in the concept of Public Sector, although the Public Law Corporations will be governed by their specific regulations in the exercise of the public functions attributed to them and supplementarily by The present Law.

Likewise, it is worth noting that only by means of law can procedures be established that are additional to or different from those contemplated in this standard, and certain procedural specialties may be specified in the procedure, such as the identification of competent bodies, deadlines, forms of initiation and termination, publication and reports To collect. This provision does not affect the additional or different procedures already included in the special laws in force, nor the specific regulations that have been produced by the competent bodies, the time limits specific to the procedure for the matter, the forms Of initiation and termination, the publication of the acts or reports to be collected, which will maintain their effects. Thus, among other cases,

Title I of the persons concerned in the procedure governs, among other matters, the specialties of the ability to act in the field of administrative law, extending it for the first time to groups of persons affected, unions and entities without legal personality and Independent or autonomous estates when the Law expressly so declares. In terms of representation, new means are included to accredit it in the exclusive domain of the Public Administrations, such as apud acta, face-to-face or electronic, or the accreditation of its inscription in the electronic registration of powers of Public Administration or Competent body. Likewise, it establishes the obligation of each Public Administration to have an electronic register of powers,

On the other hand, this title devotes part of its articulation to one of the most important novelties of the Law: the separation between identification and electronic signature and the simplification of means to accredit one or the other, so that, in general, only The first will be necessary, and the second will be required when the interested party's will and consent must be accredited. It establishes, with a basic character, a minimum set of categories of means of

identification and signature to be used by all Administrations. In particular, signature systems shall be accepted: recognized or qualified electronic signature systems based on qualified electronic certificates of electronic signature, comprising both electronic certificates of legal persons and those of entities with no legal personality; Recognized or qualified electronic seal and advanced electronic seal systems based on qualified electronic seal certificates; As well as any other system that the Public Administrations consider valid, in the terms and conditions that are established. As identification systems, any of the admitted signature systems, as well as systems of agreed code and any other established by the Public Administrations, will be admitted as identification systems.

Both the identification and signature systems provided for in this Act are fully consistent with Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification And trusted services for electronic transactions in the internal market and repealing Directive 1999/93 / EC. It should be recalled the obligation of Member States to accept the electronic identification systems notified to the European Commission by the other Member States, as well as electronic signature and seal systems based on qualified electronic certificates issued by service providers in the Trust lists of other Member States of the European Union, under the terms of that Community rule.

Title II, of the activity of the Public Administrations, is structured in two chapters. Chapter I on general norms of action identifies as novelty, the subjects obliged to relate electronically with the Public Administrations.

Likewise, the aforementioned Chapter provides for the obligation of all Public Administrations to have a general electronic register, or, if applicable, to join the General Administration of the State. These registries will be assisted in turn by the existing network of registries offices, which will be called registries assistance offices, and will allow interested parties, if they wish, to submit their requests in paper form , Which will be converted to electronic format.

In the area of archives, the obligation of each Public Administration to maintain a single electronic file of the documents corresponding to completed procedures, as well as the obligation for these records to be preserved in a format that ensures the authenticity, integrity and Preservation of the document.

In this respect, it should be noted that the creation of this unique electronic file will be compatible with the various archival systems and networks under the terms established in the current legislation, and will respect the distribution of responsibilities over custody or transfer. Likewise, the single electronic file will be compatible with the continuity of the National Historical Archive in accordance with the provisions of Law 16/1985, of June 25, on Spanish Historical Heritage and its development regulations.

Chapter I also regulates the validity and efficiency of copies, which clarifies and simplifies the current regime and defines the requirements for a copy to be authentic, the characteristics that the documents issued by the Public Administrations to be considered valid, as well as those that must be submitted by the interested parties to the procedure, generally establishing the obligation of the Public Administrations not to require documents already provided by the interested parties, prepared by the Public Administrations or original documents, with the exceptions Contemplated in the Law. Therefore, the interested party may present, in a general character, copies of documents, whether digitized by the interested party or presented on paper.

It also emphasizes the obligation of Public Administrations to have a register or other equivalent system that permits the record of the officials authorized to make authentic copies, so as to ensure that they have been properly issued and in which , If so decided by each Administration, may also include jointly the officials dedicated to assist those interested in the use of electronic means, and there is no impediment to the recognition of both functions or only one of them.

Chapter II, of terms and deadlines, establishes the rules for their computation, expansion or urgent processing. The main novelty is the introduction of the computation of hourly installments and the declaration of Saturdays as non-working days, thus unifying the computation of deadlines in the judicial and administrative spheres.

Title III, of administrative acts, is structured in three chapters and focuses on the regulation of the requirements of administrative acts, their effectiveness and the rules on nullity and annulability, keeping in large part the general rules already established by the Law 30/1992 of 26 November.

Particular mention should be made of the novelties introduced in the area of electronic notifications, which will be preferred and will be made in the electronic headquarters or in the single authorized electronic address, as appropriate. Likewise, the legal certainty of the interested parties is increased, establishing new measures that guarantee the knowledge of the provision of the notifications as: the sending of notification notices, whenever possible, to the electronic devices and / or the address of E-mail that the interested party has communicated, as well as access to their notifications through the General Electronic Access Point of the Administration that will function as an entrance portal.

Title IV, of provisions on the common administrative procedure, is structured in seven chapters and among its main novelties it emphasizes that the previous special procedures on sanctioning power and patrimonial responsibility that Law 30/1992, of November 26, regulated in separate titles , Have now been integrated as specialties of the common administrative procedure. This approach responds to one of the objectives pursued by this Law, the simplification of administrative procedures and their integration as specialties in the common administrative procedure, thus contributing to increase legal certainty. According to the systematics followed, the general principles of the sanctioning power and of the patrimonial responsibility of the Public Administrations,

In addition, this title incorporates the generalized and compulsory use of electronic means to the initiation, ordination, instruction and completion phases of the procedure. It also incorporates the regulation of the administrative file establishing its electronic format and the documents that must integrate it.

As a novelty within this title, a new Chapter on the simplified procedure of the common administrative procedure is established, which establishes its objective scope of application, the maximum resolution period that will be thirty days and the formalities that will be included. If any other additional procedure is necessary in a procedure, then the ordinary procedure should be followed. Likewise, where the issuance of an opinion of the Council of State, or an equivalent advisory body, and a decision contrary to the substance of the motion for a resolution is mandatory in a simplified procedure, the Procedure but following the ordinary procedure, not already abbreviated, And in this case it is possible to carry out other procedures not foreseen in the case of simplified procedure, such as the carrying out of tests at the request of the interested parties. All this, without prejudice to the possibility of agreeing the urgent procedure of the procedure in the same terms that already contemplated Law 30/1992, of November 26.

Title V, of the review of administrative acts, maintains the same channels provided for in Law 30/1992, of November 26, thus remaining the official review and typology of administrative resources to date (raised , Optional replenishment and extraordinary revision). However, it is worth noting as a novelty the possibility that when an Administration must resolve a plurality of administrative remedies that bring about the same administrative act and a legal recourse has been filed against an administrative decision or against the corresponding alleged act of dismissal, Administrative body may agree to suspend the term to resolve until it resolves judicial decision.

In accordance with the desire to suppress procedures that, far from constituting an advantage for the employees, were a burden that hindered the exercise of their rights, the Law no longer

contemplates previous claims in civil and labor, due to the lack of practical usefulness Which they have shown to date and which are thus deleted.

Title VI, on the legislative initiative and normative power of the Public Administrations, sets forth the principles to which the incumbent Administration must adjust its exercise, giving effect to the constitutional rights in this area.

Along with some improvements in the current regulation on hierarchy, publicity of the norms and principles of good regulation, several innovations are included to increase the participation of the citizens in the procedure of elaboration of norms, among which it emphasizes, the necessity to collect, Prior to the elaboration of the norm, the opinion of citizens and companies about the problems that are intended to be solved with the initiative, the necessity and opportunity of its approval, the objectives of the norm and possible alternative regulatory and non-regulatory solutions .

On the other hand, for the sake of greater legal certainty, and the predictability of the order, it is committed to improving ex ante policy planning. To this end, all Administrations will disclose an Annual Regulatory Plan in which all proposals with the rank of law or regulation that will be raised for approval in the following year will be collected. At the same time, ex-post evaluation is strengthened, since, together with the duty to continuously review the adaptation of the rules to the principles of good regulation, there is an obligation to periodically evaluate the application of the rules in force, with The purpose of verifying whether they have fulfilled the objectives pursued and whether the costs and burdens derived from them were justified and adequately valued.

As regards the additional, transitional, derogatory and final provisions, reference should be made to that relating to the accession by the Autonomous Communities and Local Authorities to the records and systems established by the General State Administration in application of the principle of efficiency Recognized in Organic Law 2/2012, of April 27.

It also highlights the provision on specialties by reason of the matter where a series of actions and procedures are established that will be governed by its specific legislation and supplementary by what is envisaged in this Law, among which should be noted those of application of taxes and Tax and customs review, management, inspection, liquidation, collection, challenge and review in matters of Social Security and Unemployment, which include, among others, acts of framing and affiliation of Social Security and contributions Economic benefits for dismissals affecting workers aged 50 years or more in companies with benefits, as well as actions and punitive procedures in tax and customs matters, in the social order, In matters of traffic and road safety and in matters of foreigners.

Finally, the Law contains the transitional law provisions applicable to ongoing procedures, their entry into force, to archives and records and to the Electronic General Access Point, as well as those that enable for the development of the provisions of the Law .

PRELIMINARY TITLE

General disposition

Article 1. Purpose of the Law.

1. The purpose of this Law is to regulate the requirements of validity and effectiveness of administrative acts, the administrative procedure common to all Public Administrations, including the sanctioner and the claim of liability of Public Administrations, as well as the principles to the That the exercise of legislative initiative and regulatory power should be adjusted.

2. Only by means of a law, when it is effective, proportionate and necessary for the achievement of the proper purposes of the procedure, and in a motivated manner, may be included procedures additional or different to those contemplated in this Law. Competent bodies, deadlines specific to the procedure by reason of the subject matter, forms of initiation and termination, publication and reports to be collected.

Article 2. Subjective scope of application.

1. This Law applies to the public sector, which includes:

- A) The General State Administration.
- B) The Administrations of the Autonomous Communities.
- C) The Entities that make up the Local Administration.
- D) The public institutional sector.

2. The institutional public sector is composed of:

A) Any public bodies and entities governed by public law linked or dependent on Public Administrations.

B) Private law entities linked to or dependent on Public Administrations, which will be subject to the provisions of the rules of this Law that specifically refer to them, and in any case, when exercising administrative powers.

C) The public universities, which will be governed by its specific regulations and supplemented by the provisions of this Law.

3. The General Administration of the State, the Administrations of the Autonomous Communities, the Entities that make up the Local Administration, as well as the public bodies and entities of public law provided for in letter a) of paragraph 2 above, are considered to be Public Administrations.

4. Public Law Corporations shall be governed by their specific regulations in the exercise of public functions attributed to them by Law or delegated by a Public Administration, and supplementarily by this Law.

TITLE I

Of those interested in the procedure

CHAPTER I

The ability to act and the concept of interested

Article 3. Ability to act.

For the purposes provided in this Law, they will have the capacity to act before the Public Administrations:

A) Individuals or legal entities that have the capacity to act according to the civil norms.

B) Minors for the exercise and defense of those of their rights and interests whose performance is allowed by the legal system without the assistance of the person exercising parental authority, guardianship or guardianship. The case of disabled children is excepted, when the extension of the incapacitation affects the exercise and defense of the rights or interests in question.

C) When expressly stated by the Law, the affected groups, unions and entities without legal personality and independent or autonomous assets.

Article 4. Concept of interested party.

1. They are considered interested in the administrative procedure:

A) Those who promote it as holders of rights or legitimate individual or collective interests.

B) Those who, without having initiated the procedure, have rights that may be affected by the decision adopted in the same.

C) Those whose legitimate interests, individual or collective, may be affected by the resolution and appear in the proceeding until there has been a final decision.

2. Associations and organizations representing economic and social interests shall hold collective legitimate interests in the terms recognized by the Law.

3. When the condition of the interested party derives from any transferable legal relationship, the right-holder will succeed in such condition whatever the status of the procedure.

Article 5. Representation.

1. The interested parties with the capacity to act may act through a representative, understanding with them the administrative actions, unless expressly stated against the interested party.

2. Individuals with capacity to act and legal entities, provided that this is provided for in its Statutes, may act on behalf of others before the Public Administrations.

3. In order to formulate requests, submit responsible statements or communications, file appeals, desist from actions and waive rights on behalf of another person, representation must be accredited. For acts and procedures, the representation will be presumed.

4. Representation may be accredited by any means valid in law that reliably records its existence.

For these purposes, the representation made by proxy apud act made by personal appearance or electronic appearance in the corresponding electronic headquarters, or through the accreditation of its inscription in the electronic registration of powers of the competent Public Administration shall be deemed to have been accredited.

5. The body responsible for processing the procedure must include in the administrative file accreditation of the status of representative and of the powers that it has recognized at that moment. The electronic document proving the result of the consultation to the corresponding electronic registration of powers of attorney will have the status of accreditation for these purposes.

6. Failure or insufficient accreditation of the representation shall not prevent the act in question from being carried out, provided that it is provided or the defect is remedied within a period of ten days to be granted by the administrative body, or Of a superior term when the circumstances of the case so require.

7. Public Administrations may provide general or specific authorization to natural or legal persons authorized to perform certain electronic transactions on behalf of interested parties. Said authorization shall specify the conditions and obligations to which those who thus acquire the status of representatives undertake, and shall determine the presumption of validity of the representation, unless otherwise specified in the implementing legislation. The Public Administrations may request, at any time, the accreditation of said representation. However, the interested party may always appear for himself in the proceedings.

Article 6. Electronic registrations of powers of attorney.

1. The General Administration of the State, the Autonomous Communities and the Local Entities shall have a general electronic register of powers of attorney, in which at least those of a general nature granted by the person, whether in person or by electronic means, shall be registered by those who hold the status Of interested in an administrative procedure in favor of representative, to act on its behalf before the Public Administrations. It should also include the fairly accomplished power.

At the state level, this registry will be the Electronic Registration of Proxy of the General State Administration.

The general registers of powers of attorney will not prevent the existence of particular registers in each Agency where the powers granted for the accomplishment of specific procedures in the same are inscribed. Each Agency may have its own electronic registration of powers of attorney.

2. General and special electronic registers of powers of attorney belonging to each and every one of the Administrations shall be fully interoperable with each other, so as to ensure their interconnection, computer compatibility, as well as the telematic transmission of applications, writings and communications Which are incorporated into them.

The general and special electronic registrations of powers of attorney will validly verify the representation of those who act before the Public Administrations on behalf of a third party, through consultation with other similar administrative records, the commercial register, the property, and notarial protocols.

Commercial records, property records, and notarial protocols will be interoperable with the general and particular electronic records of powers of attorney.

3. The entries made in the general and particular electronic records of powers of attorney must contain at least the following information:

A) Name and surname or the name or business name, national identity document, tax identification number or equivalent document of the principal.

B) Name and surname or the name or business name, national identity document, tax identification number or equivalent document of the agent.

C) Date of registration.

D) Period of time by which the power is granted.

E) Type of power according to the powers it grants.

4. The powers that are inscribed in the general and particular electronic registrations of powers of attorney must correspond to one of the following typologies:

A) A general power so that the proxy can act on behalf of the principal in any administrative action and before any Administration.

B) A power so that the proxy can act in the name of the principal in any administrative action before a specific Administration or Body.

C) A power so that the proxy can act on behalf of the principal only for the execution of certain procedures specified in the power.

For these purposes, by order of the Minister of Finance and Public Administrations, the models of powers that can be registered in the registry will be approved, with a basic character, distinguishing whether they allow the performance of all Administrations in accordance with the provisions of letter a) above, before The General State Administration or the Local Entities.

Each Autonomous Community will approve the models of powers inscriptable in the registry when it is limited to actions before its respective Administration.

5. The empowerment "*apud acta*" will be granted by electronic appearance in the corresponding electronic headquarters using the electronic signature systems provided for in this Law, or by personal appearance in the records assistance offices.

6. The powers registered in the register shall have a maximum validity of five years from the date of registration. In any case, at any time before the end of this period, the principal may revoke or extend the power. Extensions granted by the principal to the registry shall have a maximum validity of five years from the date of registration.

7. Requests for registration of power, revocation, extension or denunciation of the same may be directed to any registration, and this circumstance must be registered in the Administration or Organism before which power has effect and having effects from the Date on which such registration takes place.

Article 7. Plurality of stakeholders.

When a request, writing or communication includes several interested parties, the actions to be taken will be carried out with the representative or the interested party who have expressly indicated, and, failing that, with the one that appears in the first term.

Article 8. New stakeholders in the procedure.

If, during the course of a procedure that has not been publicized, the existence of persons who are holders of rights or legitimate and direct interests whose identification is the result of the file and that may be affected by the resolution that is issued, will be communicated to said Process.

CHAPTER II

Identification and signature of interested parties in the administrative procedure

Article 9. Systems of identification of those interested in the procedure.

1. The Public Administrations are obliged to verify the identity of the interested parties in the administrative procedure, by checking their name and surname or company name, as appropriate, that appear in the National Identity Document or equivalent identification document.

2. The interested parties will be able to identify themselves electronically before the Public Administrations through any system that has a previous registration as user to guarantee their identity. In particular, the following systems shall be admitted:

(A) Systems based on recognized or qualified electronic certificates of electronic signature issued by providers included in the 'Trusted List of Certification Service Providers'. For these purposes, those recognized electronic certificates are understood to comprise those of legal person and entity without legal personality.

(B) Systems based on recognized or qualified electronic certificates of electronic stamp issued by providers included in the 'Trusted List of Certification Service Providers'.

(C) Concerted key systems and any other system that the Public Administrations consider valid, in the terms and conditions that are established.

Each Public Administration may determine whether only one of these systems is allowed to perform certain procedures or procedures, although admission of any of the identification systems provided for in letter c) will lead to the admission of all those provided for in letters a) and b) Above for that procedure or procedure.

3. In any case, the acceptance of any of these systems by the General State Administration will serve to accredit to all Public Administrations, unless proof to the contrary, the electronic identification of those interested in the administrative procedure.

Article 10. Signature systems admitted by the Public Administrations.

1. The interested parties will be able to sign through any means that allows to prove the authenticity of the expression of their will and consent, as well as the integrity and inalterabilidad of the document.

2. In the event that the interested parties choose to interact with the Public Administrations through electronic means, they will be considered valid for signature purposes:

(A) Recognized or qualified and advanced electronic signature systems based on recognized or qualified electronic certificates of electronic signatures issued by providers included in the 'Trusted List of Certification Service Providers'. For these purposes, those recognized electronic certificates are understood to comprise those of legal person and entity without legal personality.

(B) Recognized or qualified electronic seal systems and advanced electronic stamp based on recognized or qualified electronic seal electronic certificates included in the 'Trusted List of Certification Service Providers'.

(C) Any other system that the Public Administrations consider valid, in the terms and conditions that are established.

Each Public Administration, Body or Entity may determine if it only admits some of these systems to perform certain procedures or procedures within its field of competence.

3. When expressly provided by the applicable regulations, the Public Administrations may accept the identification systems contemplated in this Law as a signature system when they allow to prove the authenticity of the expression of the will and consent of the interested parties.

4. When interested parties use a system of signing the provisions of this article, their identity will be understood as already accredited by the very act of signing.

Article 11. Use of means of identification and signature in the administrative procedure.

1. In general, in order to carry out any action envisaged in the administrative procedure, it will suffice that the interested parties previously prove their identity through any of the means of identification provided for in this Law.

2. The Public Administrations will only require the interested parties to use compulsory signature for:

- A) Formulate applications.
- B) Submit responsible statements or communications.
- C) Interpose resources.
- D) Give up actions.
- E) Give up rights.

Article 12. Assistance in the use of electronic means to the interested parties.

1. Public Administrations should ensure that interested parties can interact with the Administration through electronic means, for which they will make available the necessary access channels as well as the systems and applications that are determined in each case.

2. The Public Administrations will assist in the use of electronic means to those interested not included in paragraphs 2 and 3 of article 14 who so request, especially with regard to the identification and electronic signature, submission of applications through electronic registration and obtaining authentic copies.

Likewise, if any of these interested parties do not have the necessary electronic means, their identification or electronic signature in the administrative procedure can be validly carried out by a public official through the use of the electronic signature system of which he is endowed. In this case, it will be necessary for the interested party who lacks the necessary electronic means to identify themselves with the official and give their express consent for this action, which must be recorded in cases of discrepancy or litigation.

3. The General Administration of the State, the Autonomous Communities and the Local Authorities shall maintain a register, or other equivalent system, which shall include the officers authorized for the identification or signature regulated in this article. These registers or systems must be fully interoperable and interconnected with those of the other Public Administrations, in order to verify the validity of the aforementioned ratings.

In this register or equivalent system, at least, officials who provide services in registries assistance offices will be included.

TITLE II

Of the activity of the Public Administrations

CHAPTER I

General rules of performance

Article 13. Rights of persons in their relations with Public Administrations.

Those who, pursuant to article 3, have the capacity to act before the Public Administrations, are in their relations with them the following rights:

A) To communicate with the Public Administrations through an Electronic General Access Point of the Administration.

B) To be assisted in the use of electronic means in their relations with Public Administrations.

C) To use the official languages in the territory of its Autonomous Community, in accordance with the provisions of this Law and in the rest of the legal system.

D) Access to public information, archives and records, in accordance with the provisions of Law 19/2013, of December 9, on transparency, access to public information and good governance and the rest of the legal system.

E) To be treated with respect and deference by public authorities and employees, who shall facilitate the exercise of their rights and the fulfillment of their obligations.

F) To demand the responsibilities of the Public Administrations and authorities, when legally appropriate.

G) To obtain and use the means of identification and electronic signature contemplated in this Law.

H) To the protection of personal data, and in particular to the security and confidentiality of the data that appear in the files, systems and applications of the Public Administrations.

I) Any others recognized by the Constitution and laws.

These rights are without prejudice to those recognized in Article 53 referred to those interested in the administrative procedure.

Article 14. Right and obligation to interact electronically with the Public Administrations.

1. Individuals may choose at any time if they communicate with Public Administrations for the exercise of their rights and obligations through electronic means or not, unless they are obliged to interact through electronic means with the Public Administrations. The means chosen by the person to communicate with the Public Administrations may be modified by that person at any time.

2. In any case, they will be obliged to interact through electronic means with the Public Administrations for the accomplishment of any procedure of an administrative procedure, at least, the following subjects:

A) Legal entities.

B) Entities without legal personality.

C) Those who exercise a professional activity for which compulsory membership is required, for the procedures and actions they carry out with the Public Administrations in exercise of said professional activity. In any case, within this collective will be understood including notaries and registrars of property and commercial.

D) Those who represent an interested party that is obliged to interact electronically with the Administration.

E) Employees of the Public Administrations for the procedures and actions they perform with them by reason of their status as public employees, in the manner determined by regulation by each Administration.

3. By means of regulations, Administrations may establish the obligation to interact with them through electronic means for certain procedures and for certain groups of natural persons who, due to their economic, technical, professional dedication or other reasons, are accredited to have access and Availability of the necessary electronic means.

Article 15. Language of proceedings.

1. The language of the proceedings processed by the General State Administration shall be Spanish. Notwithstanding the foregoing, those interested in the organs of the General Administration of the State with headquarters in the territory of an Autonomous Community may also use the language that is co-official in it.

In this case, the procedure will be processed in the language chosen by the interested party. If there are several interested parties in the procedure, and there is a discrepancy regarding the language, the procedure will be processed in Castilian, although the documents or testimony required by the interested parties will be issued in the language chosen by them.

2. In the proceedings processed by the Administrations of the Autonomous Communities and Local Entities, the use of the language will be in accordance with the provisions of the corresponding autonomous legislation.

3. The Public Administration instructor must translate into Spanish the documents, files or parts thereof that must take effect outside the territory of the Autonomous Community and the documents addressed to those interested who so request expressly. If they should have effects in the territory of an Autonomous Community where the same language other than Castilian is co-official, their translation will not be necessary.

Article 16. Records.

1. Each Administration shall have a General Electronic Registry, in which the corresponding entry shall be made of any document that is presented or received in any administrative body, public body or entity linked or dependent on them. It is also possible to note in the same, the exit of the official documents directed to other organs or individuals.

Public bodies linked or dependent on each Administration may have their own electronic register fully interoperable and interconnected with the General Electronic Register of the Administration on which it depends.

The General Electronic Registry of each Administration will function as a portal that will facilitate access to the electronic records of each Agency. Both the General Electronic Register of each Administration and the electronic records of each Agency will comply with the guarantees and security measures provided for in the legislation on the protection of personal data.

The provisions for the creation of electronic records shall be published in the corresponding official journal and its full text shall be available for consultation at the electronic access to the register. In any case, the provisions for the creation of electronic records shall specify the body or unit responsible for its management, as well as the official date and time and the days declared as non-working days.

The electronic access to each register will include the updated list of procedures that can be initiated in the same.

2. The seats will be registered respecting the temporary order of reception or exit of the documents, and will indicate the date of the day in which they occur. After completing the registration process, the documents will be sent without delay to the addressees and to the corresponding administrative units from the register in which they were received.

3. The electronic register of each Administration or Body shall ensure that a number, expressive of its nature, date and time of presentation, identification of the interested party, administrative body, if applicable, Person or administrative body to which it is sent, and, where appropriate, reference to the content of the document that is registered. For this purpose, a receipt consisting of an authenticated copy of the document in question, including the date and time of filing and the registration number, shall be automatically issued, as well as a receipt for other documents which, if applicable, Accompany, guarantee the integrity and non-repudiation of the same.

4. The documents that the interested parties direct to the organs of the Public Administrations may be presented:

A) In the electronic register of the Administration or Agency to which they are addressed, as well as in the other electronic records of any of the subjects referred to in Article 2.1.

B) In the post offices, in the form that is established by regulation.

C) In the diplomatic representations or consular offices of Spain abroad.

(D) In records assistance offices.

E) In any other that the existing dispositions establish.

The electronic records of each and every Administration must be fully interoperable, so as to guarantee its computer compatibility and interconnection, as well as the telematic transmission of the registration seats and documents presented in any of the registers.

5. Documents submitted in person to the Public Administrations shall be digitized, in accordance with the provisions of article 27 and other applicable regulations, by the records assistance office in which they have been submitted for incorporation into the Electronic administrative file, returning the originals to the interested party, without prejudice to those cases in which the rule determines the custody by the Administration of the submitted documents or is mandatory the presentation of objects or documents in a specific medium not susceptible of digitization.

Regulations may establish the obligation to submit certain documents by electronic means for certain procedures and groups of natural persons who, due to their economic, technical, professional dedication or other reasons, are credited with access to and availability of electronic means Required.

6. Any amounts to be paid at the time of presentation of documents to the Public Administrations may be made effective by means of a transfer addressed to the corresponding public office, without prejudice to the possibility of their payment by other means.

7. The Public Administrations should make public and keep updated a list of the offices in which assistance will be provided for the electronic presentation of documents.

8. Documents and information whose special regime establishes another form of presentation will not be presented in the register.

Article 17. Archive of documents.

1. Each Administration shall keep a single electronic file of electronic documents corresponding to completed procedures, in the terms established in the applicable regulatory regulations.

2. Electronic documents must be kept in a format that ensures the authenticity, integrity and preservation of the document, as well as its consultation regardless of the time that has elapsed since its issuance. In any case, the possibility of transferring the data to other formats and supports that ensure access from different applications will be ensured. The elimination of these documents must be authorized according to the provisions of the applicable regulations.

3. The media or media in which documents are stored, must have security measures, in accordance with the provisions of the National Security Scheme, that guarantee the integrity, authenticity, confidentiality, quality, protection and preservation of stored documents. In particular, they shall ensure the identification of users and access control, as well as compliance with the guarantees provided for in data protection legislation.

Article 18. Collaboration of persons.

1. The persons will collaborate with the Administration in the terms foreseen in the Law that in each case is applicable, and in the absence of an express provision, will provide to the Administration the reports, inspections and other acts of investigation that they require for the exercise of their competences, Unless the disclosure of the information requested by the Administration is against the honor, personal or family privacy or involve the communication of confidential data of third parties of which they are aware for the provision of professional diagnostic, advisory or defense services, without prejudice Of legislation on money laundering and terrorist financing.

2. Those interested in a procedure that are aware of data that allow identifying other interested parties who have not appeared in it have the duty to provide them to the acting Administration.

3. When inspections require entry into the domicile of the affected or in the other places that require authorization of the holder, the provisions of article 100 will be.

Article 19. Appearance of persons.

1. The appearance of persons before public offices, either in person or by electronic means, will only be mandatory when so provided in a rule with the rank of law.

2. In the cases in which the appearance of the appearance, the corresponding citation will expressly state the place, date, time, available means and object of the appearance, as well as the effects of not attending it.

3. The Public Administrations will deliver to the interested party certification proving the appearance when it so requests.

Article 20. Responsibility for processing.

1. Holders of administrative units and personnel in the service of the Public Administrations who are responsible for the resolution or dispatch of cases shall be directly responsible for their processing and shall take appropriate measures to remove obstacles that impede, Or delay the full exercise of the rights of the interested parties or the respect to their legitimate interests, providing what is necessary to avoid and eliminate any abnormality in the processing of procedures.

2. The interested parties may request the demand of this responsibility from the Public Administration on which the affected personnel depend.

Article 21. Obligation to resolve.

1. The Administration is obliged to issue an express resolution and to notify it in all proceedings regardless of its form of initiation.

In cases of limitation, waiver of the right, expiration of the procedure or withdrawal of the application, as well as disappearance of the object of the procedure, the resolution will consist of a statement of the circumstance in each case, indicating the facts produced And applicable standards.

Exceptions of the obligation referred to in the first paragraph, the cases of termination of the procedure by agreement or agreement, as well as the procedures related to the exercise of rights subject only to the duty of responsible declaration or communication to the Administration.

2. The maximum term in which the express resolution must be notified will be the one established by the regulatory norm of the corresponding procedure.

This period can not exceed six months unless a rule with the rank of Law establishes a greater or as provided in the law of the European Union.

3. When the rules governing procedures do not set the maximum period, this will be three months. This period and those foreseen in the previous section will be counted:

A) In proceedings initiated ex officio, from the date of the initiation agreement.

B) In initiates at the request of the interested party, from the date on which the application was entered in the electronic register of the Administration or Organism competent for its processing.

4. The Public Administrations must publish and keep updated in the web portal, for informative purposes, the relations of procedures of their competence, indicating the maximum terms of their duration, as well as the effects of administrative silence.

In any case, the Public Administrations will inform the interested parties of the maximum term established for the resolution of the procedures and for the notification of the acts that put them to term, as well as of the effects that can produce the administrative silence. Said mention shall be included in the notification or publication of the initiation agreement ex officio, or in the communication addressed to the interested party within ten days of receipt of the request initiating the procedure in the electronic record of the Administration u Competent body for processing. In the latter case, the communication shall also indicate the date on which the request has been received by the competent body.

5. When the number of requests made or the persons affected may result in a breach of the maximum time limit for resolution, the competent body to resolve, on a reasoned proposal of the investigating body, or the hierarchical superior of the competent body to resolve, on the proposal of the latter , May enable the personal and material means to comply with the appropriate and timely dispatch.

6. The personnel in the service of the Public Administrations who are in charge of the dispatch of the affairs, as well as the holders of the administrative organs competent to instruct and resolve are directly responsible, within the scope of their powers of fulfillment of the legal obligation To issue an express resolution in time.

Failure to comply with this obligation will give rise to the requirement of disciplinary responsibility, notwithstanding that which may have taken place in accordance with the applicable regulations.

Article 22. Suspension of the maximum term to resolve.

1. The maximum legal period to resolve a procedure and to notify the resolution may be suspended in the following cases:

A) When any interested party is required to rectify deficiencies or to provide documents and other necessary evidence, for the time between notification of the request and its actual compliance by the addressee, or, failing that, for the term granted, all without prejudice to the provisions of article 68 of this Law.

B) When a preliminary and prescriptive pronouncement must be obtained from a European Union body, for the time between the request, which must be communicated to the interested parties, and notification of the statement to the administering Administration, which must also be communicated to them .

C) When there is a procedure not completed within the European Union that directly determines the content of the resolution in question, provided that it is known that it exists, which must be communicated to the interested parties, until it is resolved , Which will also have to be notified.

D) When mandatory reports are requested to a body of the same or different Administration, for the time between the request, which must be communicated to the interested parties, and the receipt of the report, which must also be communicated to them. This period of suspension may in no case exceed three months. If the report is not received by the deadline, the procedure will continue.

E) When technical tests or contradictory or lead-in analyzes proposed by the interested parties must be carried out during the time necessary for the incorporation of the results into the dossier.

F) When negotiations are initiated with a view to the conclusion of a pact or agreement in the terms provided for in Article 86 of this Law, from the formal declaration on the matter and until the conclusion, if any, of said negotiations, Which will be verified through a declaration made by the Administration or interested parties.

G) When for the resolution of the procedure it is indispensable to obtain a prior ruling by a court, from the moment it is requested, which must be communicated to the interested parties, until the Administration is aware of it, Which should also be communicated to them.

2. The maximum legal period to resolve a procedure and to notify the resolution will be suspended in the following cases:

A) When a Public Administration requires another to annul or review an act that understands that it is illegal and that constitutes the basis for which the first must dictate within the scope of its powers, in the case referred to in paragraph 5 of article 39 of this Law, from the time the request is made until the appeal filed or before the administrative contentious jurisdiction is resolved. It must be communicated to the interested parties both the execution of the request, as well as its fulfillment or, as the case may be, the resolution of the corresponding contentious-administrative appeal.

B) When the body competent to resolve decides to carry out some action complementary to those provided for in article 87, as soon as the interested parties are notified of the reasoned agreement for the start of the proceedings until their termination.

C) When interested parties promote the challenge at any time of the processing of a procedure, since it is raised until it is resolved by the superior of the refused.

Article 23. Extension of the maximum term to resolve and notify.

1. Exceptionally, when the available personal and material resources referred to in Article 21 (5) have been exhausted, the body competent to resolve, on a proposal, as the case may be, the investigating body or the hierarchical superior of the competent body for Resolve, may reasonably agree to extend the maximum period of resolution and notification, and can not be greater than that established for the processing of the procedure.

2. No agreement can be reached against the agreement that decides on the extension of deadlines, which must be notified to the interested parties.

Article 24. Administrative silence in proceedings initiated at the request of the interested party.

1. In proceedings initiated at the request of the interested party, without prejudice to the resolution that the Administration must issue in the manner set forth in section 3 of this article, the expiration of the maximum period without having notified express resolution, legitimizes the interested party or interested parties to To be understood as an administrative silence, except in those cases in which a rule with the rank of law or a rule of European Union law or international law applicable in Spain establish otherwise. Where the purpose of the procedure is access to or exercise of activities, a law providing for the dismissal of silence shall be based on the concurrence of overriding reasons relating to the public interest.

The silence shall have a disavowal effect on the procedures relating to the exercise of the right of petition, referred to in article 29 of the Constitution, those whose estimate has the consequence that they were transferred to the applicant or third parties related to the public domain or the public service, Involve the exercise of activities that may damage the environment and in the procedures of patrimonial responsibility of the Public Administrations.

The sense of silence will also be dismissed in the procedures for challenging acts and provisions and in the ones of ex officio review initiated at the request of the interested parties. However, when the appeal has been filed against the dismissal by administrative silence of an application for the expiration of the time limit, it will be deemed to be the same if, after the resolution period, the competent administrative body does not dictate and notify an express resolution, Provided that it does not refer to the matters listed in the previous paragraph of this section.

2. The estimate for administrative silence has to all effects the consideration of administrative act finalizing the procedure. The dismissal by administrative silence has the sole effects of allowing the interested parties the lodging of the administrative or contentious-administrative appeal that is appropriate.

3. The obligation to issue an express resolution referred to in the first paragraph of Article 21 shall be subject to the following regime:

A) In the cases of estimation by administrative silence, the express resolution after the production of the act can only be dictated to be confirmatory of the same.

B) In cases of dismissal due to administrative silence, the express resolution after the expiration of the term shall be adopted by the Administration without any link to the sense of silence.

4. Administrative acts produced by administrative silence may be enforced both before the Administration and before any natural or legal person, public or private. They take effect from the expiration of the maximum term in which the express resolution must be issued and notified without it being issued, and their existence can be proven by any means of proof admitted in law, including the certificate proving the silence produced . This certificate shall be issued ex officio by

the competent body to resolve within a period of fifteen days from the expiry of the maximum period for resolving the procedure. Notwithstanding the foregoing, the interested party may request it at any time,

Article 25. Lack of express resolution in proceedings initiated ex officio.

1. In proceedings initiated ex officio, the expiration of the maximum term established without having been issued and notified express resolution does not exempt the Administration from compliance with the legal obligation to resolve, having the following effects:

A) In the case of procedures that could lead to the recognition or, where appropriate, the constitution of rights or other favorable legal situations, the interested parties that have appeared may deem their claims dismissed by administrative silence.

B) In proceedings in which the Administration exercises sanctioning powers or, in general, intervention, capable of producing unfavorable effects or of lien, expiration will occur. In these cases, the resolution declaring the expiration shall order the filing of proceedings, with the effects provided for in Article 95.

2. In cases where the procedure has been paralyzed for reasons attributable to the interested party, the calculation of the deadline for resolving and notifying the decision shall be interrupted.

Article 26. Issuance of documents by the Public Administrations.

1. Public administrative documents are those validly issued by the organs of the Public Administrations. The Public Administrations will issue the administrative documents in writing, through electronic means, unless its nature demands another more adequate form of expression and perseverance.

2. To be considered as valid, administrative electronic documents must:

A) Contain information of any nature filed on an electronic medium according to a specific format susceptible of identification and differential treatment.

B) To have the identification data that allow its individualization, without prejudice to its possible incorporation in an electronic file.

C) Incorporate a temporary reference of the moment in which they have been issued.

D) Incorporate the minimum metadata required.

E) Incorporate the corresponding electronic signatures in accordance with the provisions of the applicable regulations.

Electronic documents, which complying with these requirements, are considered valid, are transferred to a third party through electronic means.

3. Electronic documents issued by Public Administrations that are published for information purposes, as well as those that are not part of an administrative file, will not be required for electronic signature. In any case, it will be necessary to identify the origin of these documents.

Article 27. Validity and effectiveness of the copies made by the Public Administrations.

1. Each Public Administration shall determine the bodies that have the powers to issue authentic copies of administrative or private public documents.

Authentic copies of private documents are for administrative purposes only. Authentic copies made by a Public Administration shall be valid in the other Administrations.

For these purposes, the General State Administration, Autonomous Communities and Local Authorities may make authentic copies by authorized official or by means of an automated administrative action.

A register or other equivalent system shall be kept up to date, which shall include officers authorized to issue authenticated copies that shall be fully interoperable and interconnected with those of the other Public Administrations in order to verify the validity of said authorization . This register or equivalent system shall include, at least, the officials who provide services in the records assistance offices.

2. Authentic copies of a public or private document shall be those made, whatever their support, by the competent bodies of the Public Administrations in which the identity of the body that has made the copy and its content is guaranteed.

Authentic copies shall have the same validity and effectiveness as the original documents.

3. In order to guarantee the identity and content of electronic or paper copies, and therefore as authentic copies, Public Administrations shall comply with the provisions of the National Interoperability Scheme, the National Security Scheme and its technical standards. Development, as well as the following rules:

A) Electronic copies of an original electronic document or an authentic electronic copy, with or without a change of format, must include the metadata that proves its copy condition and that are displayed when consulting the document.

B) Electronic copies of documents on paper or other non-electronic medium susceptible of digitization, will require that the document has been digitized and must include the metadata that proves its condition of copy and that are visualized when consulting the document.

By digitalisation, the technological process that converts a document into paper or other non-electronic medium into an electronic file containing the codified, true and complete image of the document.

C) Paper copies of electronic documents will require that the copy condition and contain an electronically generated code or other verification system, which will allow the authenticity of the copy to be checked against access to the electronic files of the organ Issuing public body.

(D) Paper copies of original documents issued on such medium shall be supplied by means of an authentic hard copy of the electronic document held by the Administration or by an electronic presentation containing an authentic copy of the original document.

For these purposes, the Administrations will make public, through the corresponding electronic headquarters, the safe verification codes or other verification system used.

4. Interested parties may request, at any time, the issuance of authentic copies of public administrative documents that have been validly issued by the Public Administrations. The request shall be addressed to the body that issued the original document, except for the exceptions arising from the application of Law 19/2013, of December 9, within a period of fifteen days from receipt of the application in the Electronic register of the Administration or competent Organism.

Likewise, Public Administrations will be obliged to issue authentic electronic copies of any paper documents submitted by interested parties and to be included in an administrative file.

5. When the Public Administrations issue authentic electronic copies, it must be expressly indicated in the copy document.

6. The issuance of authentic copies of public notary, registry and judicial documents, as well as official journals, shall be governed by its specific legislation.

Article 28. Documents submitted by interested parties to the administrative proceeding.

1. The interested parties must submit to the administrative procedure the data and documents required by the Public Administrations in accordance with the provisions of the applicable regulations. Also, interested parties may provide any other document they deem appropriate.

2. The persons concerned shall not be obliged to provide documents which have been drawn up by any Administration, irrespective of whether the presentation of the said documents is compulsory or optional in the procedure in question, provided that the interested party has expressed his consent to That such documents are consulted or collected. It will be presumed that the consultation or obtaining is authorized by the interested parties unless it is recorded in the procedure its express opposition or the applicable special law requires express consent.

In the absence of opposition from the interested party, the Public Administrations must collect the documents electronically through their corporate networks or through consultation with data intermediation platforms or other electronic systems enabled for this purpose.

In the case of mandatory reports already prepared by an administrative body other than the one in charge of the procedure, they must be sent within ten days of the request. When this deadline has expired, the interested party will be informed that he can submit this report or wait for it to be sent by the competent body.

3. The Administrations will not require the interested parties to present original documents, unless, exceptionally, the applicable regulatory regulations establish otherwise.

Likewise, the Public Administrations will not require from the interested parties data or documents not required by the applicable regulatory regulations or that have been previously contributed by the interested party to any Administration. For these purposes, the interested party must indicate at what time and before the administrative body submitted the aforementioned documents, and the Public Administrations should collect them electronically through their corporate networks or a consultation with data intermediation platforms or other electronic systems authorized to effect. It shall be presumed that this consultation is authorized by the interested parties, unless it is stated in the procedure that their express opposition or the special law applicable requires express consent, in both cases, Be previously informed of their rights regarding the protection of personal data. Exceptionally, if the Public Administrations can not obtain the aforementioned documents, they will be able to request the interested party again their contribution.

4. When, on an exceptional basis, and in accordance with the provisions of this Law, the Administration requests the interested party to present an original document and it is in paper format, the interested party must obtain an authentic copy, in accordance with the requirements established in article 27, prior to its electronic filing. The resulting electronic copy will expressly reflect this circumstance.

5. Exceptionally, when the relevance of the document in the procedure so requires or if there are doubts arising from the quality of the copy, Administrations may request in a reasoned way the collation of the copies provided by the interested party, for which may require the display of the copy. Document or the original information.

6. The copies that the interested parties contribute to the administrative procedure will be effective, exclusively in the scope of the activity of the Public Administrations.

7. The interested parties will be responsible for the veracity of the documents submitted.

CHAPTER II

Terms and deadlines

Article 29. Mandatory terms and deadlines.

The terms and deadlines established in this or other laws oblige the authorities and personnel in the service of the Public Administrations competent for the handling of the matters, as well as those interested in them.

Article 30. Calculation of deadlines.

1. Unless otherwise specified by law or in European Union law, when the time limits are indicated by hours, it is understood that they are skillful. They are skilled all hours of the day that are part of a business day.

Time limits expressed per hour shall be counted from hourly to minute to minute from the hour and minute in which the notification or publication of the act in question takes place and shall not be longer than twenty-four hours, in which case Expressed in days.

2. Whenever by law or in the law of the European Union no other computation is expressed, when the periods are indicated by days, it is understood that these are skillful, excluding the computation on Saturdays, Sundays and public holidays.

When the deadlines have been indicated by calendar days for declaring it a law or by the law of the European Union, this circumstance will be recorded in the corresponding notifications.

3. The terms expressed in days shall be counted from the day following the day on which the notification or publication of the act in question takes place, or from the one following the one in which the estimate or the dismissal for administrative silence occurs.

4. If the period is fixed in months or years, they shall be computed from the day following that on which the notification or publication of the act in question takes place or from the day following that in which the estimate is produced or Dismissal for administrative silence.

The term shall end on the same day as notice, publication or administrative silence in the month or year of expiration. If in the month of expiration there was no day equivalent to the one in which the computation begins, it will be understood that the term expires on the last day of the month.

5. When the last day of the term is unsuccessful, it shall be understood as extended to the next following business day.

6. When a day is proficient in the municipality or Autonomous Community in which the interested party resides, and unskilled at the administrative body, or vice versa, it will be considered ineligible in any case.

7. The General Administration of the State and the Administrations of the Autonomous Communities, subject to the official working calendar, shall set, in their respective spheres, the calendar of non-working days for the purposes of computing deadlines. The calendar approved by

the Autonomous Communities will comprise the non-working days of the Local Entities corresponding to their territorial scope, to which it will be applicable.

Said calendar must be published before the beginning of each year in the official journal that corresponds, as well as in other means of diffusion that guarantee its generalized knowledge.

8. The declaration of a day as skilled or unskilled for the purpose of computing deadlines does not by itself determine the functioning of the workplaces of the Public Administrations, the organization of working time or the regime of working hours and schedules .

Article 31. Calculation of deadlines in the records.

1. Each Public Administration shall publish the days and times in which the offices that will assist in the electronic presentation of documents shall remain open, guaranteeing the right of the interested parties to be assisted in the use of electronic means.

2. The electronic register of each Administration or Agency shall be governed for the purpose of computing the deadlines, by the official date and time of the electronic access site, which shall have the necessary security measures to guarantee its integrity and to appear in a manner Accessible and visible.

The operation of the electronic register shall be governed by the following rules:

A) It will allow the presentation of documents every day of the year during the twenty-four hours.

B) For the purposes of calculating the time limit fixed in working days, and as regards the fulfillment of deadlines by the interested parties, the presentation on a non-working day shall be understood to be carried out in the first hour of the first following working day unless a norm Expressly allow reception on non-working day.

The documents will be considered presented by the effective time order in which they were on the non-working day. The documents presented on the non-working day will be considered earlier, according to the same order, to those who were on the first working day later.

C) The beginning of the computation of the deadlines to be met by the Public Administrations will be determined by the date and time of presentation in the electronic record of each Administration or Organization. In any case, the effective date and time of commencement of the computation of deadlines must be communicated to the person who submitted the document.

3. The electronic headquarters of the registry of each Public Administration or Organism, shall determine, taking into account the territorial scope in which the holder of the powers of attorney exercises and the calendar provided for in article 30.7, the days that will be considered as non-working for the purposes envisaged in this article. This will be the only calendar of non-working days that will be applied for the purpose of computing deadlines in electronic records, without the application of the provisions of article 30.6.

Article 32. Enlargement.

1. The Administration may, without precept to the contrary, grant ex officio or at the request of the interested parties, an extension of the established deadlines, which does not exceed half of them, if the circumstances so advise and with that do not prejudice rights of third. The extension agreement must be notified to the interested parties.

2. The extension of the time limits for the maximum allowed time will be applied in all cases to the procedures processed by diplomatic missions and consular offices, as well as those that,

substantiating themselves in the interior, require completing some procedure abroad or in the Interested parties resident outside Spain.

3. Both the request of the interested parties and the decision on enlargement shall, in any case, take place before the expiry of the period in question. In no case may an extension be expired. Agreements on the extension of time limits or on their refusal will not be subject to appeal, without prejudice to the procedural one against the resolution that ends the procedure.

4. When a technical incident has prevented the normal operation of the corresponding system or application, and until the problem is solved, the Administration may determine an extension of the non-overdue deadlines, having to publish in the electronic headquarters both the technical incidence occurred as The concrete extension of the deadline.

Article 33. Urgency procedure.

1. When reasons of public interest so advise, it may be decided, ex officio or at the request of the interested party, to apply to the emergency procedure, which will halve the deadlines established for the ordinary procedure, except for the relative To the presentation of applications and resources.

2. There shall be no recourse against the agreement declaring the application of the urgency procedure to the procedure, without prejudice to the procedure against the decision terminating the procedure.

TITLE III

Of administrative acts

CHAPTER I

Requirements of the administrative actions

Article 34. Production and content.

1. Administrative acts issued by Public Administrations, either ex officio or at the request of the interested party, shall be produced by the competent body in accordance with the requirements and established procedure.

2. The content of the acts shall conform to the provisions of the legal system and shall be determined and adequate for the purposes of those acts.

Article 35. Motivation.

1. They shall be motivated, with succinct reference of facts and foundations of law:

A) Acts that limit subjective rights or legitimate interests.

B) Acts that resolve procedures for the ex officio review of administrative provisions or acts, administrative appeals and arbitration procedures and those that declare them inadmissible.

C) The acts that are separated from the criterion followed in previous actions or the opinion of consultative bodies.

D) Agreements for the suspension of acts, whatever the reason for it, and the adoption of provisional measures provided for in Article 56.

E) Agreements for the application of urgent procedure, extension of deadlines and completion of complementary actions.

F) Acts rejecting evidence proposed by the interested parties.

G) Acts that agree the termination of the procedure because of the material impossibility of continuing it for overrun cases, as well as those that agree to the withdrawal by the Administration in proceedings initiated ex officio.

H) Proposals for resolutions in procedures of a punitive nature, as well as acts that resolve procedures of a punitive or liability nature.

I) The acts that are dictated in the exercise of discretionary powers, as well as those that must be done by virtue of express legal or regulatory provision.

2. The motivation of the acts that put an end to the selective procedures and of competitive competition will be carried out in accordance with the provisions that govern their calls, and in any case, the grounds of the resolution that is adopted.

Article 36. Form.

1. Administrative acts shall be produced in writing through electronic means, unless their nature requires another more adequate form of expression and record.

2. In cases where the administrative organs exercise their competence verbally, the written record of the act, when necessary, shall be made and signed by the holder of the lower body or official who receives it orally, expressing in the communication of the same the authority from which it comes. In the case of resolutions, the holder of the competition must authorize a list of those that he has given verbal, with expression of its content.

3. When a series of administrative acts of the same nature, such as appointments, concessions or licenses, are to be recast, they may be merged into a single act, agreed by the competent body, specifying the persons or other circumstances that individualize the effects of the act for each interested

CHAPTER II

Effectiveness of acts

Article 37. Inderogabilidad singular.

1. Administrative resolutions of a particular nature may not violate the provisions of a general provision, even if they come from a body of equal or higher hierarchy to which the general provision dictated.

2. Administrative resolutions that violate what is established in a regulatory provision, as well as those that incur in any of the causes listed in Article 47, are null and void.

Article 38. Execution.

The acts of the Public Administrations subject to Administrative Law will be executives in accordance with the provisions of this Law.

Article 39. Effects.

1. The acts of the Public Administrations subject to the Administrative Law will be presumed valid and will take effect from the date in which they are dictated, unless otherwise provided in them.

2. Efficacy shall be delayed where the content of the act so requires or is subject to its superior notification, publication or approval.

3. Exceptionally, acts may be granted retroactively when they are rendered in lieu of annulled acts, and when they produce favorable effects for the interested party, provided that the necessary facts of fact existed already on the date on which the effectiveness of the act is reversed and It does not prejudice the rights or legitimate interests of other persons.

4. The norms and acts dictated by the organs of the Public Administrations in the exercise of their own competence must be observed by the rest of the administrative organs, although they do not depend hierarchically between themselves or they belong to another Administration.

5. When a Public Administration has to dictate, within the scope of its powers, an act necessarily based on another one issued by a different Public Administration and which it considers to be illegal, it may request the latter previously to annul or review the act In accordance with the provisions of article 44 of Law 29/1998, of July 13, regulating the Contentious-Administrative Jurisdiction, and, if it rejects the request, may file a contentious-administrative appeal. In these cases, the resolution procedure will be suspended.

Article 40. Notification.

1. The body that issues resolutions and administrative acts shall notify the interested parties whose rights and interests are affected by them, in the terms provided in the following articles.

2. All notifications must be made within a period of ten days from the date on which the act was issued, and must contain the full text of the resolution, indicating whether or not it ends the administrative, An expression of appeals that may be made, if necessary, through administrative and judicial channels, the body before which they are to be filed and the period for filing them, notwithstanding that the interested parties may, if necessary, take any other action they deem appropriate.

3. The notifications that contain the full text of the act, omit any of the other requirements set forth in the previous section, will take effect from the date on which the interested party carries out actions that imply knowledge of the content and scope of the resolution or Act of the notification, or bring any appropriate action.

4. Without prejudice to what is established in the previous section, and for the sole purpose of understanding the obligation to notify within the maximum period of time of the proceedings, a notification containing at least the full text of the resolution, As well as the attempt of duly accredited notification.

5. Public Administrations may adopt such measures as they deem necessary for the protection of personal data contained in resolutions and administrative acts, where these are addressed to more than one interested party.

Article 41. General conditions for the practice of notifications.

1. Notifications shall be made preferably by electronic means and, in any case, when the interested party is obliged to receive them by this means.

Notwithstanding the foregoing, Administrations may practice notifications by non-electronic means in the following cases:

A) When the notification is made on the occasion of the spontaneous appearance of the interested party or its representative in the registration assistance offices and requests the personal communication or notification at that time.

(B) Where, to ensure the effectiveness of the administrative action, notification by direct delivery of a public employee of the notifying Administration is necessary.

Regardless of the medium used, notifications will be valid provided they permit the recording of their sending or making available, the reception or access by the interested party or its representative, dates and times, full content, and reliable identity Of the sender and recipient of the same. The accreditation of the notification will be incorporated into the file.

Those interested who are not obliged to receive electronic notifications, may decide and communicate at any time to the Public Administration, through the standardized models established for this purpose, that successive notifications are practiced or stopped by electronic means.

Administratively, Administrations may establish the obligation to electronically make notifications for certain procedures and for certain groups of individuals that due to their economic, technical, professional dedication or other reasons are proven to have access and availability of the necessary electronic means .

In addition, the interested party may identify an electronic device and / or an email address that will serve to send the notices regulated in this article, but not for the practice of notifications.

2. In no case shall the following notifications be made by electronic means:

A) Those in which the act to be notified is accompanied by elements that can not be converted into electronic format.

B) Those that contain means of payment in favor of obligors, such as checks.

3. In proceedings initiated at the request of the interested party, notice shall be given by the means indicated for that purpose. This notification will be electronic in the cases in which there is an obligation to relate in this way to the Administration.

When it is not possible to make the notification according to what is indicated in the request, it will be practiced in any place suitable for this purpose, and by any means that allows to be recorded of the reception by the interested party or its representative, as well as of the date, Identity and content of the notified act.

4. In proceedings initiated ex officio, for the sole purpose of initiating them, the Public Administrations may, through consultation with the National Statistical Institute's databases, collect data on the domicile of the interested party collected in the Municipal Register, forwarded By the Local Entities in application of the provisions of Law 7/1985, of April 2, regulating the Bases of the Local Regime.

5. When the interested party or his representative rejects the notification of an administrative action, it shall be recorded in the file, specifying the circumstances of the attempted notification and the means, giving the procedure and following the procedure.

6. Regardless of whether the notification is made on paper or by electronic means, the Public Administrations will send a notice to the electronic device and / or to the email address of the

interested party that has communicated, informing him of the provision of a notification In the electronic headquarters of the Administration or corresponding Agency or in the single authorized electronic address. Failure to comply with this notice will not prevent the notification from being considered fully valid.

7. When the interested party is notified by different channels, the date of notification shall be the date of the first occurrence.

Article 42. Practice of notifications on paper.

1. All notifications made on paper must be made available to the interested party at the electronic headquarters of the Administration or acting Organization so that it can access the content of the same on a voluntary basis.

2. When the notification is made at the domicile of the interested party, if the latter is not present at the time the notification is given, any person over the age of fourteen who is at the address and his / her identity may take over the same. If no one takes care of the notification, this circumstance will be recorded in the file along with the day and time when the notification was attempted, an attempt that will be repeated once and at a different time within three days Below. In the event that the first attempt to notify was made before 15.00 hours, the second attempt should be made after 15 hours and vice versa, leaving at least a difference of three hours between the two notification attempts.

3. When the interested party accesses the content of the notification in electronic, it will be offered the possibility that the rest of notifications can be made through electronic means.

Article 43. Practice of notifications through electronic means.

1. Electronic notifications shall be made by attendance at the electronic address of the Administration or acting Organization, through the single electronic address or through both systems, as determined by each Administration or Agency.

For the purposes of this article, the presence in the electronic branch is understood as the access by the interested party or his / her duly identified representative to the content of the notification.

2. Electronic notifications shall be understood as being made at the time of access to its contents.

When notification by electronic means is mandatory, or has been expressly chosen by the interested party, it will be deemed rejected when ten calendar days have elapsed since the notification was made available without access to its contents.

3. The obligation referred to in Article 40.4 shall be deemed to have been fulfilled with the making available of the notice in the electronic address of the Administration or Organism acting or in the single authorized electronic address.

4. The interested parties will be able to access the notifications from the General Electronic Access Point of the Administration, which will function as an access portal.

Article 44. Unsuccessful notification.

When the persons interested in a proceeding are unknown, the place of the notification is ignored or, if it was attempted, it could not have been practiced, the notification shall be made by means of an advertisement published in the Official State Gazette.

Likewise, in advance and on an optional basis, Administrations may publish an announcement in the official gazette of the Autonomous Community or of the Province, in the board of edicts of the City of the last domicile of the interested party or the Consulate or Consular Section of the corresponding Embassy.

The Public Administrations may establish other forms of complementary notification through the other media, which will not exclude the obligation to publish the corresponding announcement in the Official State Gazette.

Article 45. Publication.

1. Administrative acts shall be published when established by the rules governing each procedure or when advised by reasons of public interest assessed by the competent body.

In any case, administrative acts will be published, and this will have the effects of notification, in the following cases:

A) Where the act is addressed to a plurality of persons or where the Administration considers that the notification made to a single interested party is insufficient to guarantee the notification to all, being, in the latter case, additional to the individual carried out.

B) In the case of acts that are part of a selective procedure or competitive concurrence of any kind. In this case, the call for the procedure must indicate the medium where the successive publications will be carried out, lacking validity those that are carried out in different places.

2. The publication of an act shall contain the same elements as Article 40.2 requires in respect of notifications. The provisions of section 3 of the same article shall also apply to publication.

In the cases of publications of acts containing common elements, the coincident aspects may be published together, specifying only the individual aspects of each act.

3. The publication of the acts will be made in the official journal that corresponds, according to which is the Administration from which the act to notify proceeds.

4. Without prejudice to the provisions of article 44, the publication of acts and communications that, by law or regulation must be practiced in bulletin boards or edicts, shall be deemed to have been fulfilled by its publication in the corresponding official Journal.

Article 46. Indication of notifications and publications.

If the competent body finds that notification by means of announcements or the publication of an act infringes legitimate rights or interests, it shall limit itself to publishing in the Official Journal concerned a brief indication of the content of the act and of the place where the interested parties may attend, Within the term established, for knowledge of the entire contents of said act and proof of such knowledge.

In addition and in an optional manner, the Administrations may establish other forms of complementary notification through the other media that will not exclude the obligation to publish in the corresponding Official Journal.

CHAPTER III

Nullity and annulability

Article 47. Nullity by right.

1. The acts of the Public Administrations are null and void in the following cases:

A) Those that damage the rights and freedoms susceptible of constitutional protection.

B) The dictates by organ manifestly incompetent by reason of the matter or of the territory.

C) Those that have an impossible content.

D) Those that constitute a criminal offense or are issued as a result of it.

E) The dictates totally and absolutely disregarding the legally established procedure or the rules that contain the rules essential for the formation of the will of the collegiate bodies.

F) Express or presumed acts contrary to the legal system by which powers or rights are acquired when the essential requirements for its acquisition are lacking.

G) Any other that is expressly established in a provision with the rank of Law.

2. Administrative provisions that violate the Constitution, laws or other administrative provisions of a higher rank, those that regulate matters reserved to the Law, and those that establish the retroactivity of non-favorable or restrictive provisions of sanctions Individuals.

Article 48. Annulability.

1. Acts of the Administration that commit any violation of the legal system, including misuse of powers, are voidable.

2. However, a defect in form will only determine annulability where the act lacks the formal requirements necessary to achieve its purpose or give rise to the defenselessness of the interested parties.

3. The performance of administrative actions outside the time established for them will only imply the annulability of the act when so required by the nature of the term or term.

Article 49. Limits to the extension of nullity or annulability of acts.

1. The nullity or annulability of an act will not imply that of successors in the procedure who are independent of the first.

2. The nullity or annulability in part of the administrative act shall not imply that of the parties that are independent of it, unless the vitiated party is of such importance that without it the administrative act would not have been dictated.

Article 50. Conversion of vitiated acts.

Acts that are null or void, however, containing the constituent elements of a different one, will produce the effects of it.

Article 51. Preservation of acts and formalities.

The body that declares the nullity or annulment of the proceedings will always provide for the maintenance of those acts and procedures whose content would have been maintained even if the infringement had not been committed.

Article 52. Convalidation.

1. The Administration may validate acts that can be annulled, correcting any defects that may occur.
2. The act of validation shall take effect from its date, except as provided in article 39.3 for the retroactivity of administrative acts.
3. If the vice consists of incompetence that is not determinant of nullity, the validation may be carried out by the competent body when it is superior hierarchical of the one that dictated the addit act.
4. If the defect consists in the lack of any authorization, the act may be validated by the granting of the same by the competent body.

TITLE IV

Provisions on the common administrative procedure

CHAPTER I

Procedural safeguards

Article 53. Rights of the interested party in the administrative procedure.

1. In addition to the other rights provided for in this Law, those interested in an administrative proceeding have the following rights:

A) To know, at any moment, the status of the processing of the procedures in which they have the condition of interested parties; The sense of administrative silence that corresponds, in the event that the Administration does not dictate or notify an express resolution in time; The competent body for its investigation, as the case may be, and resolution; And the acts of procedure dictated. They will also have the right to access and obtain a copy of the documents contained in said procedures.

Those who interact with the Public Administrations through electronic means will have the right to consult the information referred to in the previous paragraph in the General Electronic Access Point of the Administration that will function as an access portal. The Administration's obligation to provide copies of the documents contained in the procedures by making them available at the General Electronic Access Point of the competent Administration or at the corresponding electronic headquarters shall be understood as complying with the obligation of the Administration.

B) To identify the authorities and the personnel in the service of the Public Administrations under whose responsibility the procedures are processed.

C) Not to present original documents unless, exceptionally, the applicable regulatory regulations establish otherwise. In case, exceptionally, they must submit an original document, they will have the right to obtain a certified copy of it.

D) Not to submit data and documents not required by the rules applicable to the procedure in question, which are already in the hands of the Public Administrations or have been prepared by them.

E) To formulate allegations, to use the means of defense admitted by the Legal Order, and to provide documents at any stage of the proceedings prior to the hearing process, which must be taken into account by the competent body when drafting the proposed resolution.

F) To obtain information and guidance on the legal or technical requirements that the current provisions impose on the projects, actions or requests that they intend to carry out.

G) To act assisted as adviser when they deem it appropriate in defense of their interests.

H) To fulfill the payment obligations through the electronic means provided for in Article 98.2.

I) Any others recognized by the Constitution and laws.

2. In addition to the rights provided for in the previous section, in the case of administrative procedures of a punitive nature, the alleged perpetrators shall have the following rights:

(A) to be notified of the facts alleged against him, the offenses which such acts may constitute and the penalties which may be imposed on him, as well as the identity of the instructor, of the competent authority to impose The sanction and the rule that attributes such competence.

B) The presumption of non-existence of administrative responsibility until proven otherwise.

CHAPTER II

Initiation of the procedure

Section 1. General provisions

Article 54. Classes of initiation.

The procedures may be initiated ex officio or at the request of the interested party.

Article 55. Information and previous actions.

1. Prior to the commencement of the proceedings, the competent body may open a period of information or preliminary proceedings in order to ascertain the circumstances of the particular case and whether or not to initiate the procedure.

2. In the case of proceedings of a sanctioning nature, the preliminary proceedings shall be directed to determine, with the greatest possible precision, the facts that may give rise to the initiation of proceedings, the identification of the person or persons who may be responsible and the relevant circumstances Concur in each other.

The previous actions will be carried out by the bodies that have attributed investigative, investigation and inspection functions in the matter and, in the absence of these, by the person or administrative body that is determined by the competent body for the initiation or resolution of the procedure.

Article 56. Provisional measures.

1. Once the procedure has commenced, the administrative body competent to decide on it may, of its own motion or at the request of a party and in a reasoned manner, adopt such provisional measures as it deems appropriate to ensure the effectiveness of the resolution that

may be applicable if there is sufficient evidence To do so, in accordance with the principles of proportionality, effectiveness and lower charges.

2. Before the initiation of the administrative procedure, the body competent to initiate or initiate proceedings, ex officio or at the request of a party, in cases of urgency and for the provisional protection of the interests involved, may take a reasoned action Necessary and proportionate. Provisional measures must be confirmed, modified or lifted in the agreement to initiate the procedure, which must be carried out within fifteen days after its adoption, which may be the subject of the appropriate action.

In any case, these measures will be without effect if the procedure is not initiated within that period or when the initiation agreement does not contain an express statement about them.

3. In accordance with the provisions of the two preceding paragraphs, the following provisional measures may be agreed, in the terms established in Law 1/2000, of January 7, on Civil Procedure:

A) Temporary suspension of activities.

B) Provision of bonds.

C) Withdrawal or intervention of productive assets or temporary suspension of services for reasons of health, hygiene or safety, temporary closure of the establishment for these or other causes provided for in applicable regulations.

D) Preventive embargo of goods, incomes and consumable items that can be counted in cash for the application of certain prices.

E) The deposit, retention or immobilization of movable thing.

F) The intervention and deposit of income obtained through an activity considered to be unlawful and whose prohibition or cessation is intended.

G) Consignment or constitution of deposit of the amounts that are claimed.

H) Withholding of revenue on account to be paid by the Public Administrations.

I) Those other measures that, for the protection of the rights of the interested parties, explicitly foresee the laws, or that are deemed necessary to ensure the effectiveness of the resolution.

4. Provisional measures that could cause prejudice of difficult or impossible repair to the interested parties or that imply violation of rights protected by the laws can not be adopted.

5. Provisional measures may be lifted or modified during the procedure, ex officio or at the request of a party, due to circumstances that occurred or could not be taken into account at the time of their adoption.

In any case, they will be extinguished when the administrative resolution that ends the corresponding procedure takes effect.

Article 57. Accumulation.

The administrative organ that initiates or processes a procedure, whatever the form of its initiation, may have, ex officio or at the request of a party, its accumulation to others with whom it has a substantial identity or intimate connection, provided that it is the same organ Who must process and resolve the procedure.

There will be no appeal against the accrual agreement.

Section 2. Initiation of the ex officio procedure by the administration

Article 58. Initiation ex officio.

Proceedings shall be initiated ex officio by agreement of the competent body, either on its own initiative or as a consequence of a higher order, at the request of other organs reasoned or by complaint.

Article 59. Initiation of the procedure on own initiative.

It is understood by its own initiative, the action derived from the direct or indirect knowledge of the circumstances, conduct or facts subject to the procedure by the body that has the attribution of the initiation competence.

Article 60. Initiation of proceedings as a consequence of a higher order.

1. A higher order is understood as the one issued by a higher administrative hierarchy of the competent authority for the initiation of the procedure.

2. In proceedings of a punitive nature, the order shall, as far as possible, express the person or persons allegedly responsible; The conduct or facts that could constitute administrative infraction and its typification; As well as the place, date, dates or continued time period in which the events occurred.

Article 61. Initiation of the procedure by reasoned request of other organs.

1. A reasoned request is understood as the proposal for initiation of the procedure by any administrative body that does not have the power to initiate the proceeding and that has been aware of the circumstances, conduct or facts subject to the procedure, either occasionally or because of attribution Functions of inspection, investigation or investigation.

2. The petition does not bind the competent body to initiate the procedure, although it must communicate to the body that made it the reasons why, where appropriate, initiation is not necessary.

3. In proceedings of a punitive nature, petitions should specify, as far as possible, the person or persons allegedly responsible; The conduct or facts that could constitute administrative infraction and its typification; As well as the place, date, dates or continued time period in which the events occurred.

4. In patrimonial liability proceedings, the petition must identify the injury produced in a person or group of persons, its causal relationship with the operation of the public service, its economic evaluation if possible, and the moment when the injury actually occurs Occurred.

Article 62. Initiation of the procedure by complaint.

1. Denunciation means the act by which any person, in compliance or not with a legal obligation, notifies to an administrative body the existence of a certain fact that could justify the initiation of an administrative procedure.

2. The denunciations must express the identity of the person or persons who present them and the report of the facts that are brought to the attention of the Administration. Where such acts could constitute an administrative offense, they shall include the date of their commission and, where possible, the identification of those allegedly responsible.

3. Where the complaint alleges damage in the assets of the Public Administrations, the non-initiation of the procedure shall be motivated and the complainants shall be notified of the decision as to whether or not the proceeding has been initiated.

4. Where the complainant has participated in the commission of an offense of this nature and other offenders exist, the body competent to resolve the procedure shall exempt the complainant from the payment of the corresponding fine or other non-pecuniary sanction, When it is the first to provide evidence to initiate the procedure or to verify the infringement, provided that at the time of providing those elements are not available sufficient to order the same and the damage caused.

Likewise, the competent body to resolve must reduce the amount of the payment of the fine that would correspond to him or, if applicable, the non-pecuniary penalty, when not meeting any of the above conditions, the complainant provides evidence that provide a Significant added value with respect to those available.

In both cases, it will be necessary for the complainant to cease participation in the infringement and not to destroy evidence related to the subject matter of the complaint.

5. The lodging of a complaint does not, in itself, confer the status of interested in the proceedings.

Article 63. Specialties in the initiation of procedures of a sanctioning nature.

1. Procedures of a punitive nature shall always be initiated ex officio by agreement of the competent body and shall establish a proper separation between the instructing and sanctioning phases, which shall be entrusted to different bodies.

An organ shall be deemed to have jurisdiction to initiate the procedure when so determined by the rules governing it.

2. In no case may a sanction be imposed without the proper procedure having been processed.

3. New procedures of a punitive nature may not be initiated for acts or conduct that are characterized as offenses in which the perpetrator continues on a continuous basis, pending a first sanctioning decision, in an executive capacity.

Article 64. Agreement of initiation in the procedures of sanctioning nature.

1. The initiation agreement will be communicated to the instructor of the procedure, with transfer of any actions exist in this respect, and will be notified to the interested parties, understanding in any case for such to the accused.

Likewise, the initiation will be communicated to the complainant when the regulatory rules of procedure so provide.

2. The initiation agreement shall contain at least:

A) Identification of the person or persons allegedly responsible.

B) The facts that motivate the initiation of the procedure, its possible qualification and the sanctions that could correspond, without prejudice to what results from the investigation.

C) Identification of the instructor and, as the case may be, Secretary of the procedure, with express indication of the regime of challenge of the same.

D) Body competent for the resolution of the procedure and rule conferring such competence, indicating the possibility that the alleged perpetrator may voluntarily recognize his responsibility, with the effects provided for in Article 85.

(E) Measures of a provisional nature that have been agreed by the body competent to initiate the sanctioning procedure, without prejudice to those that may be adopted during the proceedings in accordance with Article 56.

F) Indication of the right to make allegations and to the hearing in the procedure and of the periods for its exercise, as well as indication that, in case of not making allegations within the period foreseen on the content of the agreement of initiation, it can be considered Resolution when it contains a precise statement of the imputed responsibility.

3. Exceptionally, when at the time of the initiation agreement there are insufficient elements for the initial classification of the facts that motivate the initiation of the procedure, the said qualification may be carried out at a later stage through the elaboration of a Statement of Objections, Which must be notified to the interested parties.

Article 65. Specialties in the beginning of ex officio of the procedures of patrimonial responsibility.

1. When the Public Administrations decide to initiate a process of liability of their own motion, it is necessary that the right to the claim of the interested party referred to in article 67 has not been prescribed.

2. The agreement to initiate proceedings shall be notified to the individuals allegedly injured, giving them a period of ten days in which to provide as many allegations, documents or information as they deem appropriate to their right and propose any evidence relevant to the recognition of the same. The procedure initiated will be investigated even if the individuals allegedly injured do not appear within the established period.

Section 3. Start of the procedure at the request of the interested party

Article 66. Applications for initiation.

1. Applications must contain:

A) Name and surnames of the interested party and, if applicable, of the person who represents him / her.

B) Identification of the electronic means, or in its absence, physical place in which it wishes that the notification is practiced. In addition, interested parties may provide their e-mail address and / or electronic device in order for the Public Administrations to notify them of the sending or making available of the notification.

C) Facts, reasons and request in which the request is clearly made.

D) Place and date.

E) Signature of the applicant or accreditation of the authenticity of his will expressed by any means.

F) Organ, center or administrative unit to which it is addressed and its corresponding identification code.

The records assistance offices will be obliged to provide the interested party with the identification code if the interested party does not know it. Likewise, the Public Administrations must maintain and update in the corresponding electronic headquarters a listing with the valid identification codes.

2. Where the claims for a plurality of persons have the same or substantially similar content and basis, they may be made in a single application, unless otherwise specified in the rules governing the specific procedures.

3. Applications, communications and written submissions submitted by interested parties electronically or in the offices of assistance in matters of records of the Administration, may require the corresponding receipt that establishes the date and time of submission.

4. The Public Administrations must establish models and systems of massive presentation that allow the interested parties to present simultaneously several applications. These models, of voluntary use, will be available to those interested in the corresponding electronic headquarters and in the offices of assistance in registries of the Public Administrations.

Applicants may accompany the elements they deem appropriate to specify or complete the model data, which must be admitted and taken into account by the organ to which they are addressed.

5. Standardized application systems may include automatic checks of the information provided in respect of data stored in own systems or belonging to other Administrations or offer the completed form, in whole or in part, so that the data subject verifies the information and, if necessary, modify and complete it.

6. When the Administration in a specific procedure expressly establishes specific models of submission of applications, these will be of compulsory use by the interested parties.

Article 67. Applications for initiation in the procedures of patrimonial responsibility.

1. The interested parties may only request the commencement of a procedure of patrimonial responsibility, when it has not prescribed their right to claim. The right to claim will prescribe the year of production of the act or act that motivates the compensation or manifests its injurious effect. In case of physical or mental damages to the people, the period will begin to count from the healing or the determination of the scope of the sequels.

In cases where it is appropriate to recognize the right to compensation for administrative or contentious-administrative annulment of an act or provision of a general nature, the right to claim shall lapse one year after having notified the administrative decision or final judgment.

In cases of corporate liability referred to in Article 32 (4) and (5) of the Law on the Legal Regime of the Public Sector, the right to claim shall be barred one year after publication in the Official State Gazette or in the "Official Journal of the European Union", as the case may be, of the judgment declaring the rule unconstitutional or contrary to European Union law.

2. In addition to the provisions of article 66, the request made by the interested parties shall specify the injuries produced, the alleged causal link between them and the operation of the public service, the economic evaluation of the liability of the estate, if possible, and the time when the injury actually occurred, and shall be accompanied by any such allegations, documents and information as may be deemed appropriate and of the evidence, specifying the means that the claimant intends to use.

Article 68. Submission and improvement of the application.

1. If the request for initiation does not meet the requirements set out in article 66, and, as the case may be, those referred to in article 67 or others required by the applicable specific legislation, the interested party shall be required, within ten Days, corrects the fault or accompanies the mandatory documents, indicating that, if he does not do so, he shall be deemed to have waived his request, following a decision that shall be rendered in the terms set forth in article 21.

2. Whenever it is not a question of selective procedures or of competitive competition, this period may be extended prudentially, up to five days, at the request of the interested party or at the initiative of the organ, when the contribution of the required documents presents special difficulties.

3. In proceedings initiated at the request of the interested parties, the competent body may request from the applicant the voluntary modification or improvement of the terms of the request. A summary document shall be drawn up and incorporated into the procedure.

4. If any of the subjects referred to in articles 14.2 and 14.3 present their request in person, the Public Administrations will require the interested party to subscribe it through their electronic presentation. For these purposes, the date on which the application is submitted shall be the one in which the cure was carried out.

Article 69. Responsible declaration and communication.

1. For the purposes of this Law, a responsible declaration shall be understood as the document signed by an interested party in which he states, under his responsibility, that he complies with the requirements established in the current regulations to obtain recognition of a right or faculty or For its exercise, which has the documentation that accredits it, which will make it available to the Administration when it is required, and which undertakes to maintain compliance with the previous obligations during the period of time inherent to said recognition or exercise .

The requirements referred to in the previous paragraph must be expressly, clearly and precisely stated in the corresponding responsible declaration. Administrations may request at any time that the documentation proving compliance with said requirements be submitted and the interested party must provide it.

2. For the purposes of this Law, communication means the document through which the interested parties inform the competent Public Administration of their identifying details or any other information relevant to the start of an activity or the exercise of a right.

3. Responsible declarations and communications will allow the recognition or exercise of a right or the beginning of an activity, from the day of its presentation, without prejudice to the powers of verification, control and inspection attributed by the Public Administrations.

Notwithstanding the provisions of the previous paragraph, the communication may be submitted within a period after the beginning of the activity when the legislation specifically provides for it.

4. The essential inaccuracy, falsification or omission of any data or information that is incorporated in a responsible declaration or communication, or failure to present to the competent Administration the responsible declaration, any documentation that may be required To prove compliance with what has been declared, or communication, shall determine the impossibility of continuing the exercise of the right or activity affected from the moment in which such acts are recorded, without prejudice to any criminal, civil or administrative responsibilities that may have occurred. place.

Likewise, the decision of the Public Administration declaring such circumstances may determine the obligation of the interested party to restore the legal situation to the moment prior to the recognition or exercise of the right or the beginning of the corresponding activity, as well as the

impossibility of calling for a new procedure With the same purpose for a period of time determined by law, all in accordance with the terms established in the sectoral rules of application.

5. The Public Administrations will have permanently published and updated models of responsible declaration and communication, easily accessible to the interested parties.

6. Only a responsible declaration or a communication to initiate the same activity or to obtain the recognition of the same right or faculty for its exercise shall be required, without the possibility of both being cumulatively possible.

CHAPTER III

Ordinance of the procedure

Article 70. Administrative record.

1. An administrative file is understood as the ordered set of documents and actions that serve as antecedents and grounds for the administrative decision, as well as the steps taken to execute it.

2. The files shall be electronically formatted and shall be prepared by means of an orderly aggregation of all documents, evidence, opinions, reports, agreements, notifications and other measures to be included in them, as well as a numbered index of all documents contained therein. In addition, a certified electronic copy of the resolution adopted must be included in the file.

3. When the electronic file is required to be submitted in accordance with a standard, it shall be done in accordance with the provisions of the National Interoperability Scheme and the corresponding Interoperability Technical Standards, and shall be sent complete, folded, authenticated and accompanied by an index , Also authenticated, of the documents that it contains. The authentication of said index will guarantee the integrity and immutability of the electronic file generated from the moment of its signature and will allow its recovery whenever it is precise, being permissible that the same document forms part of different electronic files.

4. Information that is auxiliary or supportive, such as that contained in applications, files and computer databases, notes, drafts, opinions, summaries, communications and internal reports or between administrative bodies or entities, shall not be included in the administrative file, As well as value judgments issued by the Public Administrations, except in the case of reports, mandatory and optional, requested before the administrative resolution that terminates the procedure.

Article 71. Impulse.

1. The procedure, subject to the principle of celerity, will be promoted ex officio in all its formalities and through electronic means, respecting the principles of transparency and publicity.

2. In the dispatch of the files, the strict order of initiation shall be kept in cases of homogeneous nature, unless the owner of the administrative unit is given a reasoned order to the contrary, of which it is recorded.

Failure to comply with the provisions of the previous paragraph will lead to the requirement of disciplinary responsibility of the offender and, if applicable, will be cause for removal from the job.

3. The persons designated as an instructing body or, where appropriate, the holders of the administrative units that have such a role will be directly responsible for the processing of the procedure and, in particular, for compliance with the established deadlines.

Article 72. Concentration of formalities.

1. In accordance with the principle of administrative simplification, all procedures that, by their nature, admit a simultaneous impulse and are not required to be successively executed, shall be agreed in a single act.

2. When requesting the procedures that must be fulfilled by other bodies, the legal deadline established for this purpose must be recorded in the communication.

Article 73. Compliance with formalities.

1. The procedures to be completed by the interested parties must be carried out within ten days from the next of the notification of the corresponding act, except in the case that in the corresponding standard a different term is set.

2. At any stage of the procedure, when the Administration considers that any of the acts of the interested parties does not meet the necessary requirements, it shall inform the author thereof, granting him a period of ten days to complete it.

3. The interested parties who do not comply with the provisions of the previous sections, may be declined in their right to the corresponding procedure. However, the action of the interested party will be admitted and will produce its legal effects, if it occurred before or within the day that notifies the resolution in which the term has elapsed.

Article 74. Incidental matters.

The incidental issues raised in the proceeding, including those relating to the nullity of proceedings, will not suspend the processing of the same, except for the challenge.

CHAPTER IV

Instruction of procedure

Section 1. General provisions

Article 75. Acts of instruction.

1. The acts of investigation necessary for the determination, knowledge and verification of the facts by virtue of which the resolution is to be pronounced, shall be carried out ex officio and by electronic means, by the body that processes the proceeding, without prejudice to the right of The interested parties to propose those actions that require their intervention or constitute legal procedures or established regulations.

2. The applications and information systems used for the instruction of procedures shall ensure the control of time and deadlines, the identification of responsible bodies and the orderly processing of files, as well as facilitating the simplification and publicity of procedures .

3. Acts of instruction requiring the intervention of the persons concerned shall be carried out in the manner which is most convenient for them and is compatible, as far as possible, with their work or professional obligations.

4. In any event, the investigating body shall take the necessary measures to ensure full respect for the principles of adversarial and equal treatment of those concerned in the proceedings.

Article 76. Claims.

1. The interested parties may, at any stage of the proceedings prior to the hearing process, adduce allegations and provide documents or other evidence.

Both will be taken into account by the competent body when drafting the corresponding resolution proposal.

2. The interested parties may at any time allege defects in the processing and, in particular, those involving suspension, breach of the periods prescribed or the omission of procedures that can be corrected before the final resolution of the case. Such allegations may give rise, if there are reasons, to the requirement of corresponding disciplinary liability.

Section 2^a Test

Article 77. Means and probationary period.

1. The facts relevant to the decision of a procedure can be proven by any means of proof admissible in law, whose assessment will be made in accordance with the criteria established in Law 1/2000, of January 7, on Civil Procedure.

2. When the Administration does not consider the facts alleged by the interested parties or the nature of the procedure so requires, the instructor of the same shall agree to open a probationary period for a period not exceeding thirty days nor less than ten, in order That they may be practiced as they deem pertinent. Likewise, when it deems it necessary, the instructor may, at the request of the interested parties, decide to open an extraordinary trial period for a period not exceeding ten days.

3. The examiner of the procedure may only reject the evidence proposed by the interested parties when they are manifestly unreasonable or unnecessary, by means of a reasoned decision.

4. In proceedings of a sanctioning nature, the facts declared proven by firm criminal judicial decisions will bind the Public Administrations with respect to the sanctioning procedures that they substantiate.

5. The documents formalized by the officials to whom the status of authority is recognized and in which, observing the corresponding legal requirements, the facts established by them will be proven, unless otherwise proven.

6. Where the evidence consists of the issuance of a report by an administrative body, public body or public law Entity, the latter shall be understood as having a prescriptive character.

7. Where the assessment of the evidence produced may constitute the basic basis for the decision to be adopted in the procedure, since it is an essential part of the proper assessment of the facts, it must be included in the motion for a resolution.

Article 78. Test practice.

1. The Administration shall communicate to the interested parties, in sufficient time, the initiation of the necessary actions for the performance of the tests that have been admitted.

2. The notification shall state the place, date and time at which the test will be carried out, with the warning, if applicable, that the interested party may appoint technicians to assist him / her.

3. In cases where, at the request of the interested party, tests must be carried out involving expenses that the Administration does not have to bear, the latter may require the advance payment of the same, subject to final settlement, once the test has been carried out. The settlement of the expenses will be done joining the vouchers that prove the reality and amount of the same.

Section 3. Reports

Article 79. Petition.

1. For the purposes of the resolution of the procedure, those reports that are required by the legal provisions, and those deemed necessary for resolution, shall be requested, citing the precept that requires them or justifying, as the case may be, the convenience of claiming them.

2. The request for the report shall specify the end or ends on which it is requested.

Article 80. Issuance of reports.

1. Unless expressly provided otherwise, the reports shall be optional and non-binding.

2. Reports shall be issued through electronic means and in accordance with the requirements set forth in article 26 within a period of ten days, unless a provision or compliance with the rest of the procedural deadlines allows or requires a longer term or less.

3. If the report is not issued within the period indicated, and without prejudice to the responsibility incurred by the person responsible for the delay, the proceedings may be continued, except in the case of a mandatory report, in which case the Maximum legal deadline for resolving the proceedings in the terms set out in Article 22 (1) (d).

4. If the report is to be issued by a Public Administration other than the one in which the procedure is carried out in order to express the point of view corresponding to their respective competences, and after the deadline has elapsed without being issued, the proceedings may be continued.

The report issued after the deadline may not be taken into account when adopting the corresponding resolution.

Article 81. Request for reports and opinions in the procedures of patrimonial responsibility.

1. In the case of property liability proceedings, it is mandatory to request a report to the service whose operation has caused the alleged damages, and can not exceed ten days.

2. When the claimed damages are equal to or greater than 50,000 euros or to that established in the corresponding autonomous legislation, as well as in those cases provided by Organic Law 3/1980, of April 22, of the Council of State, It will be mandatory to request an opinion from the Council of State or, as the case may be, from the advisory body of the Autonomous Community.

To this end, within 10 days after the completion of the hearing process, the instructing body shall send a motion for a resolution to the body competent to request the opinion, which shall comply with the provisions of Article 91 or, Where appropriate, the proposed agreement by which the procedure could be terminated conventionally.

The opinion shall be delivered within a period of two months and shall state whether or not there is a causal link between the operation of the public service and the injury produced and,

where appropriate, the assessment of the damage caused and the amount and manner of The compensation in accordance with the criteria established in this Law.

3. In the case of claims regarding the State's liability for the abnormal functioning of the Administration of Justice, the report of the General Council of the Judiciary will be mandatory, which will be evacuated within a maximum period of two months. The deadline for issuing a decision shall be suspended for the time between the request, the report and its receipt, not exceeding that period of said two months.

Section 4. Stakeholder Involvement

Article 82. Hearing process.

1. Once the procedures have been instituted and immediately before the draft resolution is drawn up, the interested parties or, where appropriate, their representatives will be shown, taking into account the limitations provided for in Law 19 / 2013, of 9 December.

The hearing of interested parties will be prior to the request of the report of the body responsible for legal advice or the request of the opinion of the Council of State or equivalent advisory body of the Autonomous Community, should they form part of the procedure.

2. Interested parties, within a period of not less than ten days nor more than fifteen, may allege and submit the documents and justifications they deem relevant.

3. If before the expiry of the period, the interested parties declare their decision not to make allegations or provide new documents or justifications, the procedure shall be considered.

4. The hearing process may be dispensed with when other facts or other arguments and evidence are not taken into account in the decision, as are those which the party concerned has adduced.

5. In the asset liability proceedings referred to in article 32.9 of the Law on the Legal Regime of the Public Sector, it will be necessary in any case to give a hearing to the contractor, notifying him how many actions are taken in the proceeding, to the effect that Person in the same, to expose what to its right agrees and to propose as much means of proof as it deems necessary.

Article 83. Public information.

1. The body to which the resolution of the procedure corresponds, when the nature of the procedure so requires, may agree a period of public information.

2. To this end, an advertisement shall be published in the corresponding Official Gazette in order that any natural or legal person may examine the file or part thereof agreed upon.

The notice shall state the place of exhibition and shall in any case be available to the persons requesting it through electronic means at the corresponding electronic office, and shall determine the deadline for making claims, which in no case may be less than twenty days .

3. Failure to comply with this procedure shall not prevent the interested parties from lodging appeals against the final resolution of the proceeding.

The appearance in the process of public information does not, by itself, give the condition of interested. However, those who submit allegations or observations in this process have the right to obtain a reasoned response from the Administration, which may be common to all allegations that raise substantially equal questions.

4. In accordance with the provisions of the laws, Public Administrations may establish other forms, means and channels for the participation of persons, directly or through organizations and associations recognized by law in the procedure in which administrative acts are issued .

CHAPTER V

Completion of procedure

Section 1. General provisions

Article 84. Termination.

1. shall terminate the procedure resolution, withdrawal, waiver of the right on which the application is based, when such waiver is not prohibited by law, and revocation.

2. The termination of the procedure will also result in the material impossibility of continuing it for causes that have arisen. The resolution must be given in any case.

Article 85. Termination in sanctioning proceedings.

1. Initiate disciplinary proceedings, if the offender recognizes its responsibility, it may terminate the procedure with the imposition of the sanction appropriate.

2. Where the penalty is of a pecuniary nature only or it is possible to impose a pecuniary and non-pecuniary sanction, but the second is justified, the voluntary payment by the alleged perpetrator at any time prior to the decision shall imply the Termination of the procedure, except for the replacement of the altered situation or the determination of compensation for damages caused by the commission of the infringement.

3. In both cases, where the penalty is of a pecuniary nature only, the body competent to decide on the procedure shall apply reductions of at least 20% on the amount of the proposed penalty, which may be accumulated between them. The aforementioned reductions must be determined in the notice of initiation of the procedure and their effectiveness will be conditioned to the withdrawal or waiver of any action or appeal in administrative proceedings against the sanction.

The percentage reduction provided for in this section may be increased by regulation.

Article 86. Conventional termination.

1. Public Administrations may conclude agreements, pacts, agreements or contracts with persons, both public and private, provided that they are not contrary to the legal system nor deal with non-negotiable matters and are intended to satisfy the public interest that they have entrusted , With the scope, effects and specific legal regime that, if applicable, provides for the provision that regulates it, such acts being considered as finalizers of administrative procedures or inserted in them prior, binding or not, to the Resolution that will put an end to them.

2. The aforementioned instruments must establish as a minimum content the identification of the intervening parties, the personal, functional and territorial scope, and the term of validity, having to be published or not according to their nature and the people to which they were destined.

3. In any case, they shall require the express approval of the Council of Ministers or equivalent body of the Autonomous Communities, agreements that deal with matters within the direct competence of that body.

4. The agreements signed shall not change the powers attributed to the administrative bodies or the responsibilities of the authorities and officials relating to the operation of public services.

5. In cases of asset liability proceedings, the agreement reached between the parties shall determine the amount and manner of compensation in accordance with the criteria established in article 34 of the Law on the Legal Regime of the Public Sector to calculate and pay it.

Section 2ª Resolution

Article 87. Complementary actions.

Before giving a ruling, the body competent to resolve may decide, by means of a reasoned agreement, to carry out the necessary additional actions to resolve the procedure. The reports that precede the final resolution of the procedure will not be considered as complementary actions.

The agreement to carry out complementary actions will be notified to the interested parties, giving them a period of seven days to formulate the allegations that they have as relevant after the completion of the same. Complementary actions must be carried out within a period not exceeding fifteen days. The deadline for resolving the procedure will be suspended until the completion of the complementary actions.

Article 88. Contents.

1. The decision terminating the procedure shall decide all questions raised by the interested parties and those arising therefrom.

In the case of related matters that have not been raised by the interested parties, the competent body may decide on them, before presenting them for a period not exceeding fifteen days, to formulate the arguments that they consider relevant and provide, Where appropriate, the means of proof.

2. In proceedings filed at the request of the interested party, the resolution shall be consistent with the requests made by the latter, without under any circumstances aggravating its initial situation and without prejudice to the authority of the Administration to initiate a new procedure, if proceeds.

3. The decisions shall contain the decision, which shall be motivated in the cases referred to in Article 35. They shall also express the appeals against it, the administrative or judicial body before which they are to be filed and a time limit for filing them, without Prejudice to the fact that the interested parties can exercise any other that they deem appropriate.

4. Without prejudice to the form and place indicated by the interested party for the practice of notifications, the resolution of the procedure shall be issued electronically and ensure the identity of the competent body, as well as the authenticity and integrity of the document that is formalized through the use of Any of the instruments provided for in this Law.

5. In no case may the Administration refrain from solving on the pretext of silence, darkness or insufficiency of the legal precepts applicable to the case, although it may be agreed that applications for recognition of rights not provided for by law or manifestly unfounded , Without prejudice to the right of petition provided for in article 29 of the Constitution.

6. The acceptance of reports or opinions will serve as a motivation for the resolution when incorporated into the text of the same.

7. When the competence to instruct and resolve a procedure does not fall within the same body, it will be necessary for the instructor to raise the competent body to resolve a proposed resolution.

In proceedings of a sanctioning nature, the proposed resolution must be notified to the interested parties in the terms foreseen in the following article.

Article 89. Proposed resolution in sanctioning procedures.

1. The investigating body shall decide on the completion of the procedure, with a record of the proceedings, without the need for the formulation of the proposed resolution, when in the investigation procedure it is shown that one of the following circumstances exists:

A) The inexistence of the facts that could constitute the infraction.

B) When the facts are not proven.

C) When the facts proven do not manifestly constitute an administrative infraction.

D) When the responsible person or persons have not been or could not be identified or appear exempt from liability.

E) When it was concluded, at any time, that it has prescribed the infringement.

2. In the case of procedures of a sanctioning nature, once the investigation has been completed, the investigating body shall issue a motion for a decision that shall be notified to the interested parties. The motion for a resolution must indicate the manifestation of the procedure and the deadline for making claims and submitting the documents and information deemed relevant.

3. The motion for a resolution shall state in a reasoned manner the facts that are proven and their exact legal classification, the offense to be established, the person or persons responsible and the sanction proposed, the Assessment of the evidence made, in particular those that constitute the basic grounds of the decision, as well as the provisional measures that, if appropriate, had been adopted. When the instruction concludes that there is no infringement or liability and does not make use of the faculty provided in the first paragraph, the proposal will declare that circumstance.

Article 90. Specialties of the resolution in the sanctioning procedures.

1. In the case of procedures of a punitive nature, in addition to the content provided for in the two previous articles, the decision will include the assessment of the evidence made, especially those that constitute the basic grounds of the decision, will fix the facts and, in Case, the person or persons responsible, the infraction or infractions committed and the sanction or penalties that are imposed, or the declaration of no violation or liability.

2. The decision can not accept facts other than those determined in the course of the procedure, regardless of their different legal assessment. However, when the body responsible for resolving it finds that the offense or sanction is more serious than that determined in the motion for a resolution, the accused shall be notified so that he may make whatever arguments he deems appropriate within a period of fifteen days.

3. The termination of the procedure shall be enforceable when no ordinary administrative remedy is brought against it, and the precautionary provisions may be adopted in order to ensure its effectiveness as long as it is not enforceable and may consist in the maintenance of the Provisional measures that may have been adopted.

When the resolution is enforceable, it may be suspended precautionary, if the interested party manifests to the Administration its intention to file a contentious-administrative appeal against the final decision in administrative way. This interim injunction will end when:

A) The legally established period has elapsed without the interested party having filed an administrative contentious appeal.

B) The interested party filed a contentious-administrative appeal:

1. The provisional suspension of the contested decision has not been requested in the same procedure.

2. The judicial body shall rule on the requested interim injunction, in the terms provided for therein.

4. When the sanctioned conduct has caused damages or losses to the Administrations and the amount destined to compensate for these damages has not been determined in the file, will be fixed by means of a complementary procedure, whose resolution will be immediately executive. This procedure will be subject to a conventional termination, but neither the latter nor the acceptance by the violator of the resolution that could be involved will involve the voluntary recognition of their responsibility. The termination of the procedure shall terminate the administrative procedure.

Article 91. Specialties of the resolution in the proceedings in matter of patrimonial responsibility.

1. Once the opinion referred to in Article 81 (2) has been received, or where it is not mandatory, once the hearing process is completed, the competent body shall resolve or submit the proposed agreement for its Concerned and by the competent administrative body to sign it. When it is not considered appropriate to formalize the proposal of conventional termination, the competent body will resolve in the terms foreseen in the following section.

2. In addition to the provisions of article 88, in cases of liability proceedings, it will be necessary for the decision to rule on the existence or otherwise of the causal link between the operation of the public service and the injury produced and, in Its case, on the assessment of the damage caused, the amount and the way of the compensation, when applicable, according to the criteria that to calculate and to pay it are established in article 34 of the Law of Legal Regime of the Public Sector.

3. After six months have elapsed since the initiation of the procedure without the express resolution or notification, or where appropriate, of the agreement, it may be understood that the decision is contrary to the individual's compensation.

Article 92. Competence for the resolution of the procedures of patrimonial responsibility.

In the scope of the General State Administration, the procedures of patrimonial responsibility will be solved by the respective Minister or by the Council of Ministers in the cases of article 32.3 of the Law of Legal Regime of the Public Sector or when a law so provides.

In the autonomous and local area, the procedures of patrimonial responsibility will be solved by the corresponding organs of the Autonomous Communities or of the Entities that comprise the Local Administration.

In the case of Public Law Entities, the rules that determine their legal regime may establish the bodies to which the resolution of the procedures of equity responsibility corresponds. Failing this, the rules set forth in this article shall apply.

Section 3. Withdrawal and resignation

Article 93. Withdrawal by the Administration.

In proceedings initiated ex officio, the Administration may give up, reasonably, in the cases and with the requirements set forth in the Laws.

Article 94. Withdrawal and resignation by the interested parties.

1. All interested parties may withdraw their application or, when not prohibited by law, waive their rights.

2. If the initiation brief was formulated by two or more interested parties, the withdrawal or resignation shall only affect those who have formulated it.

3. Both the withdrawal and the waiver may be made by any means that allows its proof, provided that it incorporates the corresponding signatures in accordance with the provisions of the applicable regulations.

4. The Administration will accept the resignation or resignation and will declare the proceedings concluded, unless the interested parties have requested that they be continued within ten days of being notified of the withdrawal or resignation.

5. If the question raised by the initiation of proceedings is in the general interest or should be substantiated for its definition and clarification, the Administration may limit the effects of the withdrawal or resignation of the interested party and shall follow the procedure.

Section 4 Expiration

Article 95. Requirements and effects.

1. In proceedings initiated at the request of the interested party, when their stoppage occurs because of an imputable cause, the Administration will advise that, after three months, the procedure will expire. Once this period has expired without the required individual performing the necessary activities to resume processing, the Administration will agree to file the proceedings, notifying the interested party. The pertinent remedies shall be applied against the resolution declaring the lapse.

2. The expiration can not be agreed for the simple inactivity of the interested party in the completion of procedures, as long as they are not indispensable to dictate resolution. Such inactivity will have no other effect than the loss of their right to said procedure.

3. Expiry will not of itself produce the prescription of the actions of the individual or the Administration, but expired procedures will not interrupt the limitation period.

In those cases in which it is possible to initiate a new procedure because no prescription has taken place, it will be possible to incorporate to this one the acts and formalities whose content would have been maintained even if the expiration had not occurred. In any case, in the new procedure must be completed the formalities of allegations, evidence and hearing the interested party.

4. Expiry may not apply if the matter raised concerns the general interest, or should be substantiated for its definition and clarification.

CHAPTER VI

Simplified procedure for the common administrative procedure

Article 96. Simplified procedure of the common administrative procedure.

1. When reasons of public interest or the lack of complexity of the procedure so advise, the Public Administrations may agree, ex officio or at the request of the interested party, the simplified procedure of the procedure.

At any time during the procedure prior to its resolution, the competent body for its processing may agree to continue in accordance with the ordinary procedure.

2. When the Administration agrees ex officio the simplified procedure of the procedure must notify the interested parties. If any of them express their express opposition, the Administration must follow the ordinary procedure.

3. Interested parties may request a simplified procedure. If the body responsible for processing considers that one of the reasons provided for in paragraph 1 does not apply, it may reject that request, within five days of its submission, without the possibility of an appeal by the interested party. After said period of five days, the application shall be deemed to have been rejected.

4. In the case of proceedings relating to the liability of public authorities, if, once the administrative procedure has been initiated, the competent body for its processing considers unequivocal the causal relationship between the operation of the public service and the injury, as well as the assessment Of the damage and the calculation of the amount of compensation, it may of course decide to suspend the general procedure and initiate a simplified procedure.

5. In the case of procedures of a punitive nature, the simplified procedure may be adopted when the body responsible for initiating the proceeding considers that, in accordance with its regulations, there is sufficient evidence to classify the infringement as Without the express opposition of the party referred to in paragraph 2.

6. Unless there is less time for ordinary processing, simplified administrative procedures must be resolved within thirty days, starting from the next day on which the simplified procedure agreement is notified to the interested party, and will consist only of the following formalities:

- A) Initiation of the procedure ex officio or at the request of the interested party.
- B) Submission of the application filed, if applicable.
- C) Claims made at the beginning of the proceedings during the five-day period.
- D) Hearing process, only when the resolution will be unfavorable for the interested party.
- E) Report of the legal service, when this is mandatory.
- F) Report of the General Council of the Judicial Power, when this is prescriptive.

G) Opinion of the Council of State or equivalent advisory body of the Autonomous Community in cases where it is mandatory. From the time that the Opinion is requested to the Council of State, or equivalent body, until it is issued, the automatic deadline for resolving will occur.

The competent body shall request the issuance of the opinion within a period so as to allow the deadline for terminating the procedure to be met. The opinion may be issued within a period of fifteen days if requested by the competent body.

In any case, in the file forwarded to the Council of State or equivalent advisory body, a motion for a resolution will be included. Where the opinion is contrary to the substance of the motion for a resolution, irrespective of whether or not this criterion is met, the body responsible for resolving it shall agree to continue the procedure in accordance with the ordinary procedure, which shall be notified to the parties concerned. In this case, all actions taken during the simplified procedure, except for the opinion of the Council of State or equivalent advisory body, shall be deemed valid.

H) Resolution.

7. In the event that a procedure requires the completion of a procedure not provided for in the previous section, it must be processed in an ordinary manner.

CHAPTER VII

Execution

Article 97. Title.

1. The Public Administrations will not initiate any material action to enforce resolutions that limit the rights of individuals without having previously adopted the resolution that serves as a legal basis.

2. The body ordering an act of material execution of resolutions shall be obliged to notify the interested party of the decision authorizing the administrative action.

Article 98. Execution.

1. The acts of the Public Administrations subject to the Administrative Law will be immediately executive, unless:

A) The execution of the act is suspended.

B) It is a resolution of a procedure of a sanctioning nature against which an appeal may be filed through an administrative procedure, including the power of reinstatement.

C) A provision to the contrary.

D) Superior approval or authorization is required.

2. When an administrative decision, or any other form of termination of the administrative procedure provided for in this law, results in an obligation of payment resulting from a pecuniary sanction, fine or any other right to be paid to the public treasury, Preferably, unless justified by the impossibility of doing so, using one of the following electronic means:

A) Credit and debit card.

B) Bank transfer.

C) Domiciliation bank.

D) Any others that are authorized by the competent body in matters of Public Treasury.

Article 99. Forced execution.

The Public Administrations, through their competent bodies in each case, may proceed, prior warning, to the enforced execution of administrative acts, except in the cases in which the execution is suspended in accordance with the Law, or when the Constitution or The law require the intervention of a judicial body.

Article 100. Means of enforced execution.

1. Forced execution by the Public Administrations shall be carried out, always respecting the principle of proportionality, by the following means:

- A) Appeal on the patrimony.
- (B) Subsidiary execution.
- C) Coercive fine.
- D) Compulsion over people.

2. If there are several admissible means of execution, the least restrictive of individual freedom shall be chosen.

3. If it is necessary to enter the domicile of the affected or in the other places that require the authorization of its owner, the Public Administrations must obtain the consent of the same or, in his absence, the appropriate judicial authorization.

Article 101. Appeal on patrimony.

1. If a liquid quantity is to be satisfied by virtue of an administrative act, the procedure laid down in the rules governing the enforcement procedure shall be followed.

2. In any case, a pecuniary obligation that is not established according to a rule of legal rank can not be imposed on the administered.

Article 102. Subsidiary execution.

1. There will be a subsidiary execution in the case of acts that are not very personal can be performed by a subject other than the obligor.

2. In this case, the Public Administrations will carry out the act, by itself or through the people they determine, at the expense of the obligor.

3. The amount of expenses, damages and damages will be demanded in accordance with the provisions of the previous article.

4. Such amount may be settled provisionally and be made before execution, subject to final settlement.

Article 103. Compulsory penalty.

1. When authorized by Laws, and in the form and amount determined by them, the Public Administrations may, for the execution of certain acts, impose coercive fines, repeated for periods of time sufficient to comply with the Following assumptions:

- A) Personal acts in which the direct compulsion does not proceed on the person of the obligor.
- B) Acts in which, when the compulsion, the Administration did not consider it convenient.
- C) Acts whose execution may be ordered by another person.

2. The periodic penalty payment shall be independent of any penalties which may be imposed in such a way and compatible with them.

Article 104. Compulsion over persons.

1. Administrative acts that impose a personal obligation not to do or to bear can be executed by direct compulsion on persons in cases where the law expressly authorizes it, and always within the respect due to their dignity and the rights recognized in the Constitution.

2. If, in the case of very personal obligations to do, the benefit is not performed, the obligor shall compensate the damages, whose liquidation and recovery will proceed through administrative.

Article 105. Prohibition of possessory actions.

Possessory actions against the actions of the administrative bodies carried out in their field of competence and in accordance with the legally established procedure will not be accepted.

TITLE V

Review of administrative acts

CHAPTER I

Review of office

Article 106. Revision of provisions and void acts.

1. The Public Administrations, at any time, on their own initiative or at the request of an interested party, and after obtaining a favorable opinion from the Council of State or equivalent advisory body of the Autonomous Community, if any, shall declare of their own motion the nullity of administrative acts To the end of the administrative procedure or that have not been appealed in time, in the cases provided for in Article 47.1.

2. In addition, at any time, the Public Administrations of their own motion, and after a favorable opinion of the Council of State or equivalent advisory body of the Autonomous Community, if any, may declare the administrative provisions null and void in the cases provided for in Article 47.2 .

3. The body competent for the ex officio review may reasonably agree to refuse to process the requests made by the interested parties, without the need to seek an opinion from the Council of State or advisory body of the Autonomous Community, when they are not based on any Of the

grounds for annulment of Article 47 (1) or are manifestly unfounded, and on the assumption that substantially similar claims have been dismissed in substance.

4. Public Administrations, when declaring a provision or act void, may establish, in the same resolution, the indemnities that should be recognized to the interested parties, if the circumstances provided for in articles 32.2 and 34.1 of the Law of Regime Without prejudice to the fact that, in the case of a provision, the firm acts dictated in application of it remain.

5. When the procedure has been initiated ex officio, the expiration of the period of six months from its inception without issuing a decision will result in the expiration of the same. If the procedure was initiated at the request of an interested party, the same can be understood as dismissed by administrative silence.

Article 107. Declaration of lesividad of annulable acts.

1. The Public Administrations may challenge before the contentious-administrative jurisdictional order acts favorable to the interested parties that can be annulled in accordance with the provisions of Article 48, prior to their declaration of harmfulness in the public interest.

2. The declaration of lesividad can not be adopted after four years have elapsed since the administrative act was issued and will require the previous hearing of all those who appear as interested in the same, in the terms established by article 82.

Notwithstanding its examination as a procedural budget for admissibility of the action in the corresponding judicial process, the declaration of lesividad will not be subject to appeal, although the interested parties may be notified for information purposes only.

3. Once the period of six months has elapsed since the initiation of the procedure without the lesividad being declared, the expiration will occur.

4. If the act comes from the General Administration of the State or the Autonomous Communities, the declaration of lesividad will be adopted by the body of each Administration competent in the matter.

5. If the act comes from the entities that make up the Local Administration, the declaration of lesividad will be adopted by the Plenum of the Corporation or, failing this, by the higher collegiate body of the entity.

Article 108. Suspension.

Once the ex officio review procedure referred to in Articles 106 and 107 has commenced, the body competent to declare the nullity or lesividad may suspend the execution of the act, when it could cause damages impossible or difficult to repair.

Article 109. Revocation of acts and rectification of errors.

1. The Public Administrations may revoke, during the period of limitation, their tax or unfavorable acts, provided that such revocation does not constitute exemption or exemption not allowed by the laws, nor is contrary to the principle of equality, to the public interest Or to the legal order.

2. The Public Administrations may also, at any time, rectify, at their own initiative or at the request of the interested parties, any material, de facto or arithmetical errors in their actions.

Article 110. Limits of the review.

The powers of review established in this Chapter may not be exercised when, due to the prescription of actions, for the time elapsed or for other circumstances, its exercise is contrary to equity, good faith, the right of individuals or laws.

Article 111. Competence for the ex officio review of the provisions and acts null and voidable in the General State Administration.

At the state level, they will be competent for the ex officio review of the provisions and administrative acts null and void:

A) The Council of Ministers, regarding its own acts and dispositions and of the acts and dispositions dictated by the Ministers.

B) In the General State Administration:

1. The Ministers, regarding the acts and dispositions of the Secretaries of State and those dictated by the directing organs of their Department not dependent on a Secretariat of State.

2. The Secretaries of State, regarding the acts and dispositions dictated by the governing bodies of them dependents.

C) In Public bodies and public law entities linked or dependent on the General State Administration:

1. The bodies to which public bodies and entities of public law are attached, with respect to the acts and dispositions dictated by the highest governing body of these.

2. The highest governing bodies of public bodies and entities governed by public law, with respect to the acts and dispositions dictated by the organs of which they are dependent.

CHAPTER II

Administrative resources

Section 1. General principles

Article 112. Object and classes.

1. If the latter decide directly or indirectly on the merits of the case, they decide that it is impossible to continue the proceedings, they give rise to defenselessness or irreparable damage to legitimate rights and interests, the parties may appeal against the appeals. Which may be based on any of the grounds of nullity or annulability provided for in Articles 47 and 48 of this Law.

Opposition to the other procedural acts may be invoked by the interested parties for consideration in the resolution terminating the proceeding.

2. The laws may substitute appeals, in specific cases or sectoral areas, and when the specificity of the matter so justifies, by other procedures of challenge, complaint, conciliation, mediation and arbitration, before collegiate bodies or specific Commissions. Subject to hierarchical instructions, with respect to the principles, guarantees and terms that the present Law recognizes to the persons and the interested ones in any administrative procedure.

Under the same conditions, the remedy for replacement may be replaced by the procedures referred to in the preceding paragraph, respecting its optional nature for the interested party.

The application of these procedures in the scope of the Local Administration can not imply ignorance of the resolutive powers recognized to the elected representative bodies established by the Law.

3. Administrative remedies of a general nature shall not be appealed through administrative channels.

Appeals against an administrative act which are based solely on the nullity of any general administrative provision may be brought directly before the body which issued that provision.

4. Economic and administrative claims shall be in accordance with the procedures established by its specific legislation.

Article 113. Extraordinary appeal for review.

Against the firm actions in administrative way, only the extraordinary appeal of revision will proceed when any of the circumstances provided for in article 125.1.

Article 114. End of administrative procedure.

1. They terminate the administrative procedure:

A) Resolutions of appeals.

B) Resolutions of the procedures referred to in Article 112.2.

C) Resolutions of administrative bodies that do not have a hierarchical superior, unless a law establishes otherwise.

D) The agreements, pacts, agreements or contracts that have the status of finalizers of the procedure.

E) The administrative resolution of the procedures of patrimonial responsibility, regardless of the type of relationship, public or private, from which it derives.

F) The resolution of the complementary procedures in sanctioning matter referred to in Article 90.4.

G) Other resolutions of administrative bodies when a legal provision or regulation so stipulates.

2. In addition to what is provided for in the previous section, the following acts and resolutions are terminated at the state level:

A) The administrative acts of the members and organs of the Government.

B) The emanated from the Ministers and Secretaries of State in the exercise of the powers that have attributed the organs of which they hold.

C) The emanated from the governing bodies with level of Director-General or superior, in relation to the competences that they have attributed in personnel matters.

D) In Public bodies and public law entities linked or dependent on the General State Administration, those emanated from the highest single-member or collegiate management bodies, according to what their statutes establish, unless otherwise provided by law.

Article 115. Appeal.

1. The filing of the appeal must state:

A) The name and surnames of the appellant, as well as the personal identification of the same.

B) The act that is appealed and the reason for its challenge.

C) Place, date, signature of the appellant, identification of the means and, where appropriate, the place indicated for the purposes of notifications.

D) Organ, center or administrative unit to which it is addressed and its corresponding identification code.

(E) Other particulars required, where appropriate, by specific provisions.

2. The error or lack of qualification of the resource by the appellant shall not be an obstacle to its processing, provided that its true character is deduced.

3. Vices and defects that make an act void can not be claimed by those who caused it.

Article 116. Causes of inadmissibility.

The following shall be grounds for inadmissibility:

A) To be incompetent the administrative organ, when the competent one belongs to another Public Administration. The appeal must be submitted to the competent body, in accordance with what is established in Article 14.1 of the Law on the Legal Regime of the Public Sector.

B) The appellant lacks legitimacy.

C) To be a non-appealable act.

D) Have passed the period for lodging the appeal.

(E) The action is manifestly unfounded.

Article 117. Suspension of execution.

1. The lodging of any appeal, except in cases where a provision establishes otherwise, shall not suspend the execution of the contested act.

2. Notwithstanding the provisions of the preceding paragraph, the body that is responsible for resolving the appeal, after a sufficiently reasoned assessment, between the damage caused to the public interest or third parties by the suspension and that caused to the appellant as a consequence of the immediate effectiveness of the It may suspend, on its own initiative or at the request of the appellant, the execution of the contested measure in the event of any of the following circumstances:

A) That the execution could cause damages of impossible or difficult reparation.

B) That the challenge is based on one of the causes of nullity as of right provided for in article 47.1 of this Law.

3. The execution of the contested act shall be suspended if, after a month has elapsed since the request for suspension was entered in the electronic register of the Administration or body competent to decide on it, the body that is responsible for resolving the appeal has not issued And notified an express resolution thereon. In these cases, the provisions of article 21.4 second paragraph of this Law shall not apply.

4. When issuing the suspension agreement, any precautionary measures necessary to ensure the protection of the public interest or third parties and the effectiveness of the decision or the contested act may be adopted.

When the suspension can cause damages of any nature, it will only produce effects upon provision of security or sufficient guarantee to respond from them, under the terms established by regulations.

The suspension will be extended after the administrative route has been exhausted when, having previously requested the interested party, there is a precautionary measure and the effects of it extend to the contentious-administrative route. If the interested party lodged a contentious-administrative appeal, requesting the suspension of the act object of the process, the suspension will be maintained until the corresponding judicial pronouncement on the application.

5. Where the purpose of the appeal is to challenge an administrative act affecting an indeterminate number of persons, the suspension of its effectiveness shall be published in the official newspaper in which it was inserted.

Article 118. Hearing of the interested parties.

1. When new facts or documents are not taken into account in the original file, the interested parties shall be informed so that, in a period of not less than ten days and not more than fifteen days, they make the allegations and present the documents and Evidence they deem appropriate.

They will not be taken into account in the resolution of the remedies, facts, documents or allegations of the appellant, when having been able to contribute them in the processing of allegations has not done so. Neither may the request for evidence be invoked if its failure to perform in the proceedings in which the contested decision was rendered was attributable to the interested party.

2. If there are other interested parties, they will be given, in any case, the transfer of the resource so that, within the aforementioned period, they allege whatever they deem appropriate.

3. The appeal, reports and proposals do not have the character of new documents for the purposes of this article. Neither will those who have contributed to the file before the contested decision falls.

Article 119. Resolution.

1. The resolution of the appeal shall be in whole or in part or dismiss the claims formulated in the same or declare it inadmissible.

2. Where there is a procedural defect, it is not considered appropriate to decide on the merits, the procedure shall be ordered to be retroacted at the time the defect was committed, without prejudice to the possibility of agreeing on the validity of proceedings by the competent body. Accordance with the provisions of article 52.

3. The body that decides the appeal shall decide how many questions, whether in substance or in substance, are raised by the proceedings, whether or not they were alleged by the interested parties. In the latter case they were previously heard. However, the resolution will be consistent with the petitions made by the appellant, and in no case may its initial situation be aggravated.

Article 120. Plurality of administrative resources.

1. Where a number of administrative appeals involving a single administrative act have to be resolved and a judicial remedy has been lodged against an administrative decision or against the corresponding alleged act of dismissal, the administrative body may agree to suspend the period for resolving until That rests judicial pronouncement.

2. The suspension agreement must be notified to the interested parties, who may appeal.

The lodging of the corresponding appeal by an interested party will not affect the other appeal procedures that are suspended due to the same administrative act.

3. Once the judicial pronouncement has been given, it will be communicated to the interested parties and the competent administrative body to resolve may issue a resolution without the need to carry out any additional procedure, except for the hearing, when applicable.

Section 2. Appeal

Article 121. Purpose.

1. Resolutions and acts referred to in article 112.1, when they do not end the administrative procedure, may be appealed against before the superior hierarchical body of the one that dictated them. For these purposes, the Courts and bodies for the selection of the personnel in the service of the Public Administrations and any others that, within the latter, act with functional autonomy, will be considered dependent on the organ to which they are attached or, in their absence, the That has appointed the president of the same.

2. The appeal may be filed before the body that issued the act that is challenged or before the competent to resolve it.

If the appeal was lodged with the body which issued the contested act, it must forward it to the competent authority within a period of ten days, with its report and a complete and orderly copy of the file.

The head of the body that issued the contested act shall be directly responsible for compliance with the provisions of the preceding paragraph.

Article 122. Deadlines.

1. The deadline for lodging the appeal is one month, if the act is express. After said period has elapsed without having filed the appeal, the resolution will be final for all purposes.

If the act is not express, the applicant and other interested parties may file an appeal at any time from the day following that in which, in accordance with their specific regulations, the effects of administrative silence are produced.

2. The maximum period for issuing and notifying the decision shall be three months. After this period has elapsed without a resolution, the appeal may be deemed dismissed, except in the case provided for in article 24.1, third paragraph.

3. No other administrative appeal shall be allowed against the resolution of an appeal, except for the extraordinary review appeal, in the cases established in Article 125.1.

Section 3. Remedies

Article 123. Object and nature.

1. Administrative acts that put an end to administrative proceedings may be resorted to before the same body that would have issued them or be challenged directly before the administrative-judicial jurisdictional order.

2. No contentious-administrative appeal may be filed until the alleged appeal is dismissed, or the alleged dismissal of the appeal filed.

Article 124. Time limits.

1. The deadline for filing an appeal for reinstatement shall be one month, if the act is express. Once this period has elapsed, a contentious-administrative appeal may only be filed, without prejudice, where appropriate, to the merits of the extraordinary review appeal.

If the act is not express, the applicant and other potential interested parties may file an appeal for replacement at any time from the day following that in which, in accordance with its specific regulations, the alleged act occurs.

2. The maximum period to dictate and notify the resolution of the appeal shall be one month.

3. No appeal may be lodged against the resolution of an appeal for reinstatement.

Section 4. Extraordinary appeal for review

Article 125. Object and deadlines.

1. An extraordinary appeal for review may be lodged with the administrative body that issued it, which shall also be competent for its resolution, in the event of any of the following circumstances:

A) That, when dictating them, an error of fact, resulting from the documents attached to the file, would have been incurred.

B) That documents of essential value for the resolution of the case appear that, although they are later, evidence the error of the resolution appealed.

C) That in the resolution they have essentially influenced documents or testimony declared false by a final judicial sentence, before or after that resolution.

D) That the decision had been issued as a result of prevarication, bribery, violence, fraudulent machination or other punishable conduct and has been declared as such by virtue of a final judicial decision.

2. The extraordinary review appeal shall be filed, in case of cause a) of the previous section, within a period of four years following the date of notification of the contested decision. In other cases, the period will be three months from the knowledge of the documents or since the judgment was final.

3. The provisions of this article do not prejudice the right of the interested parties to make the request and the instance referred to in articles 106 and 109.2 of this Law or their right to have them substantiated and resolved.

Article 126. Resolution.

1. The body competent for the resolution of the appeal may reasonably agree to inadmissibility, without the need to seek the opinion of the Council of State or advisory body of the Autonomous Community, when it is not based on any of the grounds set forth in section 1 of the previous article or in the event that other substantively equal resources have been dismissed in substance.

2. The body to which it is responsible for hearing an appeal for review must rule not only on the merits of the appeal but also, as the case may be, on the merits of the matter resolved by the contested act.

3. Once the three-month period has elapsed since the filing of the extraordinary review appeal, and the resolution has not been rendered and notified, it shall be deemed dismissed, and the administrative judicial procedure shall be expedited.

TITLE VI

Legislative initiative and the power to issue regulations and other provisions

Article 127. Legislative initiative and power to issue norms with the rank of law.

The Government of the Nation will exercise the legislative initiative provided for in the Constitution through the preparation and approval of draft legislation and the subsequent referral of draft laws to the Cortes Generales.

The legislative initiative shall be exercised by the governing bodies of the Autonomous Communities in the terms established by the Constitution and its Statutes of Autonomy.

Likewise, the Government of the Nation may approve real decrees-laws and real legislative decrees in the terms provided for in the Constitution. The respective governing bodies of the Autonomous Communities may approve norms equivalent to those in their territorial scope, in accordance with the provisions of the Constitution and its Statutes of Autonomy.

Article 128. Regulatory power.

1. The exercise of the regulatory power corresponds to the Government of the Nation, to the organs of Government of the Autonomous Communities, in accordance with the established in its respective Statutes, and to the local governing bodies, according to the provisions of the Constitution , The Statutes of Autonomy and Law 7/1985, of April 2, regulating the Bases of Local Regime.

2. The regulations and administrative provisions can not violate the Constitution or the laws or regulate those matters that the Constitution or the Statutes of Autonomy recognize of the competence of the Cortes Generales or of the Legislative Assemblies of the Autonomous Communities. Without prejudice to their role of development or collaboration with respect to the law, they may not criminalize, misdemeanor or administrative offenses, establish penalties or penalties, as well as taxes, parafiscal charges or other charges or personal or patrimonial benefits of a public nature.

3. The administrative provisions shall be in accordance with the order of hierarchy established by the laws. No administrative provision may violate the precepts of another of higher rank.

Article 129. Principles of good regulation.

1. In the exercise of legislative initiative and regulatory power, Public Administrations shall act in accordance with the principles of necessity, effectiveness, proportionality, legal certainty, transparency, and efficiency. In the explanatory memorandum or in the preamble, depending on draft legislation or draft regulations respectively, their adequacy to these principles shall be sufficiently justified.

2. By virtue of the principles of necessity and effectiveness, the normative initiative must be justified on grounds of general interest, be based on a clear identification of the aims pursued and be the most appropriate instrument to ensure their achievement.

3. In accordance with the principle of proportionality, the initiative proposed must contain the necessary regulation to meet the need to meet the standard, after finding that there are no other measures less restrictive of rights or impose less obligations on the recipients.

4. In order to guarantee the principle of legal certainty, the regulatory initiative will be implemented in a manner consistent with the rest of the national and European Union legal order to generate a stable, predictable, integrated, clear and certain regulatory framework, That facilitates their knowledge and understanding and, consequently, the action and decision making of the people and companies.

When in the matter of administrative procedure the normative initiative establishes procedures additional or different to those contemplated in this Law, these must be justified taking into account the singularity of the subject or the ends pursued by the proposal.

Qualifications for the regulatory development of a law shall be conferred, in general, on the respective Government or Governing Council. The direct attribution to the holders of the ministerial departments or of the ministries of the Government, or to other dependent or subordinate bodies of them, will be exceptional and must be justified in the enabling law.

The laws may directly empower Independent Authorities or other bodies that have this power to approve norms in development or application of the same, when the nature of the matter so requires.

5. In accordance with the principle of transparency, the Public Administrations will enable simple, universal and up-to-date access to the regulations in force and the documents of its elaboration process, in the terms established in article 7 of Law 19/2013, Of December 9, on transparency, access to public information and good governance; Shall clearly define the objectives of the policy initiatives and their justification in the preamble or explanatory memorandum; And will enable potential recipients to participate actively in the development of standards.

6. In applying the efficiency principle, the regulatory initiative should avoid unnecessary or ancillary administrative burdens and rationalize the management of public resources in its application.

7. When the regulatory initiative affects current or future public expenditures or revenues, their impact and effects shall be quantified and evaluated, and subject to compliance with the principles of budgetary stability and financial sustainability.

Article 130. Normative evaluation and adaptation of the current legislation to the principles of good regulation.

1. The Public Administrations will periodically review their current regulations to adapt them to the principles of good regulation and to verify the extent to which the rules in force have achieved the objectives and if justified and correctly quantified the cost and the charges imposed on them.

The result of the evaluation will be reflected in a report that will be made public, with details, periodicity and by the body that determines the regulatory regulations of the corresponding Administration.

2. Public administrations shall promote the application of the principles of good regulation and cooperate to promote economic analysis in the elaboration of standards and in particular to avoid the introduction of unjustified or disproportionate restrictions on economic activity.

Article 131. Publicity of the norms.

Rules with the rank of law, regulations and administrative provisions must be published in the corresponding official journal to come into force and produce legal effects. In addition, and in an optional manner, the Public Administrations may establish other complementary publicity means.

The publication of official journals or bulletins in the electronic headquarters of the Administration, Organ, Public Organism or competent Entity will have, under the conditions and with the guarantees that each Public Administration determines, the same effects as those attributed to its printed edition.

The publication of the "Official State Gazette" in the electronic office of the competent body shall be official and authentic in the conditions and with the guarantees that are determined by regulation, deriving from said publication the effects foreseen in the preliminary title of the Civil Code and in the Remaining applicable standards.

Article 132. Normative planning.

1. Each year, the Public Administrations will publish a Normative Plan that will contain legal or regulatory initiatives that will be raised for approval in the following year.

2. Once approved, the Annual Regulatory Plan will be published in the corresponding Transparency Portal of the Public Administration.

Article 133. Participation of the citizens in the procedure of elaboration of norms with rank of Law and regulations.

1. Prior to the preparation of the draft or draft law or regulation, a public consultation shall be conducted through the web portal of the competent Administration in which the opinion of the most representative individuals and organizations will be sought Affected by the future rule on:

- A) The problems that are intended to be solved by the initiative.
- B) The necessity and opportunity of its approval.
- C) The objectives of the standard.
- D) Possible alternative regulatory and non-regulatory solutions.

2. Without prejudice to consultation prior to drafting the text of the initiative, where the rule affects the rights and legitimate interests of individuals, the competent management center will publish the text in the corresponding web portal, in order to give a hearing To the citizens affected and to collect as many additional contributions can be made by other persons or entities. Likewise,

the opinion of organizations or associations recognized by law that group or represent persons whose rights or legitimate interests are affected by the norm and whose purposes are directly related to its purpose may also be directly sought.

3. The public consultation, hearing and information regulated in this article must be done in such a way that the potential recipients of the norm and those who make contributions about it have the possibility to express their opinion, for which the necessary documents must be made available, which will be clear, concise and gather all the necessary information to be able to pronounce on the matter.

4. Public consultations, hearing and information procedures provided for in this article may be dispensed with in the case of budgetary or organizational rules of the General State Administration, the Autonomous Administration, the local Administration or organizations dependent on or linked to them, or when there are serious reasons of public interest that justify it.

When the normative proposal does not have a significant impact on economic activity, does not impose obligations relevant to the addressees or regulates partial aspects of a matter, the public consultation regulated in section one may be omitted. If the regulations regulating the exercise of the legislative initiative or of the regulatory power by an Administration provides for the urgent processing of these procedures, the possible exception of the procedure for this circumstance will be in accordance with the provisions of that one.

Additional provision one. Specialties by reason of matter.

1. The administrative procedures regulated in special laws by reason of the matter that do not require some of the procedures foreseen in this Law or regulate additional or different procedures will be governed, with respect to these, by the provisions in said special laws.

2. The following actions and procedures will be governed by its specific regulations and supplementarily by the provisions of this Law:

A) The actions and procedures of application of the tributes in tax and customs matter, as well as their revision in administrative way.

B) The actions and procedures of management, inspection, liquidation, collection, challenge and review in matters of Social Security and Unemployment.

C) The actions and punitive procedures in tax and customs matters, in the social order, in matters of traffic and road safety and in matters of foreigners.

D) The actions and procedures regarding foreigners and asylum.

Second additional provision. Accession of the Autonomous Communities and Local Entities to the platforms and registers of the General State Administration.

In order to comply with the provisions on electronic registration of powers, electronic registration, single electronic file, data intermediation platform and electronic general access point of the Administration, the Autonomous Communities and Local Entities may accede voluntarily and through electronic means to the platforms and registries established for this purpose by the General State Administration. Their non-adherence must be justified in terms of efficiency in accordance with article 7 of Organic Law 2/2012, of April 27, on Budgetary Stability and Financial Sustainability.

In the event that an Autonomous Community or a Local Entity justifies before the Ministry of Finance and Public Administration that it can provide the service in a more efficient way, in accordance with the criteria set forth in the previous paragraph, and opts to maintain its own

registry or Platform, the said Administrations must ensure that it complies with the requirements of the National Interoperability Scheme, the National Security Scheme, and its technical development standards, so as to guarantee its computer compatibility and interconnection, as well as the telematic transmission of the Requests, writings and communications that are made in their corresponding registers and platforms.

Third Additional Provision. Notification by means of an announcement published in the «Official State Gazette».

1. The "Official State Gazette" shall make available to the various Public Administrations an automated system for telematic transmission and management for the publication of notification notices therein provided for in Article 44 of this Law and in this additional provision . Said system, which will comply with what is established in this Law, and its development regulations, will guarantee the speed of publication, correct and faithful insertion, as well as the identification of the sending body.

2. In those administrative procedures that have specific regulations, if the cases provided for in article 44 of this Law concur, the practice of notification shall be made, in any case, by an advertisement published in the "Official State Gazette" Without prejudice to the fact that previously and on an optional basis it may be carried out in the manner provided for by said specific legislation.

3. The publication in the "Official State Gazette" of the announcements referred to in the two previous paragraphs shall be made without any economic consideration by those who have requested it.

Additional provision four. Records assistance offices.

The Public Administrations must keep permanently updated in the corresponding electronic headquarters a geographical directory that allows the interested party to identify the office of assistance in matters of registries closer to his address.

Additional fifth provision. Administrative action of the constitutional organs of the State and of the regional legislative and control organs.

The administrative action of the competent bodies of the Congress of Deputies, the Senate, the General Council of the Judiciary, the Constitutional Court, the Court of Auditors, the Ombudsman, the Legislative Assemblies of the Autonomous Communities and the autonomous institutions Analogous to the Court of Auditors and the Ombudsman, shall be governed by the provisions of its specific regulations, within the framework of the principles that inspire administrative action in accordance with this Act.

First transitional provision. Document files.

1. The archiving of documents corresponding to administrative procedures already started before the entry into force of this Law, will be governed by the provisions of the previous regulations.

2. Paper documents associated with administrative procedures completed before the entry into force of this Law shall, whenever possible, be digitized in accordance with the requirements established in the applicable regulatory regulations.

Second transitory provision. Electronic record and electronic file only.

As long as the provisions relating to electronic registration and single electronic file do not enter into force, the following rules shall apply within the scope of the General State Administration:

A) During the first year, after the entry into force of the Law, the records and archives existing at the time of the entry into force of this law may be maintained.

B) During the second year, after the entry into force of the Law, there will be at most one electronic register and one electronic file for each Ministry, as well as one electronic register for each Public Organism.

Transitional Provision Three. Transitional regime of procedures.

A) Procedures already initiated before the entry into force of the Law will not apply to them, being governed by the previous regulations.

B) The ex-officio review procedures initiated after the entry into force of this Law shall be substantiated by the rules established therein.

C) The acts and resolutions issued after the entry into force of this Law shall be governed, in terms of the resource regime, by the provisions thereof.

D) Acts and resolutions pending execution upon the entry into force of this Law will be governed by the current legislation when they were issued.

E) In the absence of express provisions established in the corresponding legal and regulatory provisions, transitional questions of administrative procedural law will be resolved in accordance with the principles established in the previous sections.

Fourth transitional provision. Transitory regime of files, registers and general access point.

Until such time as the provisions relating to the electronic registration of powers, electronic registration, electronic general access point of the Administration and electronic single file, enter into force, the Public Administrations shall maintain the same channels, means or electronic systems in force relating to said matters, Guarantee the right of individuals to interact electronically with the Administrations.

Transitional provision fifth. Asset liability procedures arising from the declaration of unconstitutionality of a rule or its character contrary to the law of the European Union.

Administrative procedures for liability arising from the declaration of unconstitutionality of a rule or its opposite character to European Union law initiated prior to the entry into force of this Act, they shall be settled in accordance with the regulations in force at the time of initiation.

Single derogatory provision. Normative repeal.

1. All norms of equal or lower rank are repealed in what contradict or oppose the provisions of this Law.

2. The following provisions are expressly repealed:

A) Law 30/1992, of November 26, on the Legal Regime of Public Administrations and Common Administrative Procedure.

B) Law 11/2007, of June 22, on electronic access of citizens to Public Services.

C) Articles 4 to 7 of Law 2/2011, of March 4, on Sustainable Economy.

D) Royal Decree 429/1993, of 26 March, which approves the Regulation of the procedures of the Public Administrations in matter of patrimonial responsibility.

E) Royal Decree 1398/1993, of August 4, which approves the Regulation of the Procedure for the Exercise of the Sanctioning Power.

F) Royal Decree 772/1999, of 7 May, which regulates the submission of applications, briefs and communications to the General State Administration, the issuance of copies of documents and return of originals and the regime of offices of registry.

(G) Articles 2.3, 10, 13, 14, 15, 16, 26, 27, 28, 29.1.a), 29.1.d), 31, 32, 33, 35, 36, 39, 48, 50 1, 2 and 4 of the first additional provision, the third additional provision, the first transitional provision, the second transitional provision, the transitional provision third and fourth transitional provision of Royal Decree 1671/2009, of 6 November, whereby Law 11/2007, of 22 June, on electronic access of citizens to Public Services is partially developed.

Until, in accordance with the provisions of the final disposition seventh produce effects forecasts regarding electronic registration of powers of attorney, electronic registration, electronic point of general access to the single electronic management and archiving, will remain in force Articles of standards (A), (b) and (g) relating to the abovementioned matters.

3. References in current regulations to provisions that are expressly repealed shall be understood to be made to the provisions of this Act that govern the same subject matter as those provisions.

Final disposition first. Competence title.

1. This Act is approved under the provisions of Article 149.1.18 of the Spanish Constitution, which grants the State the power to dictate the basis of the legal regime of the Public Administrations and competence for common administrative procedure and System of responsibility of all Public Administrations.

2. Title VI of legislative initiative and the power to issue regulations and other provisions and the second additional provision of Accession of the autonomous communities and local platforms and records of the General State Administration Entities are also approved under The provisions of article 149.1.14.^a relating to the General Treasury, as well as Article 149.1.13.^a, which attributes to the State the competence in terms of bases and coordination of the general planning of economic activity.

3. The provisions of articles 92, first paragraph, 111, 114.2 and second transitional provision shall apply only to the General State Administration, as well as the other sections of the different provisions that provide for its exclusive application in the field of General State Administration.

Second final provision. Modification of Law 59/2003, of December 19, of electronic signature.

In Law 59/2003 of December 19, electronic signature, a new section 11 is included in article 3 with the following wording:

"eleven. All systems of identification and electronic signature provided for in the Law on the Common Administrative Procedure of Public Administrations and in the Law on the Legal Regime of the Public Sector shall have full legal effect.

Third final provision. Modification of Law 36/2011, of October 10, regulating the social jurisdiction.

Law 36/2011, of October 10, regulating social jurisdiction, is worded as follows:

One. Article 64 is worded as follows:

"Article 64. Exceptions to previous conciliation or mediation.

1. Exempt from the requirement of the attempt to conciliate or, if appropriate, mediation, the processes that require the exhaustion of the administrative route, if applicable, those relating to Social Security, those relating to the challenge of collective dismissal by the Labor mobility, substantial changes in working conditions, suspension of the contract and reduction of working hours due to economic, technical, organizational or production reasons or reasons of force majeure, conciliation rights Personal, family and work life referred to in article 139, ex officio initiates, challenges to collective agreements, challenges to the union's statutes or its amendment, The protection of fundamental rights and public freedoms, the processes of annulment of arbitration awards, those of challenging conciliation agreements, mediations and transactions, as well as those in which work is carried out to protect against gender-based violence.

2. The following shall also be excepted:

A) Those processes in which the State or other public entity is also a defendant, were private individuals, provided that the claim had to be submitted to the exhaustion of the administrative procedure and in the latter could decide the matter in dispute.

B) The cases in which, at any moment in the process, after directing the ballot or the demand against determined persons, it is necessary to direct or to extend the same before people other than those initially demanded.

3. When the conciliation or mediation agreement that could be reached could be legally effective because of the nature of the claim in question, even if the process of the said requirement of the previous attempt is excepted, if the parties come voluntarily in a timely manner and by mutual agreement Such prior routes, the expiry of the limitation periods shall be suspended or the limitation periods shall be interrupted in the manner laid down in the following Article.

Two. Article 69 is worded as follows:

«Article 69. Exhaustion of the administrative route prior to the social judicial process.

1. In order to be able to sue the State, Autonomous Communities, local entities or entities governed by public law with their own legal personality linked to or dependent on them, it will be necessary to exhaust the administrative procedure, where appropriate, in accordance with the provisions of the regulations of Applicable administrative procedure.

In any case, the public administration must notify to the interested parties the resolutions and administrative acts that affect their rights and interests, the notification containing the full text of the resolution, indicating whether or not it is definitive in the administrative route, the expression Of the appeals that may be filed, the body before

which they are to be filed and a time limit for filing them, notwithstanding that the interested parties may, if necessary, exercise any other evidence they deem appropriate.

The notifications containing the full text of the act omit any of the other requirements set forth in the previous paragraph will suspend the expiration periods and interrupt the limitation periods and will only take effect from the date on which the interested party performs actions involving the knowledge The content and scope of the resolution or act that is the object of the notification or resolution, or bring any appropriate action.

2. As long as the administrative route is to be understood as exhausted, the interested party may formally file the claim within two months before the court or the relevant Chamber. The request shall be accompanied by a copy of the denial decision or document proving the filing or resolution of the administrative appeal, as appropriate, attaching a copy of all of this to the defendant entity.

3. In actions resulting from dismissal and other actions subject to expiration, the period for filing the claim shall be twenty working days or the special that is applicable, counting from the day following the day on which the Act or notification of the contested decision, or where the administrative procedure is deemed to have been exhausted in all other cases.

Three. Article 70 is worded as follows:

"Article 70. Exceptions to exhaustion of administrative channels.

It will not be necessary to exhaust the administrative route to bring suit for protection of fundamental rights and public freedoms against acts of the Public Administrations in the exercise of their powers in labor and union matters, although the deadline for the filing of the application will be twenty Days from the day following notification of the act or the expiration of the period fixed for the resolution, without further formalities; When the infringement of the fundamental right arose from administrative inactivity or acts in de facto action or an administrative remedy has been lodged, the period of twenty days shall begin on the expiry of twenty days from the complaint against inactivity or de facto , Or from the lodging of the application, respectively.

Four. Article 72 is worded as follows:

"Article 72. Linkage with respect to the previous administrative claim in respect of social security benefits or prior administrative procedure.

In the process, the parties can not introduce substantial variations of time, quantities or concepts in respect of which they were the subject of the administrative procedure and the actions of the interested parties or the Administration, or at the stage of a previous claim in respect of Social Security benefits Or an appeal that exhausts administrative proceedings, except in respect of new facts or that may not have been previously known.

Five. Article 73 is worded as follows:

"Article 73. Effects of the previous administrative complaint regarding Social Security benefits.

The previous claim in respect of social security benefits shall interrupt the limitation periods and suspend the periods of limitation, the latter being resumed the day following

the notification of the resolution or the expiry of the period in which it is deemed to have been dismissed.

Six. Article 85 is worded as follows:

"Article 85. Celebration of the trial.

1. If there is no compromise in conciliation, it will be passed next to trial and will realize of the acted thing.

As a preliminary matter, the parties will be given an oral and well-founded reasoning on the preliminary issues that may be raised in that act, as well as on appeals or other incidents pending resolution, without prejudice to the subsequent succinct basis in the judgment , Where appropriate. Likewise, the parties will be heard and, where appropriate, the case will be resolved, reasonably and in an oral form, on the questions that the judge or tribunal may at that time raise about their jurisdiction, the demands of the lawsuit or the scope and limits of The claim made, respecting the procedural guarantees of the parties and without prejudging the merits of the case.

The claimant will then ratify or extend his claim, although in no case may he make substantial variation therein.

2. The defendant will answer by affirming or denying concretely the facts of the claim, and stating any exceptions it deems appropriate.

3. A counterclaim may only be made when it has been announced in the conciliation prior to the proceedings or in the answer to the previous claim in respect of social security benefits or resolution that exhausts the administrative route, and would have expressed in essence the facts on which it is based And the request in which it is made concrete. The counterclaim will not be allowed if the judicial body is not competent, if the action is exercised has to be served in a different procedural way and the action is not cumulative, and when there is no connection between their claims and those that are the subject of the complaint principal.

No counterclaim will be required to claim compensation of debts, provided that they are due and enforceable and no claim for a counter-claim is made, and in general, when the defendant defends a claim that is exclusively to be acquitted of the claim or claims in the main claim , Being enough that it is alleged in the answer to the demand. If the obligation requires a judicial determination because it is not liquid before the trial, it will be necessary to express concretely the facts that justify the exception and the form of liquidation of the debt, as well as to have announced the same in the previous conciliation or mediation, or in The claim in matters of Social Security benefits or resolution that exhaust the administrative route. The counterclaim was formulated, Will be given to the other parties for their answer in the terms established for the claim. The same procedure of transfer will be agreed to answer the procedural exceptions, if they are alleged.

4. The parties will use the floor as many times as the judge or court deems necessary.

5. Likewise, in this act, the parties may plead what they deem appropriate for the purposes of article 191 (3) (b), offering, for the appropriate procedural moment, the elements necessary to support their claims. There is no need to provide evidence on this particular issue when the fact that the process affects many workers or beneficiaries is notorious by its very nature.

6. If no procedural issues have been raised or if they have been answered, the parties or their defenders with the tribunal shall determine the facts on which there is conformity

or disagreement of the litigants, if necessary recorded in the minutes or, in their case, If, by diligence, succinct reference to those essential essential points, for the purposes of further appeal. The parties may also provide brief notes on the calculation or summary of numerical data.

7. In the event of a total or partial search, the court will approve, after hearing the other parties, not to incur a prohibited waiver of rights, fraud of law or prejudice to third parties, or be contrary to the public interest, by means of a resolution that may be issued In oral form. If the raid is total, a conviction shall be issued in accordance with the pretensions of the plaintiff. When the acquiescence is partial, it may be self-approving, which may be carried out for the partial final execution proceedings, provided that by the nature of the claims sought, a separate pronouncement that does not prejudice the remaining unresolved issues , In respect of which the act of judgment will continue.

8. The judge or tribunal, once the trial has been carried out and before the findings, unless there is opposition from one of the parties, may raise the possibility of reaching an agreement and if it is not reached at that moment, the conclusion of the judgment."

Seven. Article 103 is worded as follows:

"Article 103. Filing of the application for dismissal.

1. The worker can claim against the dismissal, within the twenty working days following the one in which it had occurred. Said term shall be forfeit for all purposes and shall not be computed on Saturdays, Sundays and public holidays at the seat of the court.

2. If a conciliation paper or request for mediation or a demand for dismissal is filed against a person who is wrongly attributed the status of an employer, and is subsequently accredited, whether at trial or at another previous point in the proceedings, It was a third party, the worker may file a new claim against it, or extend the claim if the trial had not been held, without beginning the computation of the expiration period until the time when it is clear who the employer is.

3. The rules of this chapter shall apply to the challenge of business decisions of termination of contract with the necessary specialties, without prejudice to the provisions of Article 120 and the substantive consequences of each type of contractual termination.

Eight. Article 117 is worded as follows:

«Article 117. Requirement of exhaustion of the administrative route prior to the judicial process.

1. In order to sue the State for the processing wages, it is a prerequisite to have filed an administrative claim in the form and deadlines established, against which the employer or, if applicable, the worker, may promote the appropriate action before the court that At the instance of the dismissal process.

2. The request must be accompanied by a copy of the administrative decision rejecting the request for payment.

3. The limitation period for this action is that provided for in section 2 of article 59 of the consolidated text of the Law on the Workers' Statute, which begins the calculation of the same, in case of a claim made by the employer, from the moment That he suffers from the loss of capital caused by the payment of processing wages and, in the event of

a claim by the worker, from the date of notification to him of the judicial order that has declared the insolvency of the employer.

Final fourth provision. Normative references.

The references made to Law 30/1992, of November 26, on the Legal Regime of the Public Administrations and the Common Administrative Procedure, will be understood as referring to the Law of the Common Administrative Procedure of the Public Administrations or to the Law of Legal Regime of the Sector Public, as appropriate.

Fifth final provision. Normative adaptation.

Within one year from the date of entry into force of the Law, the state, regional and local regulatory rules of the different regulatory procedures that are incompatible with the provisions of this Law shall be adapted to it.

Final provision sixth. Legislative development of the Law.

The Council of Ministers and the Minister of Finance and Public Administrations are authorized, within the scope of their powers, to issue all necessary regulatory provisions for the development of this Law, as well as to agree on the necessary measures to guarantee the effective execution and Implementation of the provisions of this Law.

Final disposition seventh. Entry into force.

This Law shall enter into force one year after its publication in the Official State Gazette.

Nevertheless, the provisions regarding the electronic registration of powers of attorney, electronic registration, registry of authorized public employees, general electronic access point of the Administration and electronic single file will produce effects two years after the entry into force of the Law.

So,

I command all Spaniards, individuals and authorities, to keep and enforce this law.

Madrid, October 1, 2015.

FELIPE R.

The president of the Government,
MARIANO RAJOY BREY

Analysis

- Range: Law
- Date of readmission: 10/01/2015
- Date of publication: 10/02/2015
- Entry into force, with the abovementioned proviso, on October 2, 2016.

Subsequent references

Management Criteria: By content by date

- Resource:
 - 3865/2016 promoted against articles 1 and 127 to 133 (Ref. [BOE-A-2016-7356](#)).
 - 3628/2016 promoted against certain precepts (Ref. [BOE-A-2016-7353](#)).

Previous references

- DEROGA:
 - Arts. 4 to 7 of Law 2/2011, of March 4 (Ref. [BOE-A-2011-4117](#)).
 - In the manner indicated, certain provisions of Royal Decree 1671/2009, of November 6 (Ref. [BOE-A-2009-18358](#)).
 - In the manner indicated, Law 11/2007, of 22 June (Ref. [BOE-A-2007-12352](#)).
 - Royal Decree 772/1999, of 7 May (Ref. [BOE-A-1999-11499](#)).
 - Royal Decree 1398/1993, of 4 August (Ref. [BOE-A-1993-20748](#)).
 - Royal Decree 429/1993, of 26 March (Ref. [BOE-A-1993-11253](#)).
 - In the manner indicated, Law 30/1992, of November 26 (Ref. [BOE-A-1992-26318](#)).
- MODIFY:
 - Arts. 64, 69, 70, 72, 73, 85, 103 and 117 of Law 36/2011, of October 10 (Ref. [BOE-A-2011-15936](#)).
 - Article 3 of Law 59/2003, of 19 December (Ref. [BOE-A-2003-23399](#)).
- APPOINTMENT:
 - Organic Law 2/2012, of April 27 (Ref. [BOE-A-2012-5730](#)).
 - Law 47/2003, of November 26 (Ref. [BOE-A-2003-21614](#)).

Subjects

- Access to information
- Related searches
- E-government
- General State Administration
- Local Management
- Public administrations
- Appearances
- Files
- State official newsletter
- Certificates
- Autonomous communities
- Conciliation
- Rights of citizens
- Dismissals

- Public Documents
- Civil prosecution
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- Legislative initiative
- Social Courts
- Legal norms
- Notifications, citations and sites
- Patrimony of the Public Administrations
- Administrative Procedure
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- Institutional Advertising
- Related searches
- Administrative records
- Telematic records
- Civil liability
- Civil Liability of the Administration
- Social Security

http://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10565