

Strasbourg, 2 February 2021

CDL-REF(2021)011

Opinion No. 826/2015

Or. Spa.

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**SPAIN**

**CITIZENS' SECURITY LAW**  
**(ORGANIC LAW NO. 4/2015)\***

*\*translation provided by the Spanish authorities*



Organic Law 4/2015 of 30 March regarding Protection of Citizen Security

Official Spanish Gazette (BOE) no. 77 of 31 March 2015  
Reference: BOE-A-2015-3442

TABLE OF CONTENTS

*Preamble ... 5*

CHAPTER I. General provisions ... 9

    Article 1. Purpose. ... 9

    Article 2. Scope of application. ... 9

    Article 3. Purposes. ... 9

    Article 4. Principles governing the action of the public authorities in relation to citizen security. ... 10

    Article 5. Competent authorities and bodies. ... 10

    Article 6. Inter-administrative cooperation. ... 11

    Article 7. Duty to collaborate. ... 11

CHAPTER II. Documentation and personal identification ... 11

    Article 8. Accreditation of the identity of Spanish citizens.... 11

    Article 9. Obligations and rights of National Identity Document holders. ... 12

    Article 10. Competence over the National Identity Document. ... 12

    Article 11. Passports of Spanish citizens. ... 12

    Article 12. Competence over passports. ... 13

    Article 13. Accreditation of the identity of foreign citizens. ... 13

CHAPTER III. Actions for the maintenance and restoration of citizen security... 13

    Section 1 General security powers of the police.... 12



- Article 14. Orders and prohibitions. ... 13
- Article 15. Entry and search in homes and buildings of official bodies. ... 13
- Article 16. Identification of persons. ... 14
- Article 17. Restriction of traffic and controls on public roads. ...14
- Article 18. Checks and searches in public places. ...15
- Article 19. Provisions common to identification, registration, and verification procedures. ...15
- Article 20. External body searches. ... 15
- Article 21. Extraordinary security measures. ...16
- Article 22. Use of video cameras. ...16
- Section 2. Maintaining and restoring citizen security during meetings and demonstrations ...16
- Article 23. Meetings and demonstrations. ... 16
- Article 24. Collaboration between the law enforcement agencies. ...16
- CHAPTER IV. Special powers of the police in administering security issues ...16
- Article 25. Documentary registration obligations. ... 16
- Article 26. Establishments and facilities obliged to adopt security measures. ...17
- Article 27. Public entertainment and recreational activities. ...17
- Article 28. Administrative control over weapons, explosives, ammunition, and pyrotechnic articles. ... 17
- Article 29. Control measures. ... 17
- CHAPTER V. Penalty regime ... 18
- Section 1 Responsible subjects, competent bodies, and general rules on offences and the application of penalties.  
... 18
- Article 30. Responsible subjects. ...18
- Article 31. Concurrent provisions. ... 18
- Article 32. Competent bodies. ...19
- Article 33. Graduation of penalties. ... 19
- Section 2: Offences and penalties ... 20
- Article 34. Classification of offences. ... 20
- Article 35. Very serious offences. ... 20
- Article 36. Serious offences. ... 20
- Article 37. Minor offences. ... 22
- Article 38. Limitation period for offences. ... 23
- Article 39. Penalties. ... 23



Article 40. Limitation period for penalties. ...	24
Article 41. Regulatory qualification. ...	24
Article 42. Reparation of damage and compensation. ...	24
Article 43. Central Registry of Offences against Citizen Security. ...	24
Section 3 Penalty proceedings ...	25
Article 44. Legal regime. ...	25
Article 45. Subsidiary nature of administrative penalty proceedings with respect to criminal proceedings. ...	25
Article 46. Access to data held by other public administrations. ...	25
Article 47. Provisional measures prior to proceedings. ...	26
Article 48. Preliminary proceedings. ...	26
Article 49. Provisional measures. ...	26
Article 50. Expiry of proceedings. ...	27
Article 51. Effects of the decision. ...	27
Article 52. Evidentiary value of the statements made by agents of the authorities. ...	28
Article 53. Execution of the penalty. ...	28
Article 54. Expedited proceedings. ...	28
Additional provision one. Regime for monitoring drug and explosive precursors. ...	28
Additional provision two. Regime for the protection of critical infrastructure. ...	29
Additional provision three. Compulsory appearance in person in procedures for obtaining National Identity Documents and passports. ...	29
Additional provision four. Notifications from the Civil Registry. ...	29
Additional provision five. Suspension of financial penalties imposed for offences involving the consumption of drugs, narcotics or psychotropic substances by minors. ...	29
Additional provision six. Infrastructure and facilities providing essential services to the community. ...	29
Additional provision seven. No increase in public expenditure. ...	29
Sole transitional provision. Penalty proceedings initiated on the entry into force of this Law. ...	29
Sole repeal provision. Regulatory repeal. ...	30



- Final provision one. Special regime for Ceuta and Melilla. ... 30
- Final provision two. Legislative powers. ... 30
- Final provision three. Precepts that have Organic Law status. ... 30
- Final provision four. Authorisation to issue implementing regulations. ... 31
- Final provision five. Entry into force. ... 31



CONSOLIDATED TEXT  
Last modified: 22 December 2020

FELIPE VI

KING OF SPAIN

Be it known to all who see these presents: that Parliament has approved, and I come to sanction, the following Organic Law.

PREAMBLE

I

Citizen security is the guarantee that the rights and freedoms recognised and protected by democratic constitutions may be freely exercised by citizens and are not mere formal declarations lacking legal effectiveness. In this sense, citizen security is an essential element of the rule of law.

The social demand for citizen security is essentially directed at the State, since there is an appreciable social awareness that only the State can ensure an environment of coexistence in which the exercise of rights and freedoms is possible, through the elimination of violence and the removal of obstacles to their fulfilment.

The Spanish Constitution of 1978 incorporated the concept of citizen security (Article 104.1), as well as that of public safety (Article 149.1.29). Subsequently, doctrine and case law have interpreted, with nuances, these two concepts as synonyms, understood as the activity aimed at protecting people and property and maintaining the public peace.

It is in the light of these considerations that the idea of citizen security and related concepts should be interpreted, steering clear of generic definitions that defend expansive intervention in citizens' lives by virtue of undefined dangers, and avoiding generic administrative discretion and sanctioning powers.

To guarantee citizen security, which is one of the priorities of the action of public authorities, the model of the rule of law established by the Constitution has three mechanisms: appropriate legislation to respond to different illegal phenomena, a judiciary that ensures its application, and effective law enforcement agencies to prevent and prosecute offences.

Within the framework of Article 149.1.29 of the Constitution and following the guidelines of constitutional doctrine, the purpose of this Law is to protect people and property and to maintain the public peace, and it includes a wide variety of actions, of different nature and content, all aimed at safeguarding the protected legal good. A significant part of its content refers to the regulation of police interventions, which are functions of the law enforcement agencies, although this does not exhaust the material scope of what must be understood as public safety, which includes other matters, among which the Law addresses obligations involving documentary records or the adoption of security measures by individuals or legal entities that carry out activities relevant to public safety, and administrative control over weapons and explosives.

II

Organic Law 1/1992 of 21 February on the Protection of Citizen Security, was the first effort to set forth, from the point of view of constitutional rights and values, a code that encompassed the main actions and powers of the public authorities, especially the law enforcement agencies, to guarantee citizen security.

However, several factors make it advisable to undertake its replacement by a new text. This change in the law is justified by such factors as the perspective that the passing of time offers regarding the virtues and shortcomings of legal norms, the social changes that have taken place in our country, the new ways in which citizen security and the public peace can be placed at risk, the new content that social demands include in this concept, the imperious need to update the penalty regime, and the advisability of incorporating constitutional case law on this matter.

The dual concepts of freedom and security are crucial to the proper functioning

of an advanced democratic society, with security being an instrument for guaranteeing rights and freedoms, and not an end in itself.

Therefore, any impact or limitation on the exercise of citizens' freedoms for reasons of security must be based on the principles of legality and proportionality, in a threefold dimension: a judgment of the suitability of the limitation (to achieving the proposed objective); a judgment of its necessity (understood as the absence of another, less intense measure to achieve the same end); and a judgment of the proportionality, in the strictest sense, of the limitation (because of its leading to a benefit in the public interest that justifies a certain sacrifice in the exercise of a right).

It is these considerations that have inspired the drafting of this Law, in an attempt to make citizens' rights and freedoms compatible with the strictly indispensable interference in them to guarantee their security, without which their enjoyment would be neither real nor effective.



### III

This Law, in accordance with constitutional case law, is based on a material concept of citizen security understood as an activity aimed at protecting people and property and maintaining the public peace, which encompasses a wide range of actions, different in nature and content, all aimed at protecting the legal good thus defined. Within this set of actions are those specific to the instrumental organisations intended for this purpose, especially those corresponding to the law enforcement agencies, to which Article 104 of the Constitution entrusts the protection of the free exercise of rights and freedoms and the safeguarding of citizen security. In addition to these actual policing activities, the Law regulates aspects and duties attributed to other administrative bodies and authorities, such as the documentation and identification of persons; the administrative control of weapons, explosives, ammunition, and pyrotechnic articles; and addressing the need to adopt security measures in certain establishments, with the correlative of an updated penalty regime essential to guaranteeing the fulfilment of the purposes of the Law.

The Law is structured into five chapters and divided between 54 articles, seven additional provisions, one transitional provision, one repeal provision, and five final provisions.

Chapter I, after defining the purpose of the Law, presents as the most important new features its purposes and the principles guiding the actions of public authorities in the area of citizen security, inter-administrative cooperation, and the duty of collaboration of the authorities and public employees, the different police forces, the citizenry, and private security companies and their personnel, in accordance with a comprehensive public safety approach. Among the most noteworthy aims of the Law are the protection of the free exercise of fundamental rights and public freedoms and other rights recognised and protected by law; the safeguarding of the normal functioning of institutions; the preservation not only of citizen security, but also of the public peace and peaceful coexistence; respect for the law in the exercise of rights and freedoms; the protection of persons and property, with special attention to minors and disabled persons in need of special protection; the peaceful use of roads and other state-owned property for public use and enjoyment; the safeguarding of the routine provision of essential services to the community; and transparency in the actions of the public authorities in matters of citizen security.



Chapter II regulates the documentation and identification of Spanish citizens, the evidentiary value of National Identity Documents and passports and the duties of the holders of these documents, incorporating the possibilities of their electronic identification and signature, and maintaining the requirement to show them at the request of agents of the public authorities in accordance with the provisions of the Law.

Chapter III empowers the competent authorities to decide on different actions aimed at maintaining and, where appropriate, restoring the public peace in cases of public insecurity, regulating precisely the budgets, purposes, and requirements for carrying out these actions, in accordance with the principles, *inter alia*, of proportionality, minimum interference, and non-discrimination.

In this sense, detailed regulations are provided regarding the powers of the authorities and law enforcement agents to issue orders and instructions, to enter and search homes, to require the identification of persons, to carry out checks and searches in public places, to establish traffic restrictions and controls on public roads, as well as other extraordinary measures in emergency situations that are essential to safeguarding citizen security (e.g., eviction from premises or establishments, prohibition of transit, evacuation of property). Also regulated here are measures to be adopted by the authorities to protect the holding of meetings and demonstrations, as well as to restore normality in cases of disturbance of citizen security during such events.

The list of these police security powers is analogous to that contained in Organic Law 1/1992 of 21 February, although, in order to guarantee the rights of citizens who may be affected by their legitimate exercise by members of the law enforcement agencies, the precipitating circumstances and the conditions and requirements for exercising such powers are delineated more precisely, in accordance with constitutional case law. Thus, the authorisation for law enforcement officers to carry out identifications on public roads is not defended generically—as it is in the Organic Law of 1992—in the exercise of the duty to protect citizen security; rather, it is necessary for them to have indications of participation in the commission of an offence, or for them to reasonably consider it necessary to carry out an identification to prevent the commission of a crime. Furthermore, in the practice of such identifications, officers must scrupulously respect the principles of proportionality, equal treatment, and non-discrimination, and only if the identification is refused, or if it cannot be made on the spot, may the person be required to accompany the officers to the nearest police station where the identification can be made, informing them immediately and comprehensibly of the purpose of the request for identification and, where appropriate, of the reasons for the request.

For the first time, external body searches are regulated, which may only be carried out when there is reason to believe that they may lead to the discovery of instruments, personal effects, or other objects relevant to the exercise of the investigative and preventive functions entrusted by law to the law enforcement agencies. These searches, of a superficial nature, shall cause the least harm to the dignity of the person, shall be carried out by an agent of the same sex as the person on whom they are being performed and, when respect for privacy so requires, in a place set aside for this purpose, out of sight of third parties.

Chapter IV, concerning the special powers of the police in administering security issues, regulates the administrative control measures that the State may exercise over activities related to weapons, explosives, ammunition, and pyrotechnic articles.

Likewise, documentary registration obligations are established for activities relevant to citizen security, such as accommodation services; commercial access to telephone or telematic services through establishments open to the public; the purchase and sale of jewellery and metals, and objects or works of art; locksmithing; and the wholesaling of scrap or waste products.

Moreover, from the narrow perspective of citizen security, the system of intervention of the competent authorities in the field of public entertainment and recreational activities is envisaged, without prejudice to the powers of the Autonomous Communities (self-governing regions) and local authorities with regard to their normal administration.

OFFICIAL STATE GAZETTE  
CONSOLIDATED LEGISLATION



Chapter V, which regulates the penalty regime, introduces important new features with respect to Organic Law 1/1992 of 21 February. The wording of the chapter as a whole takes into account, as the Constitutional Court has repeatedly stated, that administrative penalty law and criminal law are, with nuances, manifestations of a single *ius puniendi* of the State. Therefore, this Law aims to ensure compliance with the governing principles of administrative sanctioning powers, particularly those of responsibility, proportionality, and legality, in both their aspects, of formal legality or non-delegability of legislation, and material legality or criminalisation, without prejudice to the admission of regulatory collaboration for the specification of actions and penalties in relation to the offences defined by the Law.

As for the perpetrators of conduct classified as offences, minors under the age of 14 are exempted from liability, in line with the legislation on the criminal liability of minors. It is also provided that when unemancipated minors under 18 years of age, or persons with a limited legal capacity, are declared the perpetrators of such acts, their parents, guardians, curators, foster parents or legal or *de facto* guardians are to be held jointly and severally liable for the damage caused.

To ensure proportionality in the imposition of the serious and very serious penalties provided for by the Law, the financial penalties are divided into three equal ranges, which give rise to the minimum, medium, and maximum degrees of these penalties, and the aggravating circumstances and graduation criteria to be taken into account for the individualisation of financial penalties are set forth. This meets a requirement of the principle of proportionality which is present in administrative case law, but which is only barely reflected in the penalty regimes which incorporate many rules of our administrative law.

With regard to the table of offences, for the sake of a better adjustment to the principle of criminalisation, a list of offences is introduced, classifying them as minor, serious, and very serious, the latter being absent from Organic Law 1/1992 of 21 February, which simply allowed certain serious offences to be classified as very serious, depending on the concurrent circumstances.

In addition to the offences defined by Organic Law 1/1992, this Law sanctions conduct that, although not criminalized, seriously threatens public safety, such as prohibited meetings or demonstrations in places that are considered to be infrastructure or facilities where essential services are provided to the community, and acts of intrusion into them, when this puts people at risk; the projection of beams of light onto the drivers or pilots of means of transport, causing an accident risk; or the holding of public shows or recreational activities despite their prohibition or suspension by the authorities for safety reasons. Conduct that represents an excessive exercise of the right to assembly and demonstration is also punishable, as is the disruption of the exercise of this fundamental right when it does not constitute an offence. The definition of other offences aims to safeguard the legitimate exercise of their functions by the authorities and their agents, as well as by the emergency services.

Furthermore, the reform of the Criminal Code currently in process requires a revision of the offences of this nature contained in Book III of the Code to incorporate into the administrative sphere some conduct that would otherwise go unpunished, such as certain disturbances of public order, disrespect for authority, the damaging of certain goods on the public roads, or letting loose dangerous animals. Also included are the offences set forth in Organic Law 1/1992 of 21 February, related to the consumption of drugs, narcotics, or psychotropic substances, with the addition of other offences that seek to favour such consumption. It has been considered opportune to criminalise conduct that threatens the sexual freedom of persons, especially minors, or that disturbs peaceful coexistence or use of public roads and spaces, all of which are legal goods whose protection forms part of the purpose of this Law, due to their being citizen security-adjacent.

With regard to penalties, financial penalties are rearranged and three equal ranges are established, which give rise to the minimum, medium, and maximum degrees of the penalties, although the amount that may be imposed for the commission of very serious offences is not increased, despite the time that has passed since the approval of Organic Law 1/1992. The present Law also provides that an offender may be required, when appropriate, to restore damaged property to its original state or, when this is not possible, to provide compensation for the damage caused, as is also the case in other areas where reparation in kind can be required in a situation altered by the offending behaviour or, failing this, the satisfaction of an economic equivalent.

In order to provide appropriate treatment in the case of offences against minors under the age of 18 involving the illicit consumption or possession of drugs, narcotics, or psychotropic substances, the suspension of the penalty is provided for if the minor agrees to undergo treatment or rehabilitation, if necessary, or re-educational activities.

In an effort to avoid the proliferation of special administrative procedures, it is established that the exercise of the power to impose penalties in matters of protection of citizen security shall be governed by Law 30/1992 of 26 November on the Legal <sup>Page 8</sup> System of Public Administrations and

Common Administrative Procedures, and its implementing regulations, without forgoing the incorporation of certain special situations, such as the regulation of expedited proceedings, which makes it possible to satisfy the voluntary payment of financial penalties for serious or minor offences within a short period of time from their notification, with the effect of a 50% reduction in their amount, in terms similar to those already provided for in other legislation. Finally, a Central Registry of Offences against Citizen Security is created, which is essential to assessing the recidivism of offenders and thus to allow those who voluntarily and repeatedly engage in legally wrongful conduct to be adequately punished.



## CHAPTER I

### General provisions

#### Article 1. Purpose.

1. Citizen security is an indispensable requirement for the full exercise of fundamental rights and public freedoms, and their safeguarding, as a legal good of a collective nature, is a function of the State, subject to the Constitution and the laws.

2. The purpose of this Law is to regulate a wide range of different actions, all aimed at protecting people and property and maintaining the public peace.

#### Article 2. Scope of application.

1. The provisions of this Law are applicable throughout the national territory, without prejudice to any powers assumed by the Autonomous Communities under the Constitution, their statutes of autonomy, and national legislation on public security.

2. In particular, those injunctions aimed at ensuring the proper order of public entertainments and the protection of persons and property through ordinary administrative actions, even when this may involve the intervention of the law enforcement agencies, are outside the scope of application of this Law, provided that this is conceived as an integral element of the usual preventive system of control of public entertainments.

3. Likewise, this Law shall be applied without detriment to the legal regimes that regulate specific areas of public security, such as air, maritime, railway, road, or transport safety, with the provisions relating to national defence and the regulation of states of alarm, emergency, and siege being safeguarded in all cases.

#### Article 3. Purposes.

The following constitute the purposes of this Law and of the actions of public authorities within its scope of application:

- a) The protection of the free exercise of fundamental rights and public freedoms and other rights recognised and protected by the law.
- b) The safeguarding of the normal functioning of institutions.
- c) The preservation of citizen security and peaceful coexistence.
- d) Respect for the law, the public peace, and citizen security within the exercise of rights and freedoms.
- e) The protection of persons and property, with particular attention to minors and persons with disabilities in need of special protection.
- f) The peaceful use of roads and other public property and, in general, spaces intended for public use and enjoyment.
- g) The safeguarding of normal conditions in the provision of basic services for the community.
- h) The prevention of the commission of offences and administrative infractions directly related to the purposes indicated in the previous paragraphs, and the penalisation of those of this nature defined in this Law.
- i) Transparency in the actions of public authorities in matters of citizen security.

#### Article 4. Principles governing the action of the public authorities in relation to citizen security.

1. The exercise of the powers and faculties recognised by this Law for public administrations and, specifically, for the authorities and other competent bodies in matters of citizen security and for the members of the law enforcement agencies shall be governed by the principles of legality, equal treatment, and non-discrimination, opportunity, proportionality, effectiveness, efficiency,Page 10 and responsibility, and shall be subject to

administrative and judicial control.

In particular, the provisions of Chapters III and V shall be interpreted and applied in a manner most conducive to the full realisation of fundamental rights and public freedoms, notably the rights of assembly and demonstration, freedom of expression and information, freedom of association, and the right to strike.

2. In particular, the actions of the members of the law enforcement agencies are subject to the basic principles of action regulated in Article 5 of Organic Law 2/1986 of 13 March, on the law enforcement agencies.

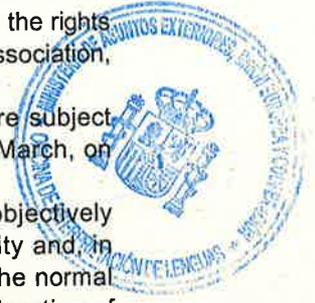
3. These interventions are justified by the existence of a specific threat or objectively dangerous conduct which, reasonably, is likely to cause real harm to citizen security and, in particular, to infringe upon individual and collective rights and freedoms or to alter the normal functioning of public institutions. Specific interventions for the maintenance and restoration of citizen security shall be carried out in accordance with the provisions of Chapter III of this Law.

#### Article 5. *Competent authorities and bodies.*

1. The Government, through the Ministry of the Interior and the other competent bodies and authorities and the law enforcement agencies under its orders, is responsible for preparing, directing, and executing policy in relation to the general administration of citizen security, without prejudice to the powers attributed to other public administrations in this area.

2. The following are the authorities and bodies responsible for citizen security, within the scope of the General State Administration:

- a) The Minister of the Interior.
- b) The Secretary of State for Security.
- c) The heads of the governing bodies of the Ministry of the Interior who have such status, by virtue of legal or regulatory provisions.
- d) The Delegates of the Government in the Autonomous Communities and in the Cities of Ceuta and Melilla.
- e) The Deputy Delegates of the Government in the provinces and the Island Directors.





3. For the purposes of this Law, the competent authorities and bodies shall also be those of the Autonomous Communities which have assumed responsibility for the protection of persons and property and the maintenance of citizen security and which have their own police force.

4. The authorities of the Cities of Ceuta and Melilla and the local authorities shall exercise their corresponding powers, in accordance with Organic Law 2/1986 of 13 March, and the legislation on local regimes, public entertainments, recreational activities, and classified activities.

**Article 6. *Inter-administrative cooperation.***

The General State Administration and the other public administrations with authority in matters of public safety shall be governed, in their relations, by the principles of cooperation and institutional loyalty, providing each other with information in accordance with the legislation in force and the technical assistance necessary in the exercise of their respective powers, and, where necessary, coordinating the actions aimed at safeguarding compliance with this Law, in accordance with the provisions of Organic Law 2/1986 of 13 March, and Law 30/1992 of 26 November, on the Legal System of the Public Administrations and Common Administrative Procedures.

**Article 7. *Duty to collaborate.***

1. All public authorities and officials, within the scope of their respective powers and in accordance with their specific regulations, shall cooperate with the authorities and bodies referred to in Article 5 and shall provide them with such assistance as is possible and appropriate for the achievement of the purposes listed in Article 3. When, due to their position, they learn of events that severely disturb citizen security or that could rationally be inferred to create the possibility of a very serious disturbance, they are required to immediately inform the competent authorities.

2. The competent authorities and bodies and the members of the law enforcement agencies may request from individuals their help and collaboration to the extent necessary for the fulfilment of the purposes laid down in this Law, especially in cases of serious public calamity or extraordinary disaster, provided that this does not involve any personal risk for them. Those who suffer harm or damage for these causes shall be compensated in accordance with the law.

3. Private security companies, private detective firms, and private security personnel have a special duty to assist the law enforcement agencies in the exercise of their duties, to provide them with the collaboration they require and to follow their instructions, under the terms provided for in private security regulations.

4. The personnel performing administrative police functions shall have the special duty to collaborate in the achievement of the purposes provided for in Article 3 of this Law.

CHAPTER II

**Documentation and personal identification**

**Article 8. *Accreditation of the identity of Spanish citizens.***

1. Spaniards have the right to be issued a National Identity Document.

The National Identity Document is an official public document and shall have the protection that the law grants it. It is the only document with sufficient value in itself for accreditation, for all purposes, of the identity and personal data of its holder.

2. The National Identity Document shall include the photograph and signature of its holder, as well as personal data as determined by regulation, which shall respect the person's right to privacy, and under no circumstances may it pertain to race, ethnicity, religion, beliefs, opinion, ideology, disability, sexual orientation or identity, or

political or trade union membership. The card upon which the National Identity Document is printed shall incorporate the necessary security measures to achieve conditions of quality and inalterability and maximum guarantees to prevent falsification.

3. The National Identity Document allows Spanish citizens of legal age having full capacity to act, and emancipated minors, to identify their holders electronically, as well as to sign documents electronically, under the terms provided for in the specific legislation. Those persons with limited legal capacity may exercise these powers when expressly requested by the interested party and when they do not require, in accordance with the judicial decision regarding their capacity, the representation or assistance of a protection and support institution in order to commit or contract.

The certification service provider shall proceed to revoke the electronic signature certificate at the request of the Ministry of the Interior, after receiving notification from the Registrar of Civil Status of the registration of the judicial decision that determines the need for the supplement of the capacity to bind or contract, of the death or the declaration of absence or death of a person.

*Article 9. Obligations and rights of National Identity Document holders.*

1. The National Identity Document is compulsory from the age of 14. This document is personal and non-transferable, and its holder must keep it in force and guard it with due diligence. The holder may not be deprived of it, even temporarily, except in cases where, in accordance with the provisions of the law, it has to be replaced by another document.

2. All persons obliged to obtain the National Identity Document are also obliged to show it and allow the security measures referred to in Article 8(2) to be checked when required to do so by the authorities or their agents, in order to fulfil the purposes laid down in Article 16(1).

*Article 10. Competence over the National Identity Document.*

1. The Ministry of the Interior has exclusive competence over the direction, organisation, and management of all aspects relating to the preparation and issue of the National Identity Document, in accordance with the provisions of this Law and the legislation on electronic signatures.

2. The competence to which the previous section refers shall be exercised by the Directorate-General of the Police, which shall also be responsible for the custody of the archives and files related to the National Identity Document.

3. A fee is payable for the issue of this document.

*Article 11. Passports of Spanish citizens.*

1. The Spanish passport is a public, personal, individual and non-transferable document which, unless there is proof to the contrary, accredits the identity and nationality of Spanish citizens outside Spain, and within national territory, the same circumstances for non-resident Spaniards.

2. Spanish citizens have the right to be issued a passport, which may only be waived in the following circumstances:

a) Having been sentenced to a term of imprisonment or custodial security measures which have not expired, unless authorised by the competent court.

b) The competent judicial body has agreed to withdraw the passport pursuant to the provisions of the law.

c) A probation measure has been imposed involving a prohibition on leaving national territory, unless authorisation from the competent judicial body is obtained.

d) When the competent judicial body has prohibited the departure from Spain or the issue of a passport to a minor or to a person with limited legal capacity, in accordance with the provisions of the law.





3. The obtaining of passports by citizens who are subject to parental authority or guardianship shall be conditional upon the express consent of the persons or body entrusted with the exercise thereof or, failing this, of the competent judicial body.

4. Passport holders are required to show and provide it when requested to do so by the authorities or their agents. They are also charged with its safekeeping and to preserve it with due diligence. The theft or loss of a passport must be reported immediately to the law enforcement agencies or, when appropriate, to the Diplomatic or Consular Representation of Spain abroad.

**Article 12. Competence over passports.**

1. The competence for the issuance of passports corresponds:

- a) In the national territory, to the Directorate-General of Police.
- b) Abroad, to the Diplomatic and Consular Representations of Spain.

2. Its issuance is subject to the payment of a fee.

3. It is the responsibility of the Government, at the proposal of the Minister of the Interior and of the Minister of Foreign Affairs and Cooperation, to develop this Law with regard to the legal regime of passports.

**Article 13. Accreditation of the identity of foreign citizens.**

1. Foreigners who are in Spanish territory have the right and the obligation to safeguard and to carry upon them the documentation that accredits their identity issued by the competent authorities of their country of origin or of provenance, as well as that which accredits their regular situation in Spain.

2. Foreigners may not be deprived of their documentation of origin, except in the course of judicial investigations of a criminal nature.

3. Foreigners shall be required to show the documentation mentioned in paragraph 1 of this article and to allow the verification of the security measures thereof, when required by the authorities or their agents in accordance with the provisions of the law, and for the time necessary for such verification, without prejudice to being able to prove their identity by any other means if they do not carry it upon them.

CHAPTER III

**Actions for the maintenance and restoration of citizen security**

**Section 1. General security powers of the police**

**Article 14. Orders and prohibitions.**

The competent authorities, in accordance with the laws and regulations, may issue orders and prohibitions and provide for the police actions that are strictly necessary to ensure the achievement of the purposes provided for in this Law, by means of a duly reasoned decision.

**Article 15. Entry and search in homes and buildings of official bodies.**

1. Agents of the law enforcement agencies may only enter and search homes in the cases permitted by the Constitution and under the terms established by law.

2. Sufficient legitimate cause for entry into the home shall be the need to avoid imminent and serious damage to persons and things; in cases of disaster, calamity, or imminent ruin; or other similar cases of extreme and urgent need.

3. For entry into buildings occupied by official bodies or public entities, the consent of the authority or official in charge shall not be necessary.



4. When, for the reasons set forth in this article, the law enforcement agencies enter a private home, they shall without delay forward the corresponding report or statement to the competent judicial authority.

**Article 16. Identification of persons.**

1. In the performance of their duties of investigation and criminal prevention, as well as for the sanctioning of criminal and administrative offences, the agents of the law enforcement agencies may require the identification of persons in the following cases:

- a) Where there are indications that they may have been involved in the commission of an offence.
- b) When, in view of the concurrent circumstances, it is considered reasonably necessary for them to prove their identity in order to prevent the commission of a crime.

In these cases, the agents may carry out the necessary checks on the public roads or in the place where the requisition was made, including the identification of persons whose faces are not totally or partially visible because they are wearing any type of garment or object that covers them, preventing or making identification difficult, when necessary for the purposes indicated.

In the practice of identification, the principles of proportionality, equal treatment and non-discrimination on the grounds of birth, nationality, racial or ethnic origin, sex, religion or belief, age, disability, sexual orientation or identity, opinion or any other personal or social condition or circumstance shall be strictly respected.

2. When identification by any means is not possible, including by telematic means or by telephone, or if the person refuses to identify themselves, the officers, in order to prevent the commission of a crime or to punish an offence, may require those who cannot be identified to accompany them to the nearest police station where adequate means are available for the practice of this procedure, for the sole purpose of identification and for the time strictly necessary, which in no case may exceed six hours.

Persons requested to identify themselves shall be informed immediately and comprehensibly of the reasons for the request and, where appropriate, of the requirement to accompany the officers to the police station.

3. In the premises referred to in section 2, a record book shall be kept solely for entries regarding citizen security. It shall record the identification procedures carried out, as well as the reasons, circumstances and duration thereof, and this data may only be communicated to the competent judicial authority and to the Public Prosecutor's Office. The competent body of the Administration shall send a monthly extract of the identification procedures to the Public Prosecutor's Office, stating the time spent on each one. The entries in this record book shall be cancelled *ex officio* after three years.

4. Persons who are transferred to police stations for identification purposes shall be issued a form upon their departure certifying the time spent therein, the cause, and the identity of the officers involved.

5. Cases of resistance or refusal to identify oneself or to collaborate in checks or identification practices, shall be subject to the provisions of the Criminal Code, the Criminal Procedures Act and, where applicable, this Law.

**Article 17. Restriction of traffic and controls on public roads.**

1. The agents of the law enforcement agencies may limit or restrict movement or stopping on the streets or in public places and establish security zones in cases of disturbance of citizen security or the public peace, or when there are rational indications that such a disturbance may occur, for the time indispensable for its maintenance or restoration. Likewise, they may preventively seize effects or instruments susceptible of being used for illegal actions, giving them the appropriate legal treatment.



2. For the prevention of particularly serious crimes or crimes which generate social alarm, as well as for the discovery and arrest of those who have participated in their commission and the collection of instruments, effects or evidence, controls may be established on public roads, places, or establishments, provided that it is essential to proceed to the identification of persons who are there, to the search of vehicles, or to superficial searches for effects.

**Article 18. Checks and searches in public places.**

1. Agents of the authorities may carry out such checks on persons, property, and vehicles as are necessary to prevent the illegal carrying or use of weapons, explosives, dangerous substances, or other objects, instruments, or means that create a potentially serious risk to persons, that could be used to commit a crime, or that could disturb citizen security, on public roads, places, and establishments, when they have evidence of their possible presence in those places, proceeding, if necessary, to their confiscation. To this end, citizens have the duty to cooperate and not to hinder the work of the agents of the authorities in the exercise of their duties.

2. Agents of the authorities may proceed to temporary confiscation of any objects, instruments, or means of aggression, including weapons carried under licence, permit, or authorisation if deemed necessary, in order to prevent the commission of any crime, or when there is danger to the safety of persons or property.

**Article 19. Provisions common to identification, registration, and verification procedures.**

1. The identification, registration, and verification procedures carried out by agents of the law enforcement agencies during actions carried out in accordance with the provisions of this section shall not be subject to the same formalities as detention.

2. Apprehension during these identification, registration, and verification procedures of weapons, drugs, narcotics, psychotropic substances or other effects resulting from a crime or administrative offence shall be recorded in the corresponding report, which must be signed by the person concerned; if the latter refuses to sign it, this refusal shall be expressly recorded. The record shall be deemed to contain a presumption of the truth of the facts set out therein, unless there is evidence to the contrary.

**Article 20. External body searches.**

1. External and superficial body searches of a person may be carried out when there are rational indications to assume that they may lead to the discovery of instruments, effects, or other objects relevant to the exercise of the investigative and preventive functions entrusted by law to the law enforcement agencies.

2. Unless there is an emergency situation due to serious and imminent risk for the agents:

a) The search shall be carried out by an officer of the same sex as the person being searched.

b) If the search requires leaving parts of the body normally covered by clothing in plain view, this shall be done in place set aside for this purpose, out of sight of third parties. A written record shall be kept of this procedure, the reasons for it, and the identity of the officer who undertook it.

3. External body searches shall respect the principles of Article 16(1) and of minimum interference and shall be carried out in a way that causes the least harm to the privacy and dignity of the person concerned, who shall be informed immediately and comprehensibly of the reasons for the search.

4. The searches referred to in this article may be carried out against the will of the person concerned, taking the necessary enforcement measures, in accordance with the principles of appropriateness, necessity and proportionality.



**Article 21. Extraordinary security measures.**

The competent authorities may agree, as extraordinary security measures, to proceed to the closure or evacuation of premises or establishments, the prohibition of transit, the evacuation of buildings or public spaces duly delimited, or the storage of explosives or other substances susceptible to being used as such, in emergency situations that make such measures essential and for the time strictly necessary to guarantee citizen security. Such measures may be adopted by the agents of the authorities if the urgency of the situation makes it essential, including by means of verbal orders.

For the purposes of this article, an emergency is defined as a situation of risk arising from an event which places persons or property in imminent danger and requires prompt action by the authorities or their agents to prevent it or mitigate its effects.

**Article 22. Use of video cameras.**

Government authorities and, where appropriate, the law enforcement agencies may record persons, places or objects by means of fixed or mobile video surveillance cameras that are legally authorised, in accordance with the legislation in force on the subject.

**Section 2 Maintaining and restoring citizen security during meetings and demonstrations**

**Article 23. Meetings and demonstrations.**

1. The authorities referred to in this Law shall adopt the necessary measures to protect the holding of meetings and demonstrations, preventing the disruption of citizen security.

They may also agree to disband meetings in places of public transit and demonstrations in the cases provided for in Article 5 of Organic Law 9/1983 of 15 July, which regulates the right of assembly.

They may also disband concentrations of vehicles on public roads and remove them or any other obstacles where they prevent, endanger, or hinder traffic on those roads.

2. Measures to maintain or restore public safety at meetings and demonstrations shall be carried out in stages and in a manner proportionate to the circumstances. The disbanding of meetings and demonstrations shall be a last resort.

3. Before adopting the measures referred to in the previous section, the acting units of the law enforcement agencies must warn the people affected of such measures, and may do so verbally if the urgency of the situation makes this essential.

In the event of a disturbance of citizen security with weapons, explosive devices, blunt objects, or other dangerous objects, the law enforcement agencies may disband the meeting or demonstration or remove the vehicles and obstacles without prior notice.

**Article 24. Collaboration between the law enforcement agencies.**

In the cases referred to in the foregoing article, the law enforcement agencies shall collaborate with each other under the terms provided in their regulatory organic law.

CHAPTER IV

**Special powers of the police in administering security issues**

**Article 25. Documentary registration obligations.**

1. Natural or legal persons carrying out activities relevant to citizen security, such as accommodation services; passenger transport; commercial access to telephone or telematic services for public use through establishments open to the public; the sale or repair of used objects; renting or scrapping motor vehicles; the purchase and sale of jewellery and metals, whether precious or not, and of objects or works of art; locksmithing; metal waste management centres and establishments engaging in the wholesaling of scrap metal or waste products; and the sale of hazardous chemical products to private individuals shall be subject to maintaining registers of documents and other information under the terms to be established by the applicable provisions.

2. Owners of high-speed vessels and light aircraft shall be obliged to carry out the documentary and information recording procedures provided for in the regulations in force.

**Article 26. Establishments and facilities obliged to adopt security measures.**

From a regulatory standpoint, to develop the provisions of this Law, in private security legislation, critical infrastructure legislation, or other sectorial regulations, the need to adopt security measures in industrial, commercial and service establishments and facilities, as well as in critical infrastructure, may be established with the aim of preventing the commission of criminal acts or administrative offences, or when they generate direct risks for third parties or are particularly vulnerable.



**Article 27. Public entertainments and recreational activities.**

1. The State may issue public safety standards for buildings and facilities where public entertainments and recreational activities are held.

2. The authorities referred to in this Law shall take the necessary measures to preserve the peaceful holding of public entertainments. In particular, they may prohibit and, if they are being held, suspend performances and recreational activities when there is a certain danger for people and property, or when serious disturbances to citizen security occur or are foreseeable.

3. Specific regulations shall determine the cases in which the delegates of the authorities must be present at public performances or during recreational activities, who may proceed, with prior notice to the organisers, to the suspension of the same for reasons of maximum urgency in the cases foreseen in the previous paragraph.

4. Sporting events shall in all cases be subject to the measures to prevent violence provided for in specific legislation against violence, racism, xenophobia, and intolerance in sport.

**Article 28. Administrative control over weapons, explosives, ammunition, and pyrotechnic articles.**

1. It is the responsibility of the Government:

a) To regulate the requirements and conditions of manufacture, repair, circulation, storage, trade, acquisition, disposal, possession, and use of weapons, their imitations, replicas, and essential parts.

b) To regulate the aforementioned requirements and conditions regarding explosives, ammunition and pyrotechnic articles.

c) To adopt the necessary control measures for the fulfilment of the requirements and conditions referred to in paragraphs (a) and (b).

2. Actions involving arms, explosives, ammunition, and pyrotechnic articles correspond to the Ministry of the Interior, which exercises this authority through the Directorate-General for the Civil Guard, whose services are authorised to carry out at any time the necessary inspections and checks in the spaces that are used for their manufacture, storage, commercialisation, or use.

**Article 29. Control measures.**

1. The Government shall regulate the necessary control measures regarding the matters listed in the previous article:



a) By making the opening and operation of factories, workshops, warehouses, commercial establishments, and places of use and the activities related to them subject to requirements for cataloguing or classification, authorization, information, inspection, surveillance, and control; to special requirements for the qualifications of the personnel responsible for handling them; and to the determination of a system of liability for those who have the duty to prevent the commission of certain offences.

b) Establishing the mandatory possession of licences, permits, or authorisations for the acquisition, possession, and use of firearms, the issuance of which shall be restrictive in the case of personal defence weapons, for which the granting of licences, permits, or authorisations shall be limited to cases of strict necessity. The granting of licences, permits, and authorisations shall take into account the conduct and background of the person concerned. All applicants shall give their express consent to the body of the General State Administration that is processing their applications to carry out criminal record checks.

c) Through the prohibition of the manufacture, possession, and trade of weapons, ammunition, pyrotechnic articles, and especially dangerous explosives, as well as their storage.

2. The manufacture, trade, and distribution of arms, pyrotechnic articles, ammunition, and explosives constitutes a sector with specific regulations on the right of establishment, in the terms provided for by the legislation on foreign investment in Spain, with the Ministries of Defence, of the Interior, and of Industry, Energy, and Tourism being responsible for the exercise of supervisory and control powers.

## CHAPTER V

### Penalty regime

#### ***Section 1. Responsible subjects, competent bodies, and general rules on offences and the application of penalties***

##### ***Article 30. Responsible subjects.***

1. The responsibility for offences committed shall fall directly on the perpetrator of the act constituting the offence.

2. Minors under 14 years of age are exempt from liability for offences committed.

If the offence is committed by a minor under the age of 14, the competent authority shall inform the Public Prosecutor's Office so that it may, if necessary, initiate the appropriate proceedings.

3. For the purposes of this Law, the organisers or promoters of meetings in places of public transit or demonstrations shall be considered to be the natural or legal persons who have signed the mandatory notification thereof. Likewise, even if they have not signed or presented the notification, those who *de facto* preside over them, direct or carry out similar acts, or those who due to publications or declarations of convocation of the same, to the oral or written manifestations that are disseminated therein, to the slogans, flags or other signs that they display, or to any other acts, may reasonably be determined to be directors of the same, shall also be considered organizers or promoters.

##### ***Article 31. Concurrent provisions.***

1. Acts that may be classified in accordance with two or more provisions of this or any other Act or Organic Law shall be penalised pursuant to the following rules:

a) The special provision shall be applied in preference to the general provision.

b) The broadest or most complex provision shall subsume the provision that penalises the offences included therein.

c) In the absence of the above criteria, the more serious provision shall exclude those that

penalise the act having a lesser penalty.

2. In the event that a single act constitutes two or more offences, or where one of them is a necessary means of committing the other, the conduct shall be penalised as the offence to which the highest penalty is applicable.



When an action or omission must be taken into consideration as a criterion for determining the degree of the penalty or as a circumstance determining the classification of the offence, it may not be penalised as an independent offence.

*Article 32. Competent bodies.*

1. The following are the competent bodies within the General State Administration:

- a) The Minister of the Interior, for the penalisation of very serious offences to the maximum extent.
- b) The Secretary of State for Security, for the penalisation of very serious offences to a medium and minimum degree.
- c) The Government Delegates in the Autonomous Communities and in the Cities of Ceuta and Melilla, for the penalisation of serious and minor offences.

2. The authorities of the Autonomous Communities shall be responsible for imposing the penalties set forth in this Law within the scope of their powers regarding citizen security.

3. Mayors may impose the penalties, and adopt the measures, provided for in this Law when offences are committed in municipal public spaces or affect locally owned property, provided that they have authority in this matter in accordance with the specific legislation.

Under the terms of Article 41, municipal by-laws may introduce specifications or graduations in the table of offences and sanctions set forth in this Law.

*Article 33. Graduation of penalties.*

1. The principle of proportionality shall be observed in the imposition of penalties for the commission of the offences defined in this Law, in accordance with the provisions of the following paragraphs.

2. Within the limits laid down for very serious and serious offences, fines shall be divided into three equal sections corresponding to the minimum, the medium, and the maximum degrees, in accordance with Article 39(1).

The commission of an offence shall determine the imposition of the corresponding minimum fine.

The offence shall be punishable with a medium fine when at least one of the following circumstances is proven:

- a) Repeat offences, for the commission within two years of more than one offence of the same nature, when this has been determined by a final decision through administrative channels.
- b) The carrying out of the actions by means of violence, threats, or intimidation.
- c) Using any type of garment or object that covers the face, preventing or hindering identification, while carrying out the actions.
- d) The use in the commission of the offence of minors, persons with a disability in need of special protection, or persons in a vulnerable situation.

At each level, the following criteria shall be taken into account for the individualisation of the fine:

- a) The size of the risk produced for citizen security or public health.
- b) The amount of damage caused.
- c) The importance of the damage for the prevention, maintenance, or restoration of citizen security.
- d) The disturbance caused in the functioning of public services or in the supply of goods and services to the population.
- e) The degree of guilt.



- f) The economic benefit obtained as a result of the commission of the offence.
- g) The economic capacity of the offender.

Offences shall only be penalised by a maximum fine when the actions involved are particularly serious, and this is justified taking into account the number and extent of the concurrent circumstances and the criteria set out in this section.

3. The fine for the commission of minor offences shall be determined directly in accordance with the circumstances and criteria of the previous section.

### **Section 2. Offences and penalties**

#### **Article 34. Classification of offences.**

The offences set forth in this Law are classified as very serious, serious, and minor.

#### **Article 35. Very serious offences.**

The following are very serious offences:

1. Meetings or demonstrations that are not notified or have been prohibited in or near infrastructures or facilities where basic services are provided for the community, as well as intrusion into such premises, including overflying, when, in any of these cases, a risk to the life or physical integrity of persons has been caused.

In the case of meetings and events, the organisers or promoters shall be responsible.

2. The manufacture, repair, storage, circulation, trade, transport, distribution, acquisition, certification, disposal, or use of regulatory weapons, catalogued explosives, ammunition, or pyrotechnic articles, in breach of the applicable regulations, lacking the required documentation or authorisation, or exceeding the authorised limits when such conduct does not constitute a crime, as well as the omission, insufficiency, or ineffectiveness of the obligatory security measures or precautions, provided that very serious damage is caused as a result of such actions.

3. The holding of public entertainments or recreational activities in breach of a prohibition or suspension ordered by the relevant authority for reasons of public safety.

4. The projection of light beams, by means of any type of device, onto the pilots or drivers of means of transport that may dazzle or distract them and cause accidents.

#### **Article 36. Serious offences.**

The following are serious offences:

1. Disruption of citizen security at public events, sporting events or cultural events, religious solemnities and services, or other meetings attended by large numbers of people, when these do not constitute a criminal offence.

2. Serious disruption of citizen security which occurs on the occasion of meetings or demonstrations at the seats of the Congress of Deputies, the Senate, and the legislative assemblies of the Autonomous Communities, even if they are not in session, when this does not constitute a criminal offence.

3. Causing disorder on or in public roads, spaces, or establishments, or obstructing the public roads with street furniture, vehicles, containers, tyres, or other objects, when in both cases this causes a serious disruption to citizen security.

4. Acts of obstruction intended to prevent any authority, public employee or official corporation from lawfully exercising its functions, or from complying with or executing administrative or judicial agreements or decisions, provided that they occur outside the legally established procedures and do not constitute a crime.

5. Actions and omissions that prevent or hinder the functioning of the emergency services, causing or increasing a risk to the life or integrity of



persons or damage to property, or by aggravating the consequences of the motivating event for their action.

6. Disobedience or resistance to the authorities or their agents in the exercise of their duties, when this does not constitute a crime, as well as the refusal to identify oneself at the request of the authorities or their agents or the assertion of false or inaccurate data in the identification processes.

7. The refusal to disband meetings and demonstrations in places of public transit ordered by the competent authority when the circumstances set forth in Article 5 of Organic Law 9/1983 of 15 July concur.

8. Disrupting the course of a lawful meeting or demonstration, when this does not constitute a criminal offence.

9. Intrusion into infrastructure or facilities where basic community services are provided, including overflying, when there has been serious interference with their operation.

10. Carrying, displaying, or using prohibited weapons, or carrying, displaying, or using weapons in a negligent, reckless, or intimidating manner, or outside of the places authorised for their use, even if in the latter case they were licensed, provided that such conduct does not constitute a criminal offence.

11. The request or acceptance by the plaintiff of paid sexual services in public traffic areas in the vicinity of places intended for use by minors, such as educational centres, playgrounds, or leisure areas accessible to minors, or when these behaviours, because of the place in which they are carried out, may generate a risk to road safety.

Agents of the authorities shall require persons offering such services to refrain from doing so at such locations, informing them that failure to comply with such a request may constitute a breach of paragraph 6 of this Article.

12. The manufacture, repair, storage, circulation, trade, transport, distribution, acquisition, certification, disposal, or use of regulatory weapons, catalogued explosives, ammunition, or pyrotechnic articles, in breach of the applicable regulations, without the required documentation or authorisation, or exceeding the authorised limits when such conduct does not constitute a crime, as well as the omission, insufficiency, or ineffectiveness of the obligatory security measures or precautions.

13. The refusal of access or the deliberate obstruction of regulatory inspections or controls, established in accordance with the provisions of this Law, in factories, premises, establishments, vessels, and aircraft.

14. The public and improper use of uniforms, badges, or official decorations, or replicas thereof, as well as other elements of the equipment of the police forces or emergency services that may involve deception regarding the condition of the person wearing them, when this does not constitute a criminal offence.

15. Lack of collaboration with the law enforcement agencies in the investigation of crimes or in the prevention of actions that may put citizen security at risk in the cases provided for in Article 7.

16. The illicit consumption or possession of drugs, narcotics, or psychotropic substances, even if not intended for trafficking, in or on public places, roads, and establishments or on public transport, as well as the abandonment of the instruments or other effects used for this purpose in the aforementioned places.

17. The transfer of persons, by any type of vehicle, with the aim of facilitating their access to drugs, narcotics, or psychotropic substances, provided that this does not constitute a crime.

18. The carrying out of acts of illicit planting and cultivation of drugs, narcotics, or psychotropic substances in places visible to the public, when they do not constitute a criminal offence.

19. Tolerance of the illegal consumption or trafficking of drugs, narcotics, or psychotropic substances in public premises or establishments or the lack of diligence in preventing this on the part of their owners, managers, or those responsible for them.



20. The lack of registers provided for in this Law for activities with a bearing on citizen security, or the omission of obligatory notifications.

21. The assertion of false data or circumstances in order to obtain the documents provided for in this Law, provided that this does not constitute a criminal offence.

22. Failure to comply with the restrictions on navigation imposed by regulations on high-speed vessels and light aircraft.

23. The unauthorised use of personal or professional images or data of authorities or members of the law enforcement agencies that may endanger the personal or family security of the agents, of the protected facilities or at risk of the success of an operation, with respect for the fundamental right to information.

It should be noted that the outstanding paragraph of section 23 is declared unconstitutional and null, and the rest of the section is declared unconstitutional, provided that it is interpreted in the sense established in the FJ 7 C), by the Ruling of the TC 172/2020, of 19 November. Ref. BOE-A-2020-16819

**Article 37. Minor offences.**

The following are minor offences:

1. The holding of meetings in places of public transit, and the holding of demonstrations in breach of Articles 4.2, 8, 9, 10 and 11 of Organic Law 9/1983 of 15 July, for which the organisers or promoters shall be liable.

2. The display of objects hazardous to the life and/or physical integrity of persons for the purpose of intimidation, provided that this does not constitute a crime or serious offence.

3. Failure to comply with restrictions regarding pedestrian traffic or pathways during a public event, meeting or demonstration, when this causes minor disruption to the course of said event.

4. Showing a lack of respect or consideration towards a member of a law enforcement agency while they are undertaking their security protection duties, when such conduct does not constitute a criminal offence.

5. Carrying out or inciting acts that infringe upon sexual freedom and/or indemnity, or carrying out acts of indecent exposure, when such acts do not constitute a criminal offence.

6. The projection of light beams, by means of any type of device, on members of law enforcement agencies to prevent or hinder the exercise of their duties.

7. Occupying or remaining in any property, dwelling or building belonging to another, in both cases against the will of the owner, tenant or holder of another right over said property, dwelling or building, when such conduct does not constitute a criminal offence.

In addition, the occupation of a public thoroughfare in violation of the provisions of the law or against a decision adopted in application of the law by the competent authority. Occupation of public thoroughfares for unauthorised street selling shall be understood to be included in this category.

It should be noted that paragraphs 3 and 7 are not unconstitutional provided that they are interpreted in the sense established in Conclusions of Law 6 E) and 6 F), respectively, of Constitutional Court Ruling 172/2020 of 19 November. Ref. BOE-A-2020-16819

8. The omission or inadequacy of measures to ensure the preservation of documentation on weapons and explosives, as well as the failure to report the loss or theft of such documentation.

9. Irregularities in the completion of the records provided for herein with a bearing on citizen security, including the allegation of false data or circumstances, or the failure to issue compulsory notifications by the established deadline, provided that this does not constitute a criminal offence.

10. Failure to comply with the obligation to obtain legally required personal documentation, as well as negligent failure to report its theft or loss.

11. Negligence in the custody and conservation of legally required personal documentation, considering as such the third and subsequent loss or misplacement of said documentation within one year.

12. Refusal to hand over legally required personal documentation when its removal or retention has been agreed.

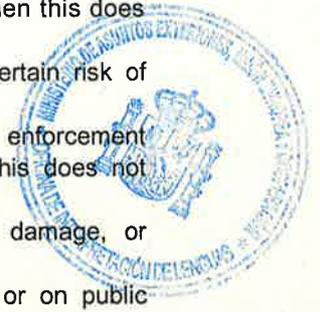
13. Damage or vandalism of movable or immovable property for public use or service, as well as of movable or immovable private property on the public thoroughfare, when this does not constitute a criminal offence.

14. Climbing buildings or monuments without authorisation when there is a certain risk of damage to persons or property.

15. The removal of fences, tape or other fixed or mobile elements placed by law enforcement agencies to delimit security perimeters, even as a preventive measure, when this does not constitute a serious offence.

16. Releasing fierce or destructive animals or leaving them free to cause damage, or abandoning domestic animals in conditions that could endanger their lives.

17. Consuming alcoholic beverages in places, thoroughfares, establishments or on public transport when this seriously disturbs the public peace.



#### Article 38. *Limitation period for offences.*

1. The limitation period for the administrative offences defined herein is six months, one year, or two years after they have been committed, depending on whether they are minor, serious or very serious, respectively.

2. The time periods indicated herein shall be calculated from the day on which the offence was committed. However, in the case of continuous offences and offences with permanent effects, the periods shall be calculated, respectively, from the day on which the last offence was committed and from the day on which the illegal situation was eradicated.

3. Limitation periods shall be interrupted by any administrative action of which the interested party has formal knowledge that is aimed at penalising the offence. The limitation period shall resume its course if the procedure is paralysed for more than one month for reasons not attributable to the alleged perpetrator.

4. The limitation period shall also be interrupted by the commencement of criminal court proceedings, until the judicial authority informs the administrative body of their termination under the terms of Article 45(2).

#### Article 39. *Penalties.*

1. Very serious offences shall be penalised with a fine of 30,001 euros to 600,000 euros, serious offences with a fine of 601 euros to 30,000 euros, and minor offences with a fine of 100 euros to 600 euros.

In accordance with Article 33.2, the maximum, medium, and minimum ranges for fines for serious and very serious offences shall be as follows:

a) For very serious offences, the minimum range for fines shall be from 30,001 euros to 220,000 euros, the medium range shall be from 220,001 euros to 410,000 euros, and the maximum range from 410,001 euros to 600,000 euros.

b) For serious offences, the minimum range for fines shall be 601 euros to 10,400 euros, the medium range shall be from 10,401 euros to 20,200 euros, and the maximum range from 20,201 euros to 30,000 euros.

2. Fines may be accompanied by one or more of the following accessory penalties, depending on the nature of the acts constituting the offence:

a) The removal of weapons and the corresponding licences or permits.

b) The confiscation of the goods, means, or instruments with which the offence was prepared or carried out and, where appropriate, of any effects arising from the offence, unless some of them belong to a third party acting in good faith who is not responsible for the offence and has acquired them lawfully. When the instruments or effects have been sold lawfully and their value



is unrelated to the nature or seriousness of the offence, the body competent to impose the appropriate penalty may decide against confiscation or decide to confiscate only some of the instruments or effects.

c) The temporary suspension of licences, authorisations or permits for a period ranging from six months and one day to two years for very serious offences and of up to six months for serious offences, within the scope of the matters regulated in Chapter IV of this Law. In the event of a repeat offence, the penalty may be of two years and one day up to six years for very serious offences and up to two years for serious offences.

d) The closure of factories, premises or establishments, for a period ranging from six months and one day to two years for very serious offences and of up to six months for serious offences, within the scope of the matters regulated in Chapter IV of this Law. In the event of a repeat offence, the penalty may be of two years and one day up to six years for very serious offences and up to two years for serious offences.

**Article 40. *Limitation period for penalties.***

1. Penalties imposed for very serious offences shall expire after three years, those imposed for serious offences after two years, and those imposed for minor offences after one year, counted from the day following that on which the decision to impose the penalty becomes final through administrative channels.

2. The limitation period shall be interrupted by the initiation, with the knowledge of the interested party, of the enforcement procedure. The limitation period shall resume its course if the procedure is paralysed for more than one month for reasons not attributable to the offender.

**Article 41. *Regulatory qualification.***

Implementing regulations may introduce specifications or graduations in the table of offences and penalties set forth herein which, without defining new offences or penalties, nor altering their nature or limits, contribute to the most exact identification of the conduct or the most precise determination of the corresponding penalties.

**Article 42. *Reparation of damage and compensation.***

1. If the penalised conduct has caused damage or harm to the public administration, the resolution of the procedure shall contain an express statement on the following points:

a) The offender shall be required to restore the situation altered by the offence to its original state.

b) When this is not possible, compensation shall be demanded for the damage caused, if this has been determined during the procedure. If the amount of the damage has not been established, it shall be determined in a complementary procedure, subject to a settlement, the decision on which shall exhaust all administrative remedies.

2. Any civil responsibility deriving from an offence shall always be held jointly and severally by all the perpetrators of the damage.

3. When an unemancipated minor under 18 years of age or a person with limited legal capacity is declared the perpetrator of the acts committed, their parents, guardians, curators, foster parents or legal or *de facto* guardians, as appropriate, shall be held jointly and severally liable for the damage caused.

**Article 43. *Central Registry of Offences against Citizen Security.***

1. For the sole purpose of assessing repeat offences as defined in this Law, a Central Registry of Offences against Citizen Security shall be set up under the aegis of the Ministry of the Interior.

Autonomous Communities that have assumed responsibility for the protection of persons and property and for maintaining citizen security and have their own police force may create their own registers of offences against citizen security.



The organisation and operation of the Central Registry of Offences against Citizen Security shall be governed by regulations. Only the following data shall be entered on the Register:

- a) Personal data of the offender.
- b) Offence committed.
- c) Final administrative penalty/penalties imposed, with an indication of their time frame, where appropriate.
- d) Place and date on which the offence was committed.
- e) The body that imposed the penalty.

3. Persons on whom a final administrative penalty has been imposed shall be informed that the corresponding entries shall be made in the Central Registry of Offences against Citizen Security. They may request access to, or cancellation or rectification of their data in accordance with the provisions of Organic Law 15/1999 of 13 December on the Protection of Personal Data, and of its implementing regulations. Entries shall be cancelled by the administration on its own motion after three years in the case of very serious offences, after two years in the case of serious offences, and after one year in the case of minor offences, counted from the date on which the penalty becomes final.

4. The authorities and bodies of the various public administrations with powers to impose penalties in matters of citizen security, in accordance with this Law, shall notify the Central Registry of Offences against Citizen Security of the penalty decisions handed down, once they have become final through administrative channels. Likewise, for these purposes, said public administrations shall have access to the data entered on the Central Registry.

### **Section 3. Penalty proceedings**

#### **Article 44. Legal regime.**

The exercise of the power to impose penalties in matters relating to the protection of citizen security shall be governed by Title IX of Law 30/1992 of 26 November, and by its implementing provisions, without prejudice to the special situations regulated in this chapter.

#### **Article 45. Subsidiary nature of administrative penalty proceedings with respect to criminal proceedings.**

1. Acts penalised through criminal proceedings cannot be penalised through administrative proceedings, and vice versa, when the perpetrator, act, and grounds are found to be identical.

2. In cases where the acts committed could constitute a crime, the administrative body shall pass the evidence indicative of possible criminal conduct to the judicial authority or to the Public Prosecutor's Office and shall refrain from continuing with the penalty proceedings until the judicial authority issues a final judgment or resolution otherwise terminating the criminal proceedings, or the Public Prosecutor's Office decides that initiating or continuing criminal proceedings is not the correct course of action; until such a time the limitation period shall be interrupted.

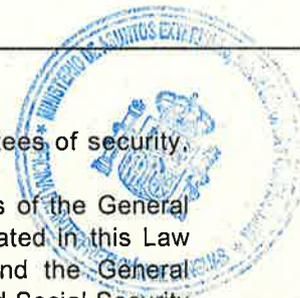
The judicial authority and the Public Prosecutor's Office shall notify the administrative body of the resolution or decision they have adopted.

3. If the existence of criminal unlawfulness is not established, or in the case of a decision of another kind terminating the criminal proceedings, the penalty proceedings may be initiated or continued. In all cases, the administrative body shall be bound by the facts declared to have been proven in court.

4. Provisional remedies adopted prior to judicial intervention may be maintained until the judicial authority decides otherwise.

#### **Article 46. Access to data held by other public administrations.**

1. The authorities and bodies of the different public administrations empowered to impose penalties in accordance with this Law, may access data concerning offenders that are directly related to the investigation of acts constituting an offence,



without any need for the prior consent of the data subject, with the guarantees of security, integrity and availability, pursuant to Organic Law 15/1999 of 13 December.

2. For the sole purpose of facilitating the actions entrusted to the bodies of the General State Administration that are authorised to undertake the proceedings regulated in this Law and its implementing regulations, the State Tax Administration Agency and the General Treasury of the Social Security System, under the terms established in tax and Social Security regulations, as well as the National Institute of Statistics, as regards the Municipal Register of Inhabitants, shall provide said bodies with access to the files containing the data required in such proceedings, without the consent of the data subjects being required.

**Article 47. Provisional measures prior to proceedings.**

1. The agents of the authorities shall intervene and, as a precautionary measure, shall seize the instruments used to commit the offence, as well as the money, rewards or products directly obtained, which shall be kept in the deposits established for this purpose or in the custody of law enforcement agencies while the penalty proceedings are underway or until, where appropriate, it is decided that the money or goods seized shall be returned, or their confiscation is ordered.

Without prejudice to Article 49(3), if the goods seized are consumables and the cost of storage exceeds their market value, the goods shall be destroyed or appropriately disposed of in accordance with the procedure laid down in the regulations.

2. Exceptionally, in cases of serious risk or imminent danger to persons or property, the provisional measures provided for in Article 49(1), with the exception of paragraph f), may be taken directly by the agents of the authorities prior to the initiation of the proceedings, and must be ratified, amended or revoked in the decision to initiate proceedings within a maximum period of fifteen days. In all cases, these measures shall be rendered ineffective if, after this period, proceedings are not initiated or the decision to initiate proceedings does not contain an express statement regarding them.

**Article 48. Preliminary proceedings.**

1. Prior to initiating proceedings, preliminary proceedings may be carried out to determine whether there are circumstances that justify doing so. In particular, such proceedings shall be aimed at determining, as precisely as possible, the facts which could justify the initiation of proceedings, the identification of the individual or individuals who may be liable, and any relevant circumstances.

Any preliminary proceedings shall be incorporated into the penalty proceedings.

2. Preliminary proceedings may be carried out without the involvement of the alleged perpetrator, if this is essential to ensure the success of the investigation; a written record of the reasons for not involving the alleged perpetrator in the proceedings shall be included in the corresponding dossier.

3. The undertaking of preliminary proceedings shall not interrupt the limitation period for the offence.

**Article 49. Provisional measures.**

1. Once proceedings have been initiated, the body competent to decide therein may at any time adopt, by means of a reasoned decision, any such provisional measures as may be necessary to ensure the effectiveness of the decision that may ensue or the proper conclusion of the proceedings, to prevent the continuance of the effects of the offence or to uphold citizen security, provided that these measures are in no case punitive in nature. Such measures shall be proportionate to the nature and seriousness of the offence and may include, in particular

- (a) The safekeeping of instruments or effects used to commit offences and, in particular, of weapons, explosives, aerosols, objects or materials potentially hazardous to public peace, drugs, narcotics or psychotropic substances.
- b) The adoption of measures for the safety of persons, and for the security of goods, establishments or installations that are in danger, at the expense of their owners.
- c) The preventive suspension or closure of factories, premises or establishments that could impact on public safety.
- d) The partial or total suspension of activities in establishments that are notoriously vulnerable and do not have the necessary security measures in place.

- e) The adoption of measures to ensure the safety of people and security of goods in infrastructure and facilities providing essential services to the community.
- f) The suspension of activities subject to authorisations, permits, licences and other documents issued by the administrative authorities, within the framework of the regulations applicable to them.
- g) The suspension of the sale, resale or itinerant sale of tickets for a show or recreational activity whose performance or development could entail a risk to public safety.

2. The costs incurred in taking provisional measures shall be borne by the person responsible for the acts or events that are the subject of the penalty proceedings.

3. The duration of provisional measures may not exceed half of the term provided for herein for the penalty that may correspond to the offence committed, unless a duly reasoned decision is adopted by the competent body.

4. Any decision to adopt provisional measures shall be notified to the parties concerned at the address provided to the administration by any means whatsoever including, where appropriate, electronic means, together with an indication of the appeals that can be made against said decision, the body with which such appeals must be filed, and the corresponding deadlines. The authority competent to adopt such measures may decide to make them generally known when necessary to guarantee citizen security or public safety, subject to the provisions of the legislation on the protection of personal data.

5. The measures adopted shall be immediately enforceable, without prejudice to the fact that the interested parties may request their suspension on the grounds of their *prima facie* likelihood of succeeding on the merits of the case and of the existence of damage that is difficult or impossible to repair, depositing, where applicable, a surety sufficient to insure against the harm that could be caused to public safety.

6. Any provisional measures decided upon may be amended or lifted when the circumstances that led to their adoption change and, in all cases, they shall be terminated by the decision that brings the proceedings to an end.

#### Article 50. *Expiry of proceedings.*

1. Proceedings shall expire one year after their initiation in the event that no decision is handed down. However, possible stays of proceedings for reasons attributable to the interested party, or suspensions decided upon due to the existence of criminal legal proceedings—when the perpetrator, act and grounds of both proceedings are the same—must be taken into account in calculating the period of time remaining until the end of the proceedings.

2. The decision declaring the expiry of proceedings shall be notified to the interested party and shall terminate the proceedings, without prejudice to the fact that the administration may decide to initiate new proceedings as long as the offence is not time-barred. Expired proceedings shall not interrupt the limitation period.

#### Article 51. *Effects of the decision.*

Within the scope of the General State Administration, decisions resulting from penalty proceedings may be appealed in accordance with Law 30/1992 of 26 November. An administrative appeal may be lodged against the decision exhausting all administrative remedies, when appropriate, through the procedure for the protection of the fundamental rights of individuals, under the terms of Law 29/1998 of 13 July, which regulates the Administrative Jurisdiction.





**Article 52. Evidentiary value of the statements made by agents of the authorities.**

In the penalty proceedings carried out in relation to the matters covered by this Law, the complaints, statements or minutes drawn up in the exercise of their duties by the agents of the authorities who witnessed the facts—subject to ratification in the event that they are denied by the accused—shall constitute a sufficient basis for the adoption of the appropriate decision, unless there is evidence to the contrary and without prejudice to the fact that the agents of the authorities must include all the available evidence in the dossier.

**Article 53. Execution of the penalty.**

1. Once a final administrative decision regarding a penalty has been adopted, the penalty shall be enforced in accordance with the provisions of this Law.

2. Penalties entailing the suspension of licences, authorisations or permits shall begin to be enforced one month after the final administrative decision has been made regarding said penalty.

3. Financial penalties which have not already been paid must be settled within 15 days of the date on which the penalty becomes final. If a penalty is not paid by the corresponding deadline, it shall be exacted through enforcement proceedings. To this end, the enforcement order notified to the debtor by the competent administrative body shall be enforceable.

4. When the penalties have been imposed by the General State Administration, the bodies and procedures for enforced collection shall be those set forth in the General Regulations on Collection, approved by Royal Decree 939/2005 of 29 July.

5. In the event of a decision ordering the return of the instruments seized as a precautionary measure referred to in Article 47(1), if the owner does not recover the item(s) seized within one month of the notification of said decision, the item(s) shall be destroyed or appropriately disposed of within the framework of this Law.

**Article 54. Expedited proceedings.**

1. Once a decision to initiate proceedings to penalise a serious or minor offence has been notified, the interested party shall have a period of fifteen days to make the voluntary payment with a reduction of the fine, or to formulate pleadings and propose or provide the evidence they deem appropriate.

If the interested party pays the fine under the conditions indicated in the previous paragraph, expedited penalty proceedings shall be carried out; if not, ordinary penalty proceedings shall be conducted.

2. Expedited penalty proceedings shall not apply to very serious offences.

3. If voluntary payment of the fine is made within fifteen days of the day following its notification, the penalty proceedings shall be deemed to have been concluded with the following consequences:

a) A 50 percent reduction in the amount of the fine.

b) The waiving of pleadings. In the event that pleadings have been formulated, they shall be deemed not to have been submitted.

c) The termination of the proceedings, without the need for an express decision to be handed down, on the day that the payment is made; the penalty may only be appealed within the administrative jurisdiction.

**Additional provision one. Regime for monitoring drug and explosive precursors.**

The system for granting activity licences, and the penalty regime applicable in the event of violations of EU and international provisions for monitoring trade in drug and explosive precursors, shall be governed by the provisions set forth in the corresponding specific legislation.



**Additional provision two. *Regime for the protection of critical infrastructure.***

The protection of critical infrastructure shall be governed by its specific regulations and, in addition, by this Law.

**Additional provision three. *Compulsory appearance in person in procedures for obtaining National Identity Documents and passports.***

In administrative procedures for the obtainment of a National Identity Document or passport, the appearance of the interested party before the competent bodies or administrative units is compulsory.

On an exceptional basis, individuals applying for a provisional passport may be exempted from the obligation to appear in person at a Spanish diplomatic mission or consular post on the grounds—which must be substantiated—of illness, risk, remoteness or other similar and duly accredited reasons preventing or seriously impeding their appearance.

**Additional provision four. *Notifications from the Civil Registry.***

For the purposes of complying with Article 8.3 of this Law, the Civil Registry shall notify the Ministry of the Interior of any registrations of decisions regarding limited legal capacity, as well as registrations of deaths or declarations of absence or death, in accordance with the provisions of Article 80 of Law 20/2011 of 21 July on the Civil Registry.

**Additional provision five. *Suspension of financial penalties imposed for offences involving the consumption of drugs, narcotics or psychotropic substances by minors.***

Fines imposed on minors for offences involving the illicit consumption or possession of drugs, narcotics or psychotropic substances may be suspended provided that, at the request of the offenders and their legal representatives, they agree to undergo treatment or rehabilitation, if necessary, or re-education activities. In the event that the offenders abandon the treatment or rehabilitation or the re-education activities, the financial penalty shall be enforced.

The terms and conditions of the partial waiver of penalties provided for in this additional provision shall be regulated.

**Additional provision six. *Infrastructure and facilities providing essential services to the community.***

For the purposes of Articles 35.1 and 36.9, infrastructure or facilities providing essential services to the community shall be understood as:

- a) Nuclear power plants, petrochemical plants, refineries and fuel depots.
- b) Ports, airports and other transport infrastructure.
- c) Water, gas and electricity supply and distribution services
- d) Telecommunications infrastructure.

**Additional provision seven. *No increase in public expenditure.***

The measures envisaged in this Law shall not generate an increase in allocations or remuneration, or in other costs related to personnel in the service of the public sector.

**Sole transitional provision. *Penalty proceedings initiated on the entry into force of this Law.***

Penalty proceedings initiated at the time of the entry into force of this Law shall be governed by the previous legislation, unless this Law contains more favourable provisions for the interested party.



**Sole repeal provision. *Regulatory repeal.***

1. Organic Law 1/1992 of 21 February on the Protection of Citizen Security is hereby repealed.

2. Likewise, any provisions of equal or lower standing that contradict the provisions of this Law are hereby repealed.

**Final provision one. *Special regime for Ceuta and Melilla.***

1. An additional provision ten is added to Organic Law 4/2000 of 11 January on the Rights and Freedoms of Foreigners in Spain and their Social Integration, with the following wording:

**"Additional provision ten. *Special regime for Ceuta and Melilla.***

1. Foreigners who are detected attempting to irregularly cross the border controls at the border of the territorial demarcation of Ceuta or Melilla may be refused entry to prevent their illegal entry into Spain.

2. In all cases, entry shall be refused in a manner that respects the international human rights and international protection legislation to which Spain is a party.

3. Applications for international protection shall be formalised at the places provided for that purpose at border crossings and shall be processed in accordance with the rules on international protection".

It should be noted that additional provision ten of Organic Law 4/2000 of 11 January is declared to be in accordance with the Constitution, provided that it is interpreted as indicated in Conclusion of Law 8 C), of Constitutional Court Ruling 172/2020 of 19 November. Ref. BOE-A-2020-16819, specifically as regards the following points:

- a) Application to individual entries.
- b) Full judicial control.
- c) Compliance with international obligations.

2. Final provision four of Organic Law 4/2000 of 11 January on the Rights and Freedoms of Foreigners in Spain and their Social Integration, is worded as follows:

**"Final Provision Four. *Precepts that do not have Organic Law status.***

1. The precepts contained in the following articles of this Law have Organic Law status: 1, 2, 3, 4.1, 4.3, 5, 6, 7, 8, 9, 11, 15, 16, 17, 18, 18 *bis*, 19, 20, 21, 22.1, 23, 24, 25, 25 *bis*, 27, 29, 30, 30 *bis*, 31, 31 *bis*, 33, 34, 36, 37, 39, 40, 41, 42, 53, 54, 55, 57, 58, 59, 59 *bis*, 60, 61, 62, 62 *bis*, 62 *ter*, 62 *quater*, 62 *quinques*, 62 *sexies*, 63, 63 *bis*, 64, 66, 71, additional provisions three to eight, additional provision ten, and the final provisions.

2. The precepts not listed in the above paragraph do not have Organic Law status".

**Final provision two. *Legislative powers.***

The provisions of this Law are set forth under Article 149.1.29 of the Constitution, which confers exclusive authority to the State in matters of citizen security, except for Articles 28 and 29 which are set forth under Article 149.1.26 of the Constitution, which confers exclusive authority to the State in matters of the production, trade, possession and use of arms and explosives.

**Final provision three. *Precepts that have Organic Law status.***

1. The following precepts of this Law have Organic Law status:

OFFICIAL STATE GAZETTE  
CONSOLIDATED LEGISLATION

Chapter I, except for Article 5.  
Articles 9 and 11 of Chapter II.  
Chapter III.  
From Chapter V, Article 30(3); Article 35(1); Article 36(2)(7)(8) and (23), and Article 37(1) and (4).  
The sole repeal provision.  
Final provision one.  
Final provision three.

2. The precepts not included in the above section do not have Organic Law status.

Final provision four. *Authorisation to issue implementing regulations.*

The Government is authorised, within the scope of its powers, to issue the necessary provisions for the implementation and application of this Law.

Final provision five. *Entry into force.*

This Organic Law shall enter into force on 1 July 2015, except for final provision one, which shall enter into force on the day following its publication in the Official State Gazette.

Therefore,

I command all Spaniards, individuals and authorities, to abide by and enforce this Organic Law.

Seville, 30 March 2015.

FELIPE R.

The President of the Government,  
MARIANO RAJOY BREY



INTERPRETACIÓN DE LENGUAS

registrado al Nº 041.2021  
exp. nº 1 de FEB 2021

**The Director of the Office of Interpretation of Languages hereby certifies that the above text is a true and accurate translation into the English language of the Spanish original text shown to me to that effect. Madrid, 1<sup>st</sup> February, 2021.**