



GOBIERNO
DE ESPAÑA

MINISTERIO
DE TRABAJO
E INMIGRACIÓN

SECRETARÍA DE ESTADO DE EMPLEO

DIRECCIÓN GENERAL DE LA
ECONOMÍA SOCIAL, DEL TRABAJO
AUTÓNOMO Y DE LA
RESPONSABILIDAD SOCIAL DE LAS
EMPRESAS

Law 5/2011, of 29 March, on Social Economy



PREAMBLE

I

The historic framework in which the modern concept of Social Economy was born is structured via the first cooperative, associative and mutualist experiences that arose from the end of the XVIII century and developed throughout the XIX century in various different countries of Europe (England, Italy, France and Spain). On the basis of this traditional concept of a nineteenth-century origin that encompassed cooperative societies, mutual societies, foundations and associations, in the decades of the 1970s and 1980s in the last century declarations that characterize the identification of the social economy in relation to different principles arose one after the other in different European countries. In this manner, in France the “Charte de l’économie sociale” defines the term of social economy as “the group of entities that do not belong to the public sector which, being operated and managed democratically, and having equal rights and duties for the partners, operate with a special system of ownership and distribution of earnings, employing the excesses from the activity for the growth of the entity and improvement of services to the community”. In this same regard, the “Conseil Wallon de l’Économie sociale” does the same in Belgium.

In 1992 the European Economic and Social Committee presented three Proposals for the Regulation of the Statutes for the European Association, the European Cooperative Society and the European Mutual Society. These initiatives gave rise to the Regulation by which the Statute for a European



Cooperative Society (Council Regulation (EC) 1435/2003 of 22 July 2003) was passed and the Directive by which the Statute for a European Cooperative Society was completed in relation to the involvement of employees (Council Directive 2003/72/EC of 22 July). The Regulation characterizes cooperative societies as groups of individuals governed by specific operational principles different from those of other economic agents, characterized by the primacy of the individual. This primacy of the individual is shown in specific provisions related to the conditions for membership, waiver and exclusion of partners; in the rule one person, one vote, and in the impossibility of its members exercising a right on the assets of the cooperative society.

The letter of principles for Social Economy of 2002 of the European Conference of Cooperative Societies, Mutual Societies, Associations and Foundations (CEP-CMAF), the predecessor of the current Social Economy Europe association, added a group of principles in the community that allow for the shaping of a differentiated reality of the entities of social economy, such as the primacy of the individual and of the social objective over capital, voluntary and open membership, democratic control by the members, the conjunction of the users' interests and of the general interest, the defence and implementation of the principles of solidarity and responsibility, self-powered management and independence from public authorities and the use of essential surplus for the carrying out of sustainable development objectives, the interest of the services to their members and social interest. This tangible and specific reality has subsequently transcended to the Community area in the European Parliament itself, by means of Report 2008/2250 (INI) of 26 January 2009 or in the very European Economic and Social Committee, via different decisions, such as "Social Economy and the Single Market" in the year 2000, or more recently the decision on "Different kinds of companies" in the year 2009. In consideration of



that stated, Comparative Law shows, therefore, the tendency of countries to establish a legal framework for support and acknowledgement of the social economy as a differentiated economic activity that requires substantive actions of public support and promotion.

II

In Spain, it proves to be of interest to highlight the legal substratum on which the entities of the social economy are based that is given the highest Rank derived from the articles of the Spanish Constitution. This occurs in diverse articles that refer, generically or specifically, to one or another of the social economy entities as occurs in article 1.1, article 129.2 or the very clause on social equality in article 9.2, and other specific articles such as articles 40, 41 and 47, which show the deep-rooted nature of the mentioned entities in the constitutional text.

From the year 1990 onwards, in Spain, the social economy has begun to be expressly acknowledged by public institutions, with the creation of the National Institute for the Promotion of the Social Economy (INFES), with Law 31/1990, of 27 December. The said Institute replaced the former Directorate General for Cooperative Societies and Labour Societies of the Ministry of Labour and Social Security, and, among its objectives, was the promotion of entities of social economy, for which it created its own Council. When the Institute disappeared in the year 1997, its duties were assumed by the Directorate General for the Promotion of the Social Economy and of the European Social Fund. Law 27/1999, of 16 July, on Cooperative Societies, incorporated the



Council for the Promotion of the Social Economy as an advisory and consultant authority for activities related to the social economy, with this being developed in Royal Decree 219/2001, of 2 March, on the organization and operation of the Council. This Council, therefore, represents the institution that gives visibility to the group of entities of the social economy.

Furthermore, and due to the decentralization of competence that characterizes the territorial system of the State, diverse substantive rules exist for the different entities of the social economy, the regulation of which is also located in autonomous regional areas, giving rise to the existence of similar institutions within the Autonomous Communities that strengthen the institutional visibility of the different entities that are grouped together in the mentioned sector.

Cooperative societies, in their different forms, and among these those of associated work and those related to, consumption, housing, agriculture, services, the sea, credit, education, health, insurance, transport, labour societies, associations, foundations and mutual societies, socio-labour insertion companies, special employment centres, agricultural transformation companies and fishermen's guilds share the guiding principles of the social economy. All of these entities are reflected directly or indirectly in the mentioned articles of the Spanish Constitution meeting the principles that confer them a differential and specific nature in relation to other kinds of societies and entities in the commercial area. In addition, the spirit of the entities of the social economy causes different singular entities to come together that also share the same principles as those preceding.

This rich group is completed by a catalogue of potential entities that may ascribe to the social economy, but provided that the said figures are in



accordance with the principles that determine an intrinsic peculiarity in values and their specific configuration is perfectly delimited.

There are different initiatives that may be highlighted which coincide in the need for a Law on Social Economy to be passed. Firstly, there is the demand by the Spanish Business Confederation of Social Economy (CEPES) with a proposal for a written text and, secondly, there are works carried out by the Parliamentary Sub-commission of the Congress of Deputies, which operated from March of the year 2007 until the end of that year, the objective of which was to study the situation of the social economy in Spain and propose actions for the promotion of the same.

In addition, the need for a Law on the Social Economy to be passed is directly connected to the principles that inspire the Law on Sustainable Economy and the objectives that it pursues, to the extent that the social economy is, to a degree, the precursor of, and is committed to, the economic model of sustainable development, in its triple economic, social and environmental dimension.

The Government of the Nation, via the Council for the Promotion of the Social Economy and with the agreement of CEPES, designated an independent Commission of expert persons which, in October 2009, finalized the work for the drafting of a study for a Law on the Social Economy. Starting with the report by the mentioned Commission and the proposal by CEPES, a common text was drafted that received the support of a large part of the sector. In addition, in the process of the drafting of the project the Autonomous Communities were informed, via the Sectorial Conference on Employment and Labour Matters on 29 April 2010, and the Council for the Promotion of the Social Economy,



which, in its plenary meeting of 29 April 2010, declared its majority agreement with the text.

III

The basic objective of the Law is to configure a legal framework which, while not intended to replace current legislation relating to each one of the entities that make up the sector, may represent acknowledgement and greater visibility of the social economy, conferring it greater legal security by means of the actions of the definition of the social economy, establishing the principles that must be considered by the different entities that make up the same. On the basis of these principles, the combination of the diverse entities and companies that are considered in the social economy is grouped. In addition, the promotion, stimulation and development of the entities of the social economy and of their representative organizations are acknowledged as a task of general interest. Moreover, the importance of the interlocution between the public authorities and the organizations that represent the different entities that make up the social economy, due to their legal nature and activity, is considered, with the role to be performed by cross-sectoral confederations at State level that represent the sector being highlighted and the Council for the Promotion of the Social Economy being restored with the most appropriate legal insertion as the advisory and consultant authority related to the Ministry of Employment and Immigration, linking it to the sector by means of this Law, as it was previously under the State legislation on cooperative societies.



The draft bill has nine articles, seven additional provisions, two temporary provisions and four final provisions.

Article 1 sets down the purpose of the Law, with this being the establishment of a common legal framework for the group of entities that make up the sector of the social economy and the measures of promotion applicable to the same; in fulfilment of the foregoing, article 2 addresses the concept and denomination of the social economy. Article 3 sets down as the area of application of the Law that of the entities of the Social Economy that act in the State, although without detriment to the competences assumed by the Autonomous Communities.

Article 4 presents the four guiding principles that are common to all of the entities of the social economy, which are those which are shown in article 5, either by means of their direct denomination and in the terms of section one, or by means of the procedure shown in section two of the mentioned precept. Article 6 regulates the catalogue of entities of the social economy, which shall be drafted and updated by the Ministry of Employment and Immigration following a report by the Council for the Promotion of the Social Economy, with it not being of a constitutive nature in any case.

Article 7 covers the principles of representation of the entities of the social economy and the criteria of representation of the representative cross-sectoral confederations at State level. In addition, article 8 fulfils another of the aims of the Law: acknowledgement of the promotion and diffusion of the social economy.

Finally, article 9 regulates in this Law the Council for the Promotion of the Social Economy, the advisory and consultant authority in the subject matter, with the establishment of its duties.



The first additional provision regulates statistic information related to the entities of the social economy and the second additional provision refers to the financing of the actions provided for at State level.

The second additional provision regulates the means of financing of the actions of promotion, diffusion and training referred to in article 8.3 and the operation of the Council for the Promotion of the Social Economy.

The third additional provision clarifies the nature of the Spanish National Organization of the Blind (ONCE) as a public law corporation the specific legislation of which confers it the consideration of a singular entity of social economy.

The fourth additional provision covers the need for the Government to integrate companies of the social economy into strategies to improve productivity.

The fifth additional provision establishes that the Government shall, within the term of two years as from the coming into force of the Law, send a report on the effects of the same to the Congress of Deputies.

There are two temporary provisions. The first temporary provision maintains the application of the second additional provision of Law 27/1999, of 16 July, on Cooperative Societies, insofar as article 9.5 of this Law is not developed.

The second temporary provision makes it possible for cooperative societies for housing to transfer or lease out places of residence that they own that were initiated prior to the entry into force of this Law to non-member third parties.



For its part, in the first final provision the competential titles of this rule are determined, which constitutes basic legislation, dictated under article 149.1.13. of the Constitution, which attributes to the State the “bases and coordination of the general planning of economic activity”, with the exception of that provided for in articles 8.3 and 9, which corresponds to the competence of self-organization of the State, as well as that provided for in the first additional provision, which is under the exclusive competence attributed to the State in article 149.1.31 of the Constitution, in the subject area of “statistics for State purposes”.

The second final provision authorizes the Government to dictate those provisions for application and development which may be necessary.

Finally, the fourth final provision provides for a «vacatio legis» of one month, with this term being considered suitable for the entry into force of the same.

Article 1. *Purpose.*

The purpose of this Law is to establish a common legal framework for the group of entities that make up the social economy, with full respect for the specific legislation applicable to each one of these, as well as to determine the measures of promotion for them in consideration of their particular aims and principles.

Article 2. *Concept and denomination.*

Social economy is the name given to the group of economic and business activities which, in the private sector, are carried out by those entities which, in conformity with the principles covered in article 4, pursue either the collective interest of their members, or the general economic and social interest, or both.



Article 3. *Area of application.*

Without detriment to the competences which may correspond to the Autonomous Communities, the area of application of this Law covers all entities of the social economy that act in the State.

Article 4. *Guiding principles.*

The entities of the social economy act on the basis of the following guiding principles:

- a) Primacy of the individual and the social objective over capital, which takes the form of self-powered, transparent, democratic and participative management leading to priority being given to the taking of decisions more based on individuals and their contributions of work and services provided to the entity or based on the social function than in relation to their contributions to the social capital.
- b) Application of the results obtained from the economic activity principally based on the work done and service or activity carried out by the members or their members, and, where appropriate, to the social objective of the entity.
- c) Promotion of internal solidarity and with the society to favour commitment to local development, equal opportunities between men and women, social cohesion, the insertion of individuals at risk of social exclusion, the generation of stable quality employment, the reconciliation of personal and family lives with employment and sustainability.
- d) Independence from public authorities.



Article 5. *Entities of the Social Economy.*

1. Cooperative societies, mutual societies, foundations and associations that carry out economic activities, labour societies, socio-labour insertion companies, special employment centres, fishermen's guilds and agricultural transformation companies and those singular entities created by specific rules that are governed by the principles established in the preceding article form part of the social economy.

2. In addition, those entities that carry out an economic and business activity, the operational rules of which are covered by the principles stated in the preceding articles, and which are included in the catalogue of entities established in article 6 of this Law, may form part of the social economy.

3. In any case, the entities of the social economy shall be governed by their specific substantive rules.

Article 6. *Catalogue of entities of the social economy.*

The Ministry of Employment and Immigration, following a report by the Council for the Promotion of the Social Economy, and in coordination with the Autonomous Communities, shall draft and keep updated a catalogue of the different kinds of entities that make up the social economy, taking into account the principles established in this Law and in a coordinated manner with the catalogues existent at autonomous community level.

The catalogues of entities of the social economy must be public. Publicity shall be carried out via electronic mediums.



Article 7. *Organization and representation.*

1. The entities of the social economy may incorporate associations for the representation and defence of their interests, and these may group together, in accordance with that provided for in their specific legislation or, as may be applicable, in Organic Law 1/2002, of 22 March, which regulates the right to association.

2. The State-level representative cross-sectoral confederations shall be those which fulfil the following requisites:

- a) Group together at least the majority of the kinds of entities considered in article 5 of this Law.
- b) Represent, at least, twenty-five percent of the total of the companies or entities associated directly or via intermediary organizations to the Cross-sectoral Confederations that concur in the procedure of representation, provided that the said Confederations fulfil the requisite in point a).
- c) Represent, in at least the majority of the kinds of entities in article 5 grouped together by the corresponding Confederation, at least fifteen percent of the total of the entities or companies of each kind associated with the cross-sectoral confederations that concur in the procedure of representation, with those Confederations which have fulfilled the requisites in points a) and b) being understood as concurrent.

3. Representative cross-sectoral confederations at State level shall have representation in the institutional participation bodies of the General Administration of the State responsible for those subject matters that affect



their economic and social interests. In the same manner, those organizations at State-level that group together the majority of the entities of the social economy, in all those activities of representation inherent to the same due to their legal nature and activity, shall have representation in the bodies of the General Administration of the State.

4. In addition, those organizations, federations or confederations that represent each Autonomous Community shall have representation in the bodies of institutional participation of the Administrations of the Autonomous Communities that are responsible for those subject areas that affect their economic and social interests, in the form which may be provided for by the Autonomous Communities.

Article 8. Promotion and diffusion of the social economy.

1. The promotion, stimulation and development of the entities of the social economy and of their representative organizations are acknowledged as a duty of general interest.

2. Public authorities, in the area of their respective competences, shall have the following among the objectives of their policies of promotion of the social economy:

- a) Remove the obstacles that prevent the commencement and development of an economic activity of the entities of the social economy. For this, special attention shall be paid to the simplification of administrative procedures for the creation of entities of the social economy.
- b) Facilitate the diverse initiatives of social economy.
- c) Promote the principles and values of the social economy.



- d) Promote training and professional readaptation in the area of the entities of the social economy.
- e) Facilitate access to the processes of technological and organizational innovation for entrepreneurs of the entities of social economy.
- f) Create an environment that promotes the development of economic and social initiatives in the framework of the social economy.
- g) Involve the entities of the social economy in active employment policies, especially in favour of the sectors most affected by unemployment; women, young people and the long-term unemployed.
- h) Introduce references to the social economy in the syllabuses of the different educational stages.
- i) Promote the development of the social economy in areas such as rural development, dependence and social integration.

3. For the application of this Law, the Government shall, as a general nature, via the Ministry of Employment and Immigration, have responsibility for promoting in this area the carrying out of the acts of promotion, diffusion and formation of the social economy, without detriment to the faculties of other ministerial departments in relation to the economic, business and social activity performed by the entities of social economy in order to fulfil their social objective.

4. In the development of the activities of promotion of the social economy the competences of the Autonomous Communities shall be respected. The General Administration of the State shall promote the mechanisms of cooperation and collaboration necessary with the Regional Autonomous Administrations for the development of the activities of promotion of the social economy.



Article 9. *Council for the Promotion of the Social economy.*

1. The Council for the Promotion of the Social Economy shall be governed by that set down in this Law, being the advisory and consultant body for activities related to the social economy, integrated, via the Ministry of Employment and Immigration, in the General Administration of the State, without participating in the hierarchical structure of the latter. It shall act as a body of collaboration, coordination and interlocution of the social economy and of the General Administration of the State.

2. In conformity with the competences attributed, and in accordance with the area of this Law, it shall have the following functions:
 - a) Inform and collaborate in the elaboration of projects related to any legal or regulatory provisions that may affect entities of the social economy.
 - b) Elaborate those reports which may be requested by the Ministry of Employment and Immigration and other ministerial departments
 - c) Draft a preliminary report, in conformity with article 6 of this Law, on the elaboration and updating of the catalogue of entities of the social economy of the Ministry of Employment and Immigration.
 - d) Inform programs of development and promotion of the social economy.
 - e) Perform studies and make reports on questions and problems that may affect the social economy, especially in relation to the strengthening of knowledge, institutional presence and international projection of the social economy.
 - f) Care for the promotion and respect of the guiding principles of this Law.
 - g) Issue a preliminary report on the adoption of measures of statistical



information of the entities of social economy in the terms of the first additional provision of this Law.

h) However many other functions and competences as may be attributed to it by legal and regulatory provisions.

3. The Council for the Promotion of the Social Economy shall consist of representatives of the General Administration of the State, of the Administrations of the Autonomous Communities, of the most representative association of local entities, of the representative cross-sectoral confederations at State level, and of the majority sectorial entities of the social economy mentioned in article 5 of this Law that are not represented by the mentioned cross-sectoral confederations, of the most representative trade union organizations and of five persons of recognized prestige in the area of the social economy designated by the Ministry of Employment and Immigration.

4. The Presidency of the Council for the Promotion of the Social Economy shall correspond to the person holding the position of Secretary of State for Employment.

5. The operation and composition of the Council shall be subject to regulatory development, and shall be in accordance with that set down in relation to collegiate bodies in Law 30/1992, of 26 November, on the Legal System of the Public Administration and the Common Administrative Procedure, and in Law 6/1997, of 14 April, on the Organization and Operation of the General Administration of the State.



First additional provision. *Statistical information on the entities of the social economy.*

El Ministry of Employment and Immigration, in collaboration and coordination with the ministerial departments and the Administrations that may have competence in the area of registration related to entities of the social economy, and following a report by the Council for the Promotion of the Social Economy, adopt those measures which may be necessary in order to guarantee statistic information for the said entities as well as their representative organizations, periodically updated and adjusted in its classification to the catalogue provided for in article 6 of this Law.

Second additional provision. *Financing.*

The promotion of the actions of promotion, diffusion and training referred to in article 8.3, as well as the operation of the Council for the Promotion of the Social Economy provided for in article 9, shall be financed with the credits that the Ministry of Employment and Immigration may effectively have available for the financial year 2010, with this not to suppose any net increase in expenditure, in conformity with that established in the immediate Action Plan for 2010 and, for successive financial years, in the 2011-2013 Austerity Plan of the General Administration of the State.

The General Administration of the State may agree with the Autonomous Communities on the promotion of given actions of promotion, diffusion or formation of the social economy, establishing for such purpose any appropriate collaboration agreements in which the resources to be provided are to be specified.



Third additional provision. *Legal order of ONCE as a singular entity.*

For the purposes provided for in section 1 of article 5 of this Law, the Spanish National Organization of the Blind (ONCE) is a singular social economy organization the order and operation of which are in accordance with that provided for in laws, as well as in its specific legislation applicable, consisting basically of Royal Decree 358/1991, of 15 March, on the reordering of ONCE and its currently-valid Articles of Association; the basic and genuine features related to its economic and business activity, as well as its nature as a gaming operator of recognized prestige, of which, are covered in this additional provision. ONCE is a Public Law Corporation of a social nature that is governed by its own specific legislation and the social objectives of which are directed towards the obtainment of personal autonomy and full integration of blind people and those with serious visual deficiencies, by means of the rendering of social services, with its own legal nature and full capacity to operate and self-organization, characterized in its social, economic and business activity by the principles and values of solidarity, the absence of profit-making interest, and general interest, that performs functions all around the Spanish territory delegated from the Public Administration, under the Protectorate of the State, and which, for the financing of its social objectives, has a number of public authorizations in the area of gaming.

Fourth additional provision. *Integration of the companies of the social economy in strategies for the improvement of productivity.*

The Government shall take into account the special characteristics of the companies of the social economy in its strategies for improvement of the productivity and business competitiveness.



Fifth additional provision. *Government report.*

The Government, within the term of two years as from the entry into force of this Law, shall remit a report to the Congress of Deputies in which the effects and consequences of the application of the content of the same shall be analyzed and evaluated.

Sixth additional provision. *Exercising of sanitary activities by university title holders with Honours Degrees in Psychology or Graduates in the area of Psychology.*

1. Within the term of twelve months as from the entry into force of this Law, the Government shall remit a draft bill to the Spanish Parliament regulating the activity of “Sanitary psychology” as a qualified and regulated sanitary profession, defining the conditions of access to the said profession and the functions reserved for the same.

2. Temporarily, until the entry into force of the Law provided for in the preceding section, whoever may hold the title of Honours Degree in Psychology or any of the titles of Graduate in the area of Psychology who are registered in the Register of Universities, Centres and Titles as persons ascribed to the area of knowledge of Health Sciences, may perform sanitary activities provided that they accredit having acquired specific training in any of the following ways:

- a) Having successfully passed degree/honours degree studies, following a curricular itinerary qualified by its association with the educational area of Personality, Psychological Evaluation and Treatment, or Clinical and Health Psychology.



b) Having acquired supplementary postgraduate formation of not less than 400 hours (or the equivalent in European credits), of which at least 100 are of a practical nature, associated with the areas mentioned in the preceding point a).

3. Accreditation of being in any one of the situations provided for in the previous section shall allow for the application for inscription of psychology practices or bureaus in the corresponding register of sanitary centres, services and establishments.

4. For psychologists that perform their activity in centres, establishments and Services of the National Health System, or who are ascribed to the same, in order to make effective the sanitary services derived from the portfolio of common services of the same that correspond to the said professionals, both in the area of primary attention and in that specialized, must be in possession of the official title of Psychologist Specialized in Clinical Psychology referred to in section 3 of annex I of Royal Decree 183/2008, of 8 February, by which the specialties in Health Sciences are determined and classified and certain aspects of the specialized sanitary training system are developed.

Seventh additional provision. *Program for promotion of the entities of the social economy.*

Within the term of six months as from the entry into force of this Law, the Government shall pass a program for the promotion of the entities of social



economy, with special attention paid to those singularly established in their environment and to those that generate employment in the most unfavoured sectors. This program shall reflect the following measures, among others:

1. Following consultation with the entities representing the social economy, the Council for the Promotion of the Social Economy and the Autonomous Communities, it shall revise the legislation necessary to eliminate the limitations of the entities of the social economy, in such a manner that these may operate in any economic activities without any unjustified obstacles.
2. Following consultation with the entities representing the social economy, the Council for the Promotion of the Social Economy and the Autonomous Communities, it shall remit a draft bill to the Spanish Parliament updating and revising Law 4/1997, of 24 March, on Labour Societies.
3. Following consultation with the entities that perform social action, it shall revise the legislation developing General Law 38/2003, of 17 November, on Subsidies, which is applicable to the same, with the purpose of simplifying the procedures regulated in the same.

First temporary provision. *Temporary System applicable of the Council for the Promotion of the Social Economy.*

Until the entry into force of the regulatory development provided for in article 9.5 of this Law, the Council for the Promotion of the Social Economy shall be governed by that set down in the second additional provision of Law 27/1999, of 16 July, on Cooperative Societies.



Second temporary provision. *Cooperative societies for housing.*

Without detriment to that set down in article 89.4 of Law 27/1999, of 16 July, on Cooperative Societies, cooperative societies for housing may transfer or lease out places of residence that they own that were initiated prior to the entry into force of this Law to non-member third parties. In this case, the transfer or leasing out of the places of residence and their general conditions must have been agreed in advance by the General Assembly.

In addition, these operations with non-member third parties may reach a maximum limit of 50 percent of those carried out with members. The General Assembly shall also agree the use of the amount obtained from the transfer or leasing.

First final provision. *Competential title.*

This Law is the basic legislation dictated under article 149.1.13 of the Constitution that attributes the “bases and coordination of the general planning of economic activity” to the State. Notwithstanding this, the following is not of a basic nature:

- a) The contents of this Law that refer to the organization and operation of the bodies of the State or of the bodies ascribed to the Administration of the State: Article 8.3 and article 9.
- b) The first additional provision that is included in article 149.1.31 of the Constitution, which attributes competence to the State in the subject area of “Statistics for State purposes”.



Second final provision. *Authority of the Government.*

The Government is authorized to dictate however many provisions as may be necessary for the application and development of this Law in the area of its competences.

Third final provision. *Modification of the redrafted text of the General Law on Social Security, passed by Royal Legislative Decree 1/1994, of 20 June.*

The following terms of the redrafted text of the General Law on Social Security, passed by Royal Legislative Decree 1/1994, of 20 June, are hereby modified:

One. Section 1 of the twenty-fifth additional provision is modified and is hereafter drafted in the following terms:

“1. The processing of benefits and other acts in the area of Social Security, including unemployment benefit, the nature of which is not to make collections or place fines, shall be in accordance with that set down in the Law on the Legal System of the Public Administration and the Common Administrative Procedure, with the specialities provided for in the same for such acts in relation to impugment and revision *ex officio*, as well as with those established in this additional provision, in the fiftieth additional provision of this Law or in those other provisions which may prove to be applicable”.

Two. Sections 2 and 4 of the fiftieth additional provision are modified, hereafter being drafted in the following terms:

“2. Notifications of those administrative acts that may be derived from, or which are dictated as a consequence of, those data that must be communicated electronically via the Electronic Document Remission System (RED), made to



those authorized for such transmission, shall be made necessarily by electronic, computer or telematic means in the website of the Social Security, and shall be valid and binding for all legal purposes for the companies and subjects obliged to which the said data relate, except when the latter may have stated their preference for the said website notification to be made directly to them or to a third party”.

“4. In those cases provided for in article 59.5 of Law 30/1992, of 26 November, those notifications which it may not have been possible to make via the website of the Social Security or at the address of the interested party, in conformity with that indicated in the previous sections, shall be made exclusively on the notice board of edicts and announcements of the Social Security located in the said website, with them not to be published by any other means.

Once twenty calendar days have passed after the notification has been published on the notice board of edicts and announcements of the Social Security, it shall be understood that it has been duly made, with the said procedure being taken as having been duly completed and with the procedure continuing.

The notice board of edicts and announcements of the Social Security shall be managed by the Office of the Secretary of State for the Social Security. The carrying out of the notification on the same shall be done in the terms that may be determined by order of the Ministry of Employment and Immigration”.

Fourth final provision. *Entry into force.*

This Law shall enter into force one month after its publication in the “Official State Journal”.



Therefore,

I hereby order all Spanish subjects, individuals and authorities, to observe and enforce this Law.

Madrid, 29 March 2011.

JUAN CARLOS R.

The President of the Government,
JOSÉ LUIS RODRÍGUEZ ZAPATERO