Ministerio de Justicia

ACT 19/2015, DATED JULY 13, ON ADMINISTRATIVE REFORM ARRANGEMENTS IN THE AREAS OF CIVIL REGISTRY OFFICE AND ADMINISTRATION OF JUSTICE.

2018

Edita
Ministerio de Justicia
Secretaría General Técnica

NIPO: 051-18-008-7

ISBN: 978-84-7787-479-9

Traducción
STARTUL, S.L.

Maquetación
Subdirección General de Documentación y Publicaciones
San Bernardo, 62
28015, Madrid

This is a translation of a text originally drafted in Spanish. It is an unofficial translation pursuant to the meaning of Section 1º) Article 6 of Royal Decree 2555/1977, of 27th August, approving the Regulation of the Office for the Interpretation of Languages of the Ministry of Foreign Affairs and Cooperation.
This translation coincides with the consolidated text extracted from the Official State Gazette which was last updated on July 14, 2015.

LAW 19/2015, OF JULY 13, ON ADMINISTRATIVE REFORM MEASURES IN THE AREA OF THE ADMINISTRATION OF JUSTICE AND THE CIVIL REGISTRY

LEY 19/2015, DE 13 DE JULIO, DE MEDIDAS DE REFORMA ADMINISTRATIVA EN EL ÁMBITO DE LA ADMINISTRACIÓN DE JUSTICIA Y DEL REGISTRO CIVIL

Colección: Traducciones del Derecho Español

Ministerio de Justicia. Publicaciones

Catálogo de Publicaciones

Catálogo de publicaciones de la Administración General del Estado

ACT 19/2015, DATED JULY 13, ON ADMINISTRATIVE REFORM ARRANGEMENTS IN THE AREAS OF CIVIL REGISTRY OFFICE AND ADMINISTRATION OF JUSTICE.

FELIPE VI

KING OF SPAIN

To all whom this Act shall be seen and understood,

be it known that: The Spanish Parliament has approved this Act and I do enact the same as follows:

PREAMBLE

The Council of Ministers agreed on October 26, 2012, the creation of a Commission for the Reform of the Public Administration. This Commission should prepare a report with proposals for arrangements that would provide the Administration with the size, efficiency and flexibility required by citizens and by the country's economy.

The Council of Ministers received the mentioned report from the Deputy Prime Minister and Ministry of the Presidency and from the Minister of Finance and Public Administrations, on June 21, 2013. In addition, the Office for the Implementation of the Administration Reform was created by Royal Decree 479/2013 on June 21, as the responsible body for the coordinated implementation and for monitoring and driving the actions in it, with the possibility of proposing new actions.

From the date of publication of the Commission for the Reform of the Public Administration Report and even prior to it, different rules and agreements have been enacted in order to formally implement the proposals in it.

This text includes new regulatory actions which are necessary for the implementation of some proposals of the Report and, specifically, for the implementation of proposals relating to the implementation of a new electronic auctions system through a single portal of judicial and administrative auctions in the Official State Journal State Agency and proposals relating to electronic processing of births and deaths from the health centres.

I

In relation to the proposal relating to electronic auctions, the appeal to electronic auctions as a means of realisation of assets is provided by our legal system. This type of selling is based on public competition and has two clear objectives: on the one hand,

the transparency of the procedure and, on the other hand, the quest of the best possible performance of sales assets. These notarial, judicial or administrative procedures –until the entry into force of the regulations arising from the 1/2013 Act dated May 14, related to arrangements to strengthen the protection of mortgage debtors, debt restructuring, and social renting, were characterized fundamentally by its on– site setting, by the differences in their development, the limitations to its publicising and the great procedure rigidity.

The Government approved the report of the Commission for the Reform of Public Administrations in the Council of Ministers dated June 21, 2013, in which the creation of an Electronic Auction Portal in the Official State Journal State Agency to hold them was analysed as one of the actions to be taken, in order to achieve greater administrative simplification. At the same time, it avoided the overlapping of procedures through the reuse of available means. The existence of a single portal offers major advantages, including the familiarisation of the user with an environment. It shall also be enough to register as an user in one place to be able to participate in all types of auctions. In addition, a single portal implies the existence of a single database, allowing, on the one hand, to maintain a single search engine that shall cover almost all public auctions-meaning an ease for the citizen. On the other hand, it shall significantly save the costs of hosting, maintenance and development of the database. The exploitation of this database can then provide all kinds of information and statistics.

There are major advantages of electronic auctions compared to on-site ones because, nowadays, the latter suffers from serious drawbacks such as the lack of publicity since auctions are scarcely announced and their limited diffusion severely hampers the competition, which generates, in turn, a low participation. The access limitation to the on-site auction is also highlighted, which makes more difficult to participate for those who attend in person or represented, where relevant, by forcing them to be in a specific place, day and time. The procedure rigidity of the on-site auction has also been emphasised because it has a formalistic exactitude that has now been overcome.

II

The electronic auction has many advantages nowadays, because it allows to multiply the publicity procedures, to provide almost unlimited information both about the auction and about the assets and, most importantly, to bid almost at any time and from any place, which generates a more efficient system for all those affected.

Legal safety must be a constant element in the electronic procedure. Electronic auctions have the same legal guarantees as on-site ones. All those involved in them are clearly identified from the beginning by means of a recognized certificate of electronic signature or by signing with previously agreed key systems. Every transaction is guaranteed by the system with electronic certificates, in which the exact moment when they took place shall be determined by a stamp. The recognized certificate of electronic signature, together with the time stamp and the traceability of all processes guarantee absolute transparency of the procedure. Notwithstanding the existence of a person responsible for the auction –in this case, the Court Clerk– who must be provided with the necessary information so that he/she can supervise that the procedure has been correctly carried out. In this way, transparency is a defining element of the new

model, as the Charter of Citizens' Right to Justice points out, with the aim of obtaining more open justice which is able to respond to citizens with greater agility, quality and effectiveness.

In addition, the body in charge of maintaining the Auction Portal is the Official State Journal State Agency, which shall also contribute to the new procedure with confidence and guarantee.

III

Act 1/2013, dated May 14, amends Article 129 of the Mortgage Act in order to introduce an unique electronic form for notarial auctions arising from forced extrajudicial sales that the mentioned article regulates, among other aspects. Notwithstanding the fact that this Act has introduced certain adjustments in that article, which is dealt with in the third final provision, it does not seem logical that the electronic form is reserved for notarial auctions and that it is not applied to judicial auctions arising from enforcement procedures.

The reform affects the entire auction procedure, both for movable and real property, adapting it to the electronic system. This system is designed based on the criteria of advertising, safety and availability. Special emphasis is laid on advertising, as it begins with its announcement in the "Official State Journal", whose purpose's essence is the official publication in Spain. It shall also be advertised in the Portal of the Administration of Justice and later in the Auction Portal. There shall be registration advertising of the assets and complementary data for each of them, such as plans, photographs, licenses or other elements that can contribute to the property sale according to the debtor, the creditor or the Court Clerk. It also highlights the promotion of electronic communications and notifications between the Auction Portal and the various parties involved in the process, although necessary guarantees are established in case that the citizen lacks the required technical means to participate in the electronic auction, under Act 11/2007, dated June 22, on citizens' electronic access to Public Services, and under Act 18/2011, dated July 5, regulating the use of information and communication technologies in the Administration of Justice. The innovation introduced in the notifications and communications that the Property Registrar must make to the registry holders of rights subsequent to the implemented d load may be framed in the same desire for transparency and advertising. The publication of those unsuccessful ones or with limited effectiveness in the Registry bulletin board shall be substituted for its publication in the "Official State Journal", within the registry public service operation.

The Court Clerk assumes a key role in judicial auctions as the person in charge of the management of the judicial Office, with the objective of increase its transparency. The start of the auction and the ordering of its publication with reference of the necessary information is his/her responsibility through a privileged electronic involvement with the Auction Portal, as well as its suspension or resumption, maintaining a continuous control during the process until the end. Once the auction is over, the Auction Portal shall send certified information to the Court Clerk orderly indicating the bids, headed by the resulting winner.

The Act regulates the electronic auction of movable assets, real property and real property in cases where these have been mortgaged, with the special features of foreclosure with a specific objective: the increase of the concurrence and, henceforth, of the possibilities of sale and that this is made for the best price.

On the other hand, in order to warrant the maximum concurrence of bidders, the use of signature systems with previously agreed keys is expressly authorized for accessing and using the Auction Portal, always taking into account the necessary security standards and having previously correctly identified the people who wish to be registered in the Auction Portal.

IV

The purpose of the second part of the Act is to amend Act 20/2011, dated July 21 related to the Civil Registry Office. By this legal amendment and since the entry into force of the aforementioned Act, it is intended that the registration of newborns is carried out directly from the health centres by a "single window" system where the parents, assisted by the doctors who have helped the birth, shall sign the official declaration form to which the optional part of the birth certificate shall be incorporated. It shall be sent electronically from the health centre to the Civil Registry Office, protected by the recognized certificate of electronic signature of the doctor. Henceforth, it shall not be necessary to go personally to the Civil Registry Office to register the child. This entails the amendment of the Civil Code, as well as Act 14/2006, dated May 26, on techniques of assisted human reproduction.

In addition, the necessary rules have been established for cases in which the birth occurred outside of a health centre or when, for any other circumstance, the official form was not submitted within the stipulated time and conditions.

In this way, electronic medical certification is established for the purposes of registration in the Civil Registry Office, both births and deaths, which occurred in health centres under normal circumstances.

Regarding deaths, the medical certification shall include the existence or not of signs of violent death, or any reason why the burial license should not be issued, so that when such indication has been recorded to the Registry Officer by this means or by any other, he/she may refrain from issuing the burial or cremation license until receiving authorization from the competent judicial body.

Regarding the security in the identity of those born, the social alarm caused by the drama of "stolen children" has been addressed. For this reason the Act affects the security of identification of newborns and determination of the relationship between the mother and the child without any doubts through the necessary medical, biometric and analytical tests where appropriate. On the other hand, controls are multiplied in the event of death of those born in health centres after the first six months of pregnancy, requiring that the death certificate is signed by two physicians, who must affirm, under their responsibility, that there are no doubts about the mother-child relationship arising from the childbirth and, where appropriate, from the tests carried out with the genetic material of the mother and the child. These data shall be part of the clinical history of the newborn under Act 41/2002, of November 14, on basic regulatory of the autonomy

of the patient and the rights and obligations in terms of information and clinical documentation. They shall be kept until his/her death and, once the death occurs, they shall be transferred to the definitive archives of the relevant Administration, where they shall be kept with the appropriate security actions.

In the same way, in the area of child protection, the non-mandatory nature of the mother who relinquishes her child at the time of birth to promote birth registration is established, passing that obligation on to the relevant Public Entity. In such case, the maternal address shall not be recorded for statistical purposes, avoiding the consequent effect of automatic registration of the child in the home of the mother who has relinquished her child.

V

The Act is structured in two articles with the content and objectives that have been indicated. In the first one, the reform of those articles of the Act of Civil Procedure referred to the executive auctions is undertaken and in the second one, the reform of the articles corresponding to the Civil Registry Act. The Act concludes with four additional provisions, three transitory ones, one repeal provision and ten final provisions.

Article one. Amendment of the Civil Procedure Act 1/2000, dated January 7.

Act 1/2000, dated January 7, on Civil Procedure is amended in the following way:

One. Paragraphs 1 and 3 of Article 551 shall be phrased in the following way:

"1. Once the enforcement claim has been laid, provided that the budgets and procedural requirements concur, the enforcement certificate does not have any formal irregularity and the implementation actions that are requested are in accordance with the nature and content of the title, the Court shall dictate and fill the order containing the general order of implementation.

The Court Clerk shall previously carry out the appropriate consultation to the Public Insolvency Registry for the purposes set forth in section 4 of article 5 bis of the Insolvency Act."

"3. After the Judge or Magistrate has made an order, on the same day or on the next business day to the one when the order has been issued and implemented, the Court Clerk responsible for the enforcement shall issue a decree containing:

(i). The specific appropriate executive measures, including, if possible, the seizure of assets.

(ii). The measures for locating and ascertaining the assets of the enforced person, in accordance with the provisions of articles 589 and 590.

(iii). The content of the payment request that must be made to the debtor, in the cases in which the Act establishes this requirement.

The Court Clerk shall inform the Public Insolvency Registry about the existence of the order by which the implementation is issued with express specification of the tax identification number of the debtor, natural or legal person against whom the implementation is enforced. The Public Insolvency Registry shall notify the Court that knows the implementation about the practice of any entry that takes place in association with the tax identification number notified for the purposes provided in the insolvency legislation. The Court Clerk shall inform the Public Insolvency Registry about the completion of the implementation procedure when it occurs."

Two. Paragraph 3 of Article 636 shall be phrased in the following way:

"3. Without prejudice to the provisions of the previous sections, once the assets are seized by the Court Clerk, the relevant actions for the their judicial auction shall take place within the indicated period if it is not previously requested and ordered, pursuant to the provisions of this Act, that the compulsory implementation is carried out in a different manner."

Three. Article 644 shall be phrased in the following way:

"Article 644. Call for the auction.

Once the fair payment of the movable property seized is established, the Court Clerk shall agree on the call for the auction by decree.

The auction shall be carried out, in any case, electronically in the Auction Portal, under the responsibility of the Court Clerk."

Four. Article 645 shall be phrased in the following way:

"Article 645. Auction announcement and advertising.

1. Once the resolution foreseen in the previous article is signed, the announcement of the auction shall be announced in the "Official State Journal", serving the notice of notification to the non-attending implemented one. The Court Clerk before whom the enforcement procedure is carried out shall order the publication of the notice of the call for the auction, issuing it to the "Official State Journal" with the content referred to in the following article and electronically. In the same way, and only for informative purposes, the announcement of the auction shall be published in the Portal of the Administration of Justice.

In addition, at the request of the performer or the implementing party or the implemented party and if the Court Clerk responsible for the implementation deems it appropriate, the public auction shall be given reasonable publicity by public and private means that are more suitable for the nature and value of the assets intended to be made.

2. Each party shall be required to pay the costs arising from the measures that would have requested for the publicity of the auction, without prejudice to include in the rate of expenditure the costs arising from the implementing party, by the publication in the "Official State Journal".

Five. Article 646 shall be phrased in the following way:

"Article 646. Content of the auction announcement and advertising.

1. The auction announcement in the "Official State Journal" shall exclusively include the auction date, the Judicial Office before which the implementation procedure is carried out, its identification and type number, as well as the electronic address of the auction in the Auction Portal.

2. The edict shall be incorporated in the Auction Portal, separately for each of them, including the general and particular conditions of the auction and the assets to be auctioned, as well as relevant data and circumstances and, necessarily, the appraisal or valuation of the good or assets subject of the auction that serves as a type for it. These data shall be issued to the Auction Portal to be treated electronically by it to facilitate and order the information.

The edict and the Auction Portal shall also state that it shall be understood that any bidder accepts as enough the existing qualification or assumes its non-existence, as well as the consequences that their bids do not exceed the percentages of the type of the auction established in the Article 650.

3. The advertising content carried out by other means shall be adapted to the nature of the means that is used in each case, seeking the greatest cost savings. It may be limited to the specific data to identify assets or assets sets, their assessed value, their

possession situation, as well as the electronic address corresponding to the auction within the Auction Portal."

Six. Number 3 in Section 1 and Section 3 in Article 647 are amended and shall be phrased in the following way:

"(iii). To be in possession of the relevant accreditation, for which it shall be necessary to have allocated 5 percent of the value of the assets. The allocation shall be made by electronic means through the Auction Portal, which shall use the electronic services that the Tax Administration State Agency shall make available to them and which in turn shall receive the income through their collaborating entities."

"3. Only the implementing party or subsequent creditors shall take a position reserving the power to assign the auction to a third party. The assignment shall be verified by appearance before the Court Clerk responsible for the implementation, with the assistance of the assignee, who must accept it, and all this prior or simultaneously to the payment or allocation of the auction price, which must be documented. The same faculty shall correspond to the implementing party if the assignment of the property or assets auctioned is requested in the foreseen cases."

Seven. Article 648 shall be phrased in the following way:

"Article 648. Electronic Auction.

The electronic auction shall be held subject to the following rules:

1. The auction shall take place in the Portal dependent on the Official State Journal State Agency for the electronic auctions holding whose management system shall have access to all judicial offices. All exchanges of information that shall be made between the Judicial Offices and the Auction Portal shall be done electronically. Each auction shall be endowed with a single identification number.

2. The auction shall be opened after at least twenty-four hours from the publication of the announcement in the "Official State Journal", when the necessary information for the beginning of the auction has been issued to the Auction Portal.

3. Once the auction is opened, only electronic bids shall be made subject to the rules of this Act regarding types of auction, allocations and other applicable rules. In any case the Auction Portal shall inform of the existence and amount of the bids during its celebration.

4. To be able to participate in the electronic auction, the interested parties must be registered as users of the system, accessing it by means of safe identification and electronic signature mechanisms in accordance with the provisions of Act 59/2003, of December 19, related to electronic signature, to ensure full identification of the bidders. The registration shall be made through the Auction Portal by safe electronic identification and signature mechanisms and shall necessarily include all the identification data of the interested party. The performers shall be identified in a way that allows them to appear as bidders in the auctions arising from the implementation procedure initiated by them without the need for allocation.

5. The implementing party, the implemented party or the third owner, if any, may issue all the information that they have on the property subject to bidding under their responsibility to the Auction Portal and, in any case, by the Judicial Office where the procedure is carried out, from appraisal reports or other official documentation. This documentation is obtained directly by the judicial bodies or through a Notary and in their view, it may be deemed relevant to potential bidders. The Court Clerk may also do so on his own initiative, if he/she deems it appropriate.

6. The bids shall be issued electronically by safe communication systems to the Auction Portal, which shall return a technical acknowledgement, including a time stamp, the exact moment of the bid receipt and its amount. At that time, the bid shall be published electronically. The bidder must also indicate whether he/she agrees or not the reservation referred to in the second paragraph of section 1 of article 652 and whether he/she is bidding in his own behalf or on behalf of a third party. Additions shall be admissible for an amount greater than highest one already made or equal or lower than it, being deemed in the last two cases that they consent the reservation of allocation from that moment on. It shall be taken into account in the event that the bidder who made an equal or higher bid does not finally include the rest of the purchase price. In the event of different positions for the same amount, the first one shall be preferred."

Eight. Article 649 shall be phrased in the following way:

"Article 649. Auction process and termination.

1. The auction shall admit positions during a period of twenty calendar days from its opening. The auction shall not be closed until one hour has elapsed since the last bid, even if this entails the extension of the initial term of twenty days referred to in this article for a maximum of 24 hours.

In the event that the Court Clerk has knowledge of the insolvency declaration of the debtor, he/she shall stop the implementation by means of a decree and shall cancel the auction, even if the auction has already begun. Such circumstance shall be communicated immediately to the Auction Portal.

2. The cancellation of the auction for a period exceeding fifteen days shall entail the return of the allocations, taking the situation back to the moment immediately prior to the publication of the announcement. The resumption of the auction shall be carried out by means of a new publication of the advertisement as if it were a new auction.

3. On the closing date of the auction and after it, the Auction Portal shall issue to the Court Clerk certified information of the winning electronic bid, as well as, in decreasing order of amount and chronological in the case of being identical, of all others that have opted for the reservation of position referred to in the second paragraph of section 1 of article 652, with the name, surname and electronic address of the bidders.

4. After the auction and after receiving the information, the Court Clerk shall record it, stating the name of those who participated and their bids."

Nine. Paragraphs 1 and 5 are amended, a new section is added that becomes number 5 and sections 5 and 6 are renumbered, which become 6 and 7, of article 650, being phrased in the following way:

"1. When the best bid is equal to or greater than 50 percent of the appraisal, the Court Clerk shall approve the auction in favour of the highest bidder by decree, on the same day or the day following the closing of the auction. The auctioneer must allocate this bid amount, except the deposit, within ten days after notice of the decree and, once this allocation has been made, he/she shall be set in possession of the assets."

"5. If the implemented or the implementing party could enforce the powers granted by paragraphs 3 and 4 of this article by the amount of the bid, the Court Clerk shall compulsorily notify the best bidder or, where applied, he/she shall be informed that the implemented party has enforced his/her respective powers after the indicated deadlines.

6. At any time prior to the approval of the auction or of the award to the implementing party, the foreclosed party may release his/her assets paying in full the amount due to the principal, interest and costs. In this case, the Court Clerk shall decide by decree the cancellation of the auction or render it null and void, and shall communicate it immediately in both cases to the Auction Portal.

7. Once the auction is approved and the difference between the laid and the total price of the auction is allocated, where appropriate, in the Deposit Account and Allocations, a decree of adjudication shall be dictated stating, where appropriate, that the price has been allocated by its acknowledgement of the Auction Portal."

Ten. Article 652 shall be phrased in the following way:

"Article 652. Assignment of the deposits set up to bid.

1. After the auction, the amounts allocated by the bidders shall be released or returned, except the corresponding part to the highest bidder, which shall be reserved as a guarantee for compliance with its obligation and, where appropriate, as part of the sale price.

However, if the other bidders request it, the reserve of the amounts allocated by them shall also be maintained, so that, if the auctioneer does not deliver the rest of the price in time, the auction in favour of those after it may be approved according to the order of their respective positions and, if they were equal, by the chronological order in which they were made.

2. The relevant returns in accordance with the provisions of the preceding paragraph shall be made to the person who made the deposit, regardless of whether he/she acted on his/her own behalf as a bidder or on behalf of another."

Eleven. Paragraph 3 of Article 653 is deleted.

Twelve. Article 656 shall be phrased in the following way:

"Article 656. Certificates of ownership and costs.

1. When the object of the auction falls within the scope of this Section, the Court Clerk responsible for the implementation shall issue a warrant to the registrar in charge of the Registry so that it may send to the Court a certification with continued information where following ends are recorded:

(i). The ownership of the domain and other real rights of the property or encumbered right.

(ii). The rights of any kind on the seized asset, in particular, a complete list of the registered charges encumbering it or, where appropriate, if it is free of charges.

In any case, the certification shall be issued in electronic format and shall have information with structured content.

2. The registrar shall allocate by marginal note the issuance of the certification referred to in the previous section, stating the date and procedure to which it refers.

The registrar shall notify, immediately and electronically, the Court Clerk and the Auction Portal the fact of having submitted another certificate that affects or modifies the initial information for the purposes of article 667.

The Auction Portal shall collect the information provided by the Registry immediately for its transfer to those who consult its content.

3. Notwithstanding the foregoing, the Attorney of the implementing party, duly authorized by the Court Clerk and once the foreclosure is noted, may request the certification referred to in section 1 of this provision, whose issuance shall also be subject to a marginal note. In any case, the certification shall be issued in electronic format and with structured content."

Thirteen. Paragraph 3 of Article 657 shall be phrased in the following way:

"3. If the implementing party and the creditors have not answered the claim made to them after ten days, it shall be deemed that the burden, for the sole purpose of the implementation, is updated at the time of the claim in the terms established in the preferential certificate."

Fourteen. Paragraph 1 of Article 660 shall be phrased in the following way:

"1. The notices referred to in articles 657 and 659 shall be made at the registered address in the Registry, by mail with acknowledgement of receipt or by other reliable means.

For the purposes of the provisions of this article, any registered owner of a rights in rem, charge or encumbrance that falls on a property may register in the Registry an address in the national territory where he/she wishes to be notified in the event of implementation. This circumstance shall be recorded by note regardless of the registration of the rights in rem, charge or encumbrance of the holder. An electronic address may also be recorded for the purposes of notifications. After indicating an electronic address, it shall be understood that this procedure is consented to receive

notifications, without prejudice to the fact that these must be performed in a cumulative manner and not alternative to personal ones. In this case, the calculation of the deadlines shall be made from the day after the first of the positive notifications made according to the procedural rules or Act 18/2011, of July 5, regulating the use of technologies of information and notice in the Administration of Justice. The establishment or change of address or electronic address may be communicated to the Registry in any of the forms and with the effects referred to in section 2 of article 683 of this Act.

Whether the certification referred to in article 656 is sent directly by the Registrar or provided by the Procurator of the performer, it must include such notices.

In the event that the address does not appear in the Registry or the notice is returned for any reason, the Registrar shall perform a new notice by an edict, which shall be included in the "Official State Journal".

Fifteen. Article 661 shall be phrased in the following way:

"Article 661. Notice of implementation for tenants and long-term squatters. Advertising of the possession situation.

1. When, the existence and identity of persons, other than the implementing party, occupying the seizure appears in the procedure by the implemented party's manifestation of property, by indication of the implementing party or in any other way, he/she shall be notified of the existence of the implementation, so that, within ten days, the certificates that justify their situation are brought before the Court. This notification may be made by the attorney of the implementing party who requests it or when it is agreed by the Court Clerk according to the circumstances.

In the advertising of the auction that takes place in the Auction Portal, as well as in the public or private media where appropriate, it shall be included in detail, the possession situation of the property or that unoccupied situation, on the contrary, if this circumstance is fully accredited to the Court Clerk responsible for the implementation.

2. The implementing party may request that, before the auction is announced, the Court declares that the occupier or occupants do not have the right to remain in the property, once the implementation has been alienated. The request shall be processed in accordance with the provisions of section 3 of article 675 and the Court shall access it and shall make, by means of non-actionable appeal, the requested declaration, when they are deemed as mere long standing occupants or without sufficient certificate. It shall declare, in another case, also without further appeal, that the occupant or occupants have the right to remain in the property, safeguarding the actions that could correspond to the future purchaser to evict them.

The declarations referred to in the preceding paragraph shall be recorded in the advertising of the auction."

Sixteen. Article 667 shall be phrased in the following way:

"Article 667. Call for the auction.

1. The call for the auction shall be announced and shall be subject to advertising pursuant to article 645.

2. The Auction Portal shall communicate with the corresponding Registry through the Registrars Association systems in order for it to draw up and issue an electronic registry information related to the auctioned real estate(s) that shall be permanently updated until the end of the auction, and shall be served through the Auction Portal. In the same way, if the real estate was identified in graphical bases, their information shall be arranged. In the event that such information can not be issued for any reason after forty eight hours from the publication of the announcement, this shall be mentioned and the auction shall begin, without prejudice to its subsequent incorporation into the Auction Portal before the end of the auction."

Seventeen. Article 668 shall be phrased in the following way:

"Article 668. Content of the announcement and auction advertising.

1. The auction content and announcement shall be enforced pursuant to article 646.

2. The identification of the real estate or property subject to the auction, its registration data and cadastral reference if any, as well as all data and circumstances relevant to the auction and, necessarily, the appraisal or valuation that serves as a type for it, the reduction of preferential charges, if any, and their possession situation, if the implementation procedure shall be incorporated in the Auction Portal, separately for each of them, the edict that shall mention, in addition to the data indicated in Article 646. It shall also indicate, if applicable, the possibility of visiting the property subject to the auction provided for in section 3 of article 669. These data shall be issued to the Auction Portal to be treated electronically by it to facilitate and order the information.

The edict and the Auction Portal shall also state that it shall be understood that any bidder accepts as enough the existing qualification in the implementation process or assumes its non-existence, as well as the consequences that their bids do not exceed the percentages of the type of the auction established in the Article 670. It shall also be noted that the charges, liens and previous deposits to the credit of the claimant shall continue and that, by the mere fact of participating in the auction, the bidder admits them and accepts to be replaced in the liability derived from them if the auction is awarded to its favour.

3. The registration certificate can be consulted through the Auction Portal where appropriate. For every property subject to bidding, the certification issued to start the procedure, as well as the updated registry information referred to in article 667, the cadastral reference if it is included in the real estate and the graphic, urban or environmental information associated with the real estate in the terms provided by law, shall be provided from the relevant Registry through the Auction Portal if this were possible."

Eighteen. Section1 is amended and new sections 3 and 4 are added to article 669, which shall be phrased in the following way:

"1. To take part in the auction, bidders must previously enter in the manner established in section 1 of Article 647, an amount equivalent to 5 percent of the value that has been given to the goods in accordance with the provisions of Article 666 of this Act."

"3. During the bidding period, every interested party in the auction may request the Court to inspect the property or real estate executed and it shall be communicates to whoever is in possession, requesting their consent. When the possessor consents to the inspection of the property and collaborates adequately before the requirements of the Court to facilitate the best development of the auction of the property, the debtor may request the Court a reduction of the debt of up to 2 percent of the value by which the either it is awarded if it was the possessor or he/she had acted at his/her request. The Court shall decide the reduction of the debt that comes within the maximum deductible, given the circumstances, and after hearing the performer for a term not exceeding five days.

4. The resumption of the auction suspended for a period exceeding fifteen days shall be carried out by means of a new publication of the announcement and a new request for registration information as a new auction, where appropriate."

Nineteen. Paragraphs 1 and 7 of Article 670 shall be phrased in the following way:

"1. When the best bid is equal to or greater than 70 percent of the auction bid, the Court Clerk responsible for the implementation shall approve the auction in favour of the highest bidder by decree, on the same day or the day following the closing of the auction. Within forty days, the auctioneer must record the difference between the deposit and the total price of the auction in the Deposit and Allocations Account."

"7. At any time prior to the approval of the auction or of the award to the implementing party, the foreclosed party may release his/her assets paying in full the amount due to the principal, interest and costs. In this case, the Court Clerk shall decide by decree the cancellation of the auction or render it null and void, and shall communicate it immediately in both cases to the Auction Portal."

Twenty. Article 673 shall be phrased in the following way:

"Article 673. Purchase registration: certificate.

The proof shall be deemed as enough certificate for the registration in the Property Registry, issued by the Court Secretary, of the award decree, covering the resolution of approval of the auction, of the award to the creditor or of the transfer by agreement of implementation or by specialized person or entity. In addition, it shall state, where appropriate, that the entered price, as well as the other circumstances necessary for registration under the mortgage legislation.

The testimony shall mention, where appropriate, that the auctioneer has obtained credit to pay the price of the auction and, if applicable, the previous deposit, indicating the amounts financed and the entity that has granted the loan, for the purposes provided in Article 134 of the Mortgage Act."

Twenty one. Article 674 shall be phrased in the following way:

"Article 674. Charges cancellation.

At the request of the purchaser, a writ of cancellation of the annotation or registration of the lien that originated the auction or adjudication shall be issued, when applicable.

In addition, the Court Clerk shall order the cancellation of all subsequent registrations and annotations, including those that would have been verified after the certification provided in article 656 was issued, stating in the same order that the value of the sold or awarded was equal or less than the total amount of the credit of the actor and, in case of having exceeded it, that the remainder was retained at the disposal of the interested parties.

The other circumstances that the mortgage legislation requires for the cancellation registration shall also be mentioned in the order.

At the request of a party, the testimony of the adjudication decree and the writ of cancellation of charges shall be sent electronically to the relevant Registry or Property Registries."

Twenty two. Paragraph 2 of Article 682 shall be phrased in the following way:

"2. When pursuing mortgaged property, the provisions of this chapter shall apply provided that, in addition to the provisions of the previous section, the following requirements are met:

(i). That the deed of incorporation of the mortgage determines the valued or mortgaged price of the property by the interested parties, to serve as a type in the auction, which may not be less, in any case, than 75 percent of the indicated value in the appraisal made, where appropriate, pursuant to the provisions of Act 2/1981, of March 25, on the Regulation of the Mortgage Market.

(ii). That, in the same deed, there is an address, which shall be established by the debtor, for the practice of the requirements and notifications. An electronic address may also be established in order to receive the relevant electronic notifications. In such case, the provisions of the second paragraph of section 1 of article 660 shall apply.

In the mortgage on businesses establishments, the place where the establishment is mortgaged shall be necessarily deemed as domiciled."

Twenty three. Article 683 shall be phrased in the following way:

"Article 683. Change of address indicated for requirements and notifications.

1. The debtor and the non-debtor mortgagor may change the address they have appointed for the implementation of requirements and notifications, subject to the following rules:

(i). When the mortgaged property is real estate, the consent of the creditor shall not be necessary, provided that the change takes place within the same population appointed in the deed, or any other that is nailed in the term where the real estates are located and that serve to establish the jurisdiction of the Court.

To change that address to a point different from those mentioned the creditor's agreement shall be required.

(ii). When it is a chattel mortgage, the address can not be changed without the consent of the creditor.

(iii). In the case of a naval mortgage, informing the creditor of the change of address is enough.

In any case, it shall be necessary to prove reliable notification to the creditor.

2. The address changes referred to in the previous section shall be recorded in the Registry by a note regardless of the mortgage registration, either by means of an authenticated or ratified signature with the Registrar, or by means of an application filed electronically in the Registry, guaranteed with recognized certificate of electronic signature, or by means of a notarial minutes.

3. For the purposes of requirements and notifications, the address of third parties acquiring mortgaged assets shall be the one designated in the registration of their acquisition. In any case, the forecast contained in section 1 of Article 660 shall apply."

Twenty four. A new section 5 is added to article 685, which shall be phrased in the following way:

"5. For the purposes set forth in section 1 of article 579 it shall be necessary, in order for implementation to be enforced for the amount that is lacking and against whom it may be appropriate, that the initial executive claim is notified. This notification may be made by the attorney of the implementing party who requests it or when it is agreed by the Court Clerk according to the circumstances.

The amount claimed therein shall be the one that shall serve as the basis for enforcing implementation against the guarantors or surety parties with no possibility of increasing it due to the late payment interest accrued during the process of the initial executive procedure."

Twenty-five. Paragraphs 2 and 3 of Article 686 shall be phrased in the following way:

"2. Notwithstanding the notification to the debtor of the implementation clearance, the request referred to in the previous section shall not be made when the request or requirements have been carried out in an extrajudicial way, in accordance with the provisions of section 2 of article 581.

For this purpose, the requirement to the debtor and, where appropriate, notifications to the third non-debtor mortgage holder and holders of rights registered after the rights in rem of the implemented mortgage, must be made at the registered address in the Registry for each of them. The request or notification shall be made by the Notary, in the form that results from the notarial legislation, in the addressee, if he/she is at the appointed address. If he/she is not in the address, the Notary shall carry out the diligence with the legal age person who is there and who proves the liable personal or work relationship. The Notary shall expressly state the prove of the mentioned person on his/her consent to take charge of the identity card and his/her obligation to send it to the addressee.

Notwithstanding the foregoing, the requirement or notification made outside the address recorded in the Property Registry shall be valid provided it is made in the person of the recipient and, after identification by the Notary, with their consent, which shall be mentioned in the requirement or notification minutes.

In the event that the recipient is a legal entity, the Notary shall deem the diligence with a person of legal age who is at the address indicated in the Registry and who is part of the administrative body, proving that he/she is a representative with sufficient powers or that, according to the Notary's considerations, acts notoriously as a person in charge of the legal entity receiving requirements or reliable notifications in his/her interest.

3. If the attempt the address resulting from the Registry is not successful, it can not be performed with the persons referred to in the previous section, and made by the Judicial Office the relevant inquiries to express the address of the debtor, the publication of edicts shall be ordered as set forth in article 164."

Twenty six. Paragraph 1 of Article 688 shall be phrased in the following way:

"1. When the implementation is carried out on mortgaged property, the Registrar shall be required to certify the details referred to in section 1 of article 656, as well as the literal insertion of the mortgage registration to be implemented, stating that the mortgage is subsistent and not cancelled in favour of the implementing party or, where appropriate, the cancellation or amendments that appear in the Registry. In any case, the provisions of section 3 of article 656 shall apply."

Twenty seven. Article 691 shall be phrased in the following way:

"Article 691. Call for the auction of mortgaged assets. Call announcement and advertising.

1. Once the provisions of the preceding articles have been complied with and twenty days after the request for payment and after the aforementioned notifications, the plaintiff, the debtor or the third possessor shall proceed to the auction of the property or mortgaged property.

2. The auction shall be announced and advertised as set forth in articles 667 and 668.

3. When the procedure for secured debt with a mortgage on a mercantile establishment is followed, the edict published in the Auction Portal shall indicate that the purchaser shall be subject to the provisions of the Act on urban leases, accepting, where appropriate, the lessor's right to raise the rent by cession of the contract.

4. The auction of mortgaged property, whether it is movable or real estate, shall be carried out in accordance with the provisions of this Act for the auction of real estate.

5. When the Court Clerk is informed of the insolvency of the debtor, the auction shall be suspended even if it has already begun. In this case the auction shall be resumed when it is proved, by means of testimony of the judge of the insolvency judge, that the goods or rights are not necessary for the continuity of the debtor's professional or business activity, the provisions of section 2 being applicable. of article 649. In any case, the Registrar of Property shall notify the judicial Office before the executive procedure of the inscription or annotation of insolvency on the mortgaged property, as

well as the record of not being affected or not being necessary the property to the debtor's professional or business activity.

6. In the implementation processes referred to in this Chapter, the execution by means of an agreement and the implementation by means of a person or specialized entity regulated in Sections 3 and 4 of Chapter IV of this Title may also be used."

Twenty eight. Article 693 shall be phrased in the following way:

"Article 693. Partial claim of the capital or interests whose payment must be made in different terms. Anticipated termination of instalment debts.

1. The provisions of this Chapter shall be applied when a part of the capital of the credit or interest is unpaid, whose payment must be made in instalments, when the debtor has not fulfilled his/her obligation to pay at least three monthly instalments or a number of fees meaning that the debtor has breached his/her obligation for a term equivalent to at least three months. This shall be recorded by the Notary in a deed of incorporation and by the Registrar in the relevant entry. If disposing of the mortgaged property is necessary for the payment of any of the terms of the capital or interest and other terms of the obligation have not expired yet, the sale shall be verified and the property shall be transferred to the buyer with the corresponding mortgage to the part of the credit that was not satisfied.

2. The full owed debt by capital and interest may be claimed if the total termination is agreed in case of non-payment of at least three monthly instalments, if the debtor has not fulfilled his/her obligation of payment or of a number of instalments so that he/she assumes that the debtor has breached his/her obligation for a period of at least three months and if this agreement is recorded in the deed of incorporation and in the respective entry.

3. In the previous case, the creditor may request that, notwithstanding that the implementation is cleared for the entire debt, the debtor is informed that, before the auction closes, the he/she may release the asset through the appropriation of the exact amount due principal and interest is due on the filing date of the claim, increased, where appropriate, with the expiration of the loan and interest for delay that occur throughout the procedure and result unpaid in whole or in part. For these purposes, the creditor may request to proceed in accordance with the provisions of section 2 of article 578.

If the mortgaged property were the habitual residence, the debtor may release the property by consigning the amounts mentioned in the previous paragraph, even without the consent of the creditor.

Once a good has been released for the first time, it may be released on second or subsequent occasions provided, at least, three years between the date of release and that of the request for judicial or extrajudicial payment made by the creditor.

If the debtor makes the payment under the conditions set forth in the preceding paragraphs, the costs shall be assessed, which shall be calculated on the amount of the arrears paid, with the limit established in article 575.1 bis and, once these have been satisfied, the Court Clerk shall issue a decree releasing the property and declaring the proceeding terminated. The same shall be agreed when the payment is made by a third party with the consent of the performer."

Article two. Amendment of the Civil Registry Act 20/2011, dated July 21.

Act 20/2011, dated July 21, on Civil Registry Office is amended in the following way:

One. Article 44 shall be phrased in the following way:

"Article 44. Birth and filiation registration.

1. People births are registrable, in accordance with the provisions of article 30 of the Civil Code.

2. The registration attests to the fact, date, time and place of birth, identity, sex and, where appropriate, affiliation of the registered person.

3. The birth registration shall be implemented by virtue of a statement made in an official document duly signed by the respondent (s), accompanied by the optional part. To this end, the doctor, the nurse specialist in obstetric-gynaecological nursing or the nurse who helps the birth, inside or outside the health establishment, shall verify the identity of the mother of the newborn to the effects of its inclusion in the optional part by any of the means established by law. The parents shall make their statement by filling in the relevant official form, which shall contain the appropriate warnings about the value of the mentioned statement in accordance with the rules on legal determination of filiation.

If there is no medical report, the supporting documentation must be provided in the terms established by regulation.

The person in charge of the Civil Registry Office shall immediately perform the birth registration, once the documentation is received and examined. Such registration shall determine the opening of a new individual registry, to which a personal code shall be assigned in the terms provided in article 6 of this Act.

4. The filiation shall be determined, for the purposes of the birth registration, in accordance with the provisions of the civil Acts and Act 14/2006, of May 26, on techniques of assisted human reproduction.

Except in the cases referred to in Article 48, in every birth registration in Spain, maternal filiation shall necessarily be recorded, although its access shall be restricted in cases where the mother, for sound reasons, requests so and provided that she renounces to implement the rights arising from the mentioned affiliation. In case of disagreement between the statement and the optional part or regulatory verification, the latter shall prevail.

Parental filiation at the time of registration of the child shall be recorded:

a) When the marriage with the mother is duly accredited and meets the husband's presumptions of paternity established in the civil legislation or, even in the absence of those presumptions, if the consent of both spouses concur, even if there existed legal or de facto separation.

b) When the father mentions his agreement to the determination of such filiation, provided that it is not contrary to the presumptions established in the civil legislation and there is no controversy. In addition, the conditions stipulated in the civil legislation for its validity and effectiveness must be complied with.

In cases where the mother is found to have a marital relationship with a different person from the one appearing in the statement or the presumption provided for in article 116 of the Civil Code is applied, the birth registration shall be performed immediately only with the maternal filiation and proceed to the opening of a registration file for the determination of paternal filiation.

5. It shall also be recorded as marital filiation when the mother is married to another woman and not legally or de facto separated and the spouse shall state that she consents the filiation being determined in her favour regarding of her spouse's born child.

6. In the cases of adoptive filiation, the judicial or administrative resolution that constitutes the adoption shall be recorded, in accordance with the relevant legislation, being subject to the restricted advertising regime provided for in this Act.

7. The recognition of non-marital filiation after the registration of the child may be done in accordance with the forms established in the Civil Code at any time. If it is done by the father's statement before the person in charge of the Civil Registry Office, the express consent of the mother shall be required as well as the child's if he/she is of legal age or the child's legal representative's if he/she is a under legal age. If the capacity has been modified judicially, the consent of his/her legal representative, the consent of his/her curator or the consent of the child shall be required according to the sentence. In order to enable the registration, the requirements for the validity or effectiveness of the recognition required by the Civil Act must concur.

You can register the filiation by means of a file approved by the Person in charge of the Civil Registry, provided that there is no opposition from the Public Prosecutor or an interested party notified personally and obligatorily, if any of the following circumstances occurs:

(i). When there is undisclosed written by the father or mother in which the filiation is expressly recognized.

(ii). When the child is continuously deemed as the child of the father or mother, justified by direct acts of the father or his family.

(iii). Regarding the mother, provided that the fact of the birth and the identity of the child are fully proven.

If there is an opposition, the registration of the filiation can only be obtained by the procedure regulated in the Act of Civil Procedure.

8. In the cases of controversy and in those other cases established by law, in order to register the paternal filiation, a prior judicial decision shall be required, in accordance with the provisions set forth in the procedural legislation.

9. Once the registration has been made, the person in charge shall issue an electronic literal certification of the birth registration and shall make it available to the declarant(s)."

Two. Article 45 shall be phrased in the following way:

"Article 45. Liable parties to promote birth registration.

The following cases are required to promote birth registration.

1. The management of hospitals, clinics and health facilities.

2. The medical or health personnel who helped the birth, when it took place outside the health facility.

3. The parents. However, in case of child relinquishment at the time of birth, the mother shall not have this obligation, which shall be assumed by the corresponding Public Entity.

4. The closest relative or, failing that, any person of legal age present at the place of delivery at the time of the birth."

Three. Article 46 is amended and shall be phrased in the following way:

"Article 46. Birth notice by health centres.

The hospitals address, clinics and health establishments shall notify within a period of seventy-two hours the Office of the Civil Registry corresponding about every birth happening in the health centre, except those cases that require a person to appear before the person in charge of the Civil registration. The health personnel attending the birth must take, under their responsibility, the necessary precautions to ensure the identification of the newborn and shall carry out the established verifications in an undoubted way the relationship of maternal filiation, including, where appropriate, the biometric, medical tests and analyses that are necessary for this according to the regulatory legislation of medical records. In any case, the two newborn footprints shall be taken along with the mother's fingerprints to be included in the same document. In the birth registration performed in the Civil Registry Office, the performance of the mentioned tests and the health centre that initially keeps the information related to them shall be listed, without prejudice of the transfer of this information to the final files of the relevant administration.

Once the requirements have been met, the notice shall be made through the electronic submission of the official statement form duly completed by the health centre and signed by the person or persons who have the obligation to notify the birth, which shall include the identification and nationality of the respondents, and their statements regarding the name chosen for the newborn, the order of their surnames and their paternal filiation. The birth certificate signed by the doctor who helps the birth shall be included in this form. The mentioned referral shall be made by personnel of the health centre, which shall use safe electronic identification and signature mechanisms.

Simultaneously with the presentation of the aforementioned official forms, the data required for the purposes of the competences assigned by the act to the mentioned Institute shall be sent to the National Institute of Statistics.

The signatories are required to prove their identity to the health personnel who helped the birth, under their responsibility, by the means provided by Law."

Four. Article 47 shall be phrased in the following way:

"Article 47. Birth registration by statement of other liable persons.

1. Regarding births that have occurred outside of a health centre, or when, for any reason, the document has not been submitted within the time frame and the conditions set forth in the previous article, those required to promote the registration shall have a period of ten days to declare the birth before the Civil Registry Office or the Consular Offices of the Civil Registry.

2. The statement shall be made by presenting the official document duly completed accompanied by the mandatory medical certificate signed electronically by the doctor or, failing that, the supporting document in the terms established by law.

3. In order to register the declaration, when the time limit has elapsed since birth, a resolution issued in the registry file shall be required."

Five. Paragraphs 1 and 4 of Article 49 shall be phrased in the following way:

"1. The birth registration shall include the identity information of the newborn consisting of the given name and the last names that correspond to him/her according to the filiation. They shall also state the place, date and time of birth and the sex of the newborn. "

"4. In addition, and whenever possible, the following circumstances of the parents shall be recorded: name and surname, National Identity Document or identification number and passport of the foreigner, where appropriate, place and date of birth, marital status, address and nationality, as well as any other information necessary for the fulfilment of the purpose of the Civil Registry referred to in article 2 included in the officially approved models. If the mother relinquished her child at the time of delivery, the address of the child shall be subject to the restricted advertising regime, and shall not appear for statistical purposes."

Six. Article 64 shall be phrased in the following way:

"Article 64. Death notice by health centres.

The management of hospitals, clinics and health facilities shall report the competent Civil Registry Office and the National Statistics Institute of each of the deaths that have taken place in their health centre. The notification shall be sent by electronic means within the term established by regulation by sending the official form duly completed, accompanied by the medical certificate signed by the doctor. The mentioned referral shall be made by personnel of the health centre, who shall use for this purpose secure electronic identification and signature mechanisms."

Seven. Article 66 shall be phrased in the following way:

"Article 66. Medical death certificate.

The death registration shall be made in no case without the medical death certificate having been submitted to the Civil Registry. In the certificate, in addition to the necessary circumstances for the registration performance, those required for the purposes of the National Institute of Statistics must be collected and, in any case, the existence or not of signs of violent death and, where appropriate, the initiation or non-initiation of judicial proceedings for the death if they were known or any reason why, in the doctor's view, the burial license shall not be issued.

The circumstances mentioned in the second part of the previous paragraph shall not be incorporated into the death registration nor shall be subject to the publicity regime established in this Act, being its sole purpose established in this article."

Eight. A number 3 is added to article 67 and is phrased in the following way:

"3. When the death occurred after the first six months of pregnancy, before birth, and provided that the newborn had died before receiving medical discharge, after birth, the medical certificate must be signed, at least, by two practitioners, who shall affirm, under their responsibility, that, of the birth and, in its case, of the tests made with the genetic material of the mother and the son, reasonable doubts do not arise on the maternal filial relation; the registration, or the file referred to in the fourth additional provision where applied, shall be recorded, and the health centre shall initially keep the information related thereto, without prejudice to the transfer of this information to the final files of the corresponding Administration when appropriate."

Nine. A ninth additional provision is amended, which is worded in the following way:

"Ninth additional provision. Data collection from the National Institute of Statistics.

To enable the electronic processing of the Civil Registries, the National Statistics Institute shall provide electronic access to the address information related to the Municipal Register related to the registrable events, as well as, if necessary, for the correct identification of the aforementioned facts, to the identification data that appear in the register registration, without specifying the consent of the interested party.

The register data shall also be used to update the information in the databases of the Civil Registry Offices, under the same conditions as in the previous paragraph."

Ten. The tenth final provision is worded in the following way:

"Tenth final provision. Entry into force.

This Act shall entry into force on June 30, 2017, except the seventh and eight additional provisions and the third and sixth final provisions, which shall entry into force the day after its publication in the "Official State Journal."

Notwithstanding the foregoing, the articles of this Act modified by the second article of Act 119/2015, dated July 13, on administrative reform arrangements in the area of Justice and Civil Registry Office Administration.

Until the full entry into force of this Act, the Government shall adopt the actions and the necessary regulatory changes that affect the organization and operating of the Civil Registries."

First additional provision. *Signature through previously agreed keys in the scope of the Auction Portal dependent on the Official State Bulletin State Agency.*

Without prejudice to compliance with security standards, the Electronic Auction Portal system of the Official State Journal State Agency shall admit the use by their users, of key systems previously arranged in their connections with the Auction Portal and for the performance of bids. In any case, users must have been previously identified, personally or by means of a recognized signature certificate.

Second additional provision. *Protection of personal data in the electronic auction.*

1. The processing of personal data carried out within the framework of the electronic auction procedures referred to in the first article of this Act shall be fully subject to the provisions of Organic Act 15/1999, of December 13, related to Protection of Personal Data, and its regulatory provisions for development.

Without prejudice to the responsibility of the judicial offices on the processing of personal data, it is the Official State Journal State Agency responsibility to implement the technical and organizational measures referred to in article 9 of the Auction Portal Organic Act 15/1999, of December 13.

2. The search systems implemented by the Official State Journal State Agency shall have the necessary mechanisms to avoid indexing and automatic recovery of electronic auction ads through search engines from the Internet.

Third additional provision. *Update of the family record book.*

It shall not be necessary to update the contents of the Family Record Book when it is accompanied by the electronic literal certification certifying the birth referred to in article 44.9 of Act 20/2011, of July 21, on the Civil Registry Office.

Fourth additional provision. *Measures.*

The arrangements included in this Act may not imply an increase in provisions or in compensation or other personnel expenses.

First transitional provision. *Pending processes.*

The auctions of the procedures initiated prior to the entry into force of this Act, whose publication has been agreed, shall be carried out in accordance with the procedural rules in force on the date of the filing of the application.

Second transitional provision. *Transitional regime until the entry into force of the Civil Registry Act 20/2011, dated July 21.*

Until the full entry into force of Act 20/2011, of July 21, on the Civil Registry Office, the provisions of the second article of this Act shall be applied to the Civil Registries regulated in the Act of June 8, 1957, on the Civil Registry, performing the relevant registrations in the sections of births and deaths foreseen in the mentioned Act.

Third transitional provision. *Recognized electronic signature of the doctor and the personnel of the health centre.*

Until the doctors referred to in articles 46 and 64 of Act 20/2011, of July 21, on the Civil Registry Office do not have certificates of recognized electronic signature, they may sign by hand the medical reports and certificates referred to in the mentioned articles, although in any case the delivery of such documents, together with the others that are necessary in each case, must be done electronically.

In addition to the recognized electronic signature of the staff of the health facility, electronic certificates identifying the establishment may also be used.

Other alternative technological procedures that also guarantee the authenticity of the document, its integrity, confidentiality and non-repudiation may be established by regulations.

Single repealing provision.

1. The twentieth, twenty-first, twenty-third, twenty-fourth and twenty-fifth additional provisions of Act 18/2014, of October 15, related to the approval of urgent measures for growth, competitiveness and efficiency are hereby repealed.

2. In addition, every rule that is contrary to the provisions of this Act shall be repealed:

First final provision. *Modification of the Commercial Code for the transposition of Directive 2012/17/EU of the European Parliament and of the Council of June 13, 2012, which modifies the Council Directive 89/666/EEC and Directives 2005/56/CE and 2009/101/EC of the European Parliament and of the Council, regarding the interconnection of central, commercial and company registers.*

A new Section 5 is added to Article 17 of the Commercial Code, which shall be phrased in the following way:

"5. The Mercantile Registry shall ensure interconnection with the European central platform in the manner determined by European Union regulations and the regulations that develop them. The exchange of information through the interconnection system shall enable the interested parties to obtain information on the indications referring to the name and legal form of the company, its registered office, the Member State where it was registered and its registration number."

Second final provision. *Civil Code Amendment.*

Article 120 of the Civil code is amended and shall be phrased in the following way:

"Non-marital filiation shall be legally determined:

(i). At the time of registration of the birth, by the declaration made by the father in the corresponding official form referred to in the Civil Registry legislation.

(ii). For recognition before the person in charge of the Civil Registry, in a will or in another public document.

(iii). By resolution relapse in file processed in accordance with the legislation of the Civil Registry.

(iv). By final sentence.

(v). Regarding the mother, when the maternal filiation is recorded in the birth registration performed within the term, in accordance with the provisions of the Civil Registry Office Act.

Third final provision. *Amendment of the Mortgage Act in its text approved by Decree of February 8, 1946.*

A new wording is given to letters a) and f) in section 2 of article 129 of the Mortgage Act, the text is approved by Decree of February 8, 1946, which are phrased in the following way:

"a) The value at which the interested parties appraise the real estate to serve as a type in the auction may not be different from that, if any, set for the procedure of direct judicial implementation, nor may in any case be less than 75 percent of the value indicated in the appraisal that, if applicable, is made under the provisions of Act 2/1981, of March 25, regulating the mortgage market."

"f) When the Notary considers that any of the clauses of the mortgage loan that constitutes the basis of the extrajudicial sale or that has determined the amount due may be abusive, the debtor shall be informed, the creditor and, where applicable, the guarantor and non-debtor mortgagor, for the appropriate purposes.

In any case, the Notary shall cancel the extrajudicial sale when any of the parties proves having raised before the relevant Judge, in accordance with the provisions of article 684 of the Civil Procedure Act, the abusive nature of the mentioned contractual clauses.

The issue of such abusive nature shall be substantiated by the procedures and with the effects foreseen for the opposition case regulated in section 4 of article 695.1 of the Act of Civil Procedure.

Once the matter has been substantiated, and provided it is not an abusive clause that constitutes the basis of the sale or that established the amount required, the Notary may continue the extrajudicial sale at the request of the creditor."

Fourth final provision. *Amendment of Act 41/2002 dated November 14, related to the basic regulatory of the autonomy of the patient and to rights and obligations in matters of information and clinical documentation.*

Act 41/2002 dated November 14, related to the basic regulatory of the autonomy of the patient and to rights and obligations in matters of information and clinical documentation is amended in the following terms:

One. Paragraph 3 in Article 15 is phrased in the following way:

"When it comes to birth, the medical record shall include, in addition to the information referred to in this section, the results of the biometric, medical or analytical tests that may arise, if necessary, to determine the link of affiliation with the mother, in the terms established by regulation."

Two. Paragraphs 1 and 2 of Article 17 are amended and shall be phrased in the following way:

"1. The health centres have the obligation to preserve the clinical documentation under conditions that guarantee their correct maintenance and safety, although not necessarily in the original support, for the proper assistance to the patient during the appropriate time in each case and, at least, five years from the date of discharge of each healthcare process.

However, the clinical history information related to the birth of the patient, including the results of the biometric, medical or analytical tests that may be necessary to determine the relationship of filiation with the mother, shall not be destroyed, moving once known the death of the patient, to the final files of the relevant Administration, where they shall be kept with the appropriate security measures for the purposes of data protection legislation.

2. Clinical documentation shall also be kept for judicial purposes in accordance with current legislation. It shall also be maintained when there are epidemiological, research or organizational and operational reasons of the National Health System. Its processing shall be performed in a way that avoids the identification of the affected persons as much as possible.

Without prejudice to the right referred to in the following article, the medical history data related to the biometric, medical or analytical tests that are necessary to determine the filiation link with the mother of the newborn child, may only be notified at the request of the Court, within the relevant criminal process or in case of legal claim or challenge of the maternal filiation."

Fifth final provision. *Amendment of the as Act 14/2006, dated May 26, on techniques of assisted human reproduction.*

Act 14/2006, dated May 26 on techniques of assisted human reproduction is amended in the following terms:

One. Paragraph 3 in Article 7 is amended and shall be phrased in the following way:

"3. When the woman is married, and not legally or in fact separated, with another woman, the latter may state in accordance with the provisions of the Civil Registry Act that consents to the filiation being determined in her favour regarding her spouse's born child."

Two. Paragraph 2 in Article 8 is amended and shall be phrased in the following way:

"2. It is deemed an authentic document for the purposes specified in section 8 of article 44 of Act 20/2011, of July 21, of the Civil Registry, the document extended before the centre or authorized service in which the consent to fertilization is reflected the donor contribution loaned by unmarried male prior to the use of the techniques. Legal claim of paternity is saved."

Three. Paragraph 3 in Article 9 is amended and shall be phrased in the following way:

"3. The male not linked by marriage bond may use the possibility provided in the previous section; the mentioned consent shall serve as the title to initiate the file of section 8 of article 44 of Act 20/2011, of July 21, of the Civil Registry Office, without prejudice to the legal action for claiming paternity."

Sixth final provision. *Regulation of electronic allocations in judicial auctions.*

Within three months from the publication of this Act, the procedure to formalize the allocation system in electronic headquarters of the amounts necessary to take part in judicial auctions shall be regulated, by royal decree, upon proposal of the Ministers of Justice and Finance and Public Administrations.

Seventh final provision. *Procedure for obtaining Spanish nationality by residence.*

1. The procedure for granting Spanish nationality by residence shall be governed by the provisions of the Civil Code, by the provisions of this provision and the regulations that develop it. This regulation shall include the special features of the procedure for personnel at the service of the Armed Forces.

2. The processing of the procedure shall be electronic and its instruction shall correspond to the General Directorate of Registries and Notaries. All notices relating to this procedure shall be made electronically.

3. The fulfilment of the requirements demanded by the Civil Code for the obtaining of the Spanish nationality by residence must be accredited by means of the documents and other tests provided by law and regulations.

The certification of a sufficient degree of integration in Spanish society shall require the passing of two tests.

The first test shall certify a basic knowledge of the Spanish language, level A2 or higher, of the Common European Framework of Reference for Languages of the Council of Europe, by passing a test to obtain a Spanish diploma as a foreign language DELE level A2 or higher. National applicants from countries or territories in which Spanish is the official language shall be exempt from this test.

In the second test the knowledge of the Spanish Constitution and of the Spanish social and cultural reality shall be assessed.

The mentioned tests shall be designed and administered by Instituto Cervantes under the conditions established by regulation.

People under eighteen years old and persons with judicially modified capacity shall be exempt from the aforementioned tests.

4. The procedure referred to in this Article shall be subject to the payment of a fee of 100 euros. The taxable event of the fee is the application for the initiation of the procedure to obtain the Spanish nationality by residence and the interested party shall be subject to it, without prejudice to the fact that he/she can act by representation and independently of the result of the procedure. The management of the rate shall

correspond to the Ministry of Justice, which shall regulate how the payment should be made.

Eight final provision. *Regulatory authorization.*

1. The regulation that sets the electronic procedure for obtaining Spanish nationality by residence shall be approved by Royal Decree, upon proposal of the Minister of Justice.

2. The Minister of Justice is authorized to dictate the provisions that are necessary for the implementation of what is established in this Act.

Ninth final provision. *Enabling provisions and basic legislation.*

1. This Act is issued under the following enabling provisions:

a) The first article is issued under the jurisdiction of procedural legislation that corresponds to the State in accordance with article 149.1.6.ª of the Spanish Constitution, without prejudice to the necessary specialities that arise from the particularities of the substantive act of the autonomous communities in this order.

b) The second article and the third and fifth final dispositions are issued under article 149.1.8.ª of the Spanish Constitution, which assigns to the State the exclusive jurisdiction regarding the management of public records and instruments.

c) The second final provision is issued under article 149.1.8.ª of the Constitution, which assigns to the State the jurisdiction to enact civil legislation without prejudice to the conservation, modification and development by the Autonomous Communities of civil, regional or special rights where appropriate.

d) The seventh final provision is issued under Article 149.1.2.ª of the Spanish Constitution, which assigns to the State exclusive jurisdiction over nationality matters.

e) The first final provision is issued under Article 149.1.6.ª of the Spanish Constitution that assigns to the State the competence to dictate commercial legislation.

2. The fourth final provision has the status of basic legislation in accordance with the provisions of article 149.1.1.ª and 16.ª of the Spanish Constitution.

Tenth final provision. *Entry into force.*

This Act shall entry into force on October 15, 2015, except the tenth section of Article 2 and Section 1 of the sole repealing provision, which shall entry into force the day after its publication in the “Official State Journal”.

Therefore,

I order all the Spaniards, private citizens and authorities to abide and enforce this Act.

Madrid, July 13, 2015.

FELIPE R.

The President or the Spanish Government,

MARIANO RAJOY BREY


GOBIERNO
DE ESPAÑA
MINISTERIO
DE JUSTICIA