

Ministerio de Justicia



**LAW 10/2012, OF 20 NOVEMBER, GOVERNING
CERTAIN FEES IN THE AREA OF THE
ADMINISTRATION OF JUSTICE AND THE
NATIONAL INSTITUTE OF TOXICOLOGY AND
FORENSIC SCIENCE**

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"El presente texto es una traducción de un original en castellano que no tiene carácter oficial en el sentido previsto por el apartado 1º) artículo 6 del Real Decreto 2555/1977, de 27 de agosto, por el que se aprueba el Reglamento de la Oficina de Interpretación de Lenguas del Ministerio de Asuntos Exteriores y de Cooperación."

LAW 10/2012, OF 20 NOVEMBER, GOVERNING CERTAIN FEES IN THE AREA OF THE ADMINISTRATION OF JUSTICE AND THE NATIONAL INSTITUTE OF TOXICOLOGY AND FORENSIC SCIENCE

PREAMBLE

I

Law 53/2002, of 30 December, on tax and administrative dispute measures and measures relating to the labour courts, restored the fee for the exercise of jurisdiction in the area of justice administration. This model has recently been subject to certain modifications, in particular by Law 4/2011, of 24 March, amending Law 1/2000, of 7 January, to facilitate the application of the European order for payment and small claims procedures in Spain, which, in view of the distortions that were then detected, extended payment of the fee to small debt proceedings. Soon afterwards, Law 37/2011, of 10 October, on Measures to Expedite the Judicial Process, also introduced certain adjustments, refining the previous reform.

Despite those partial reforms, there are still imbalances in this area that justify the adoption of new regulations that go into greater detail with regard to certain aspects of court fees, in particular those which the Constitutional Court found to be in accordance with our basic rule in its judgement 20/2012, of 16 February 2012.

The right to due process must not be confused with the right to legal aid. They are two different legal concepts. From the moment that the Constitution entrusts legislators with regulating the scope of the latter, it recognises that citizens may pay for the services that they receive from the administration of justice. Only in those cases where “insufficient means to litigate” can be proven does the Constitution itself establish that access to justice should be free of charge.

The Law takes great pains such that the “fee for the exercise of jurisdiction in the civil, administrative dispute and labour courts” does not affect the right of access to justice as a basic component of the fundamental right to due process established by article 24 of the Constitution, in accordance with the relevant case law of the Constitutional Court.

The recent Constitutional Court ruling has not only confirmed the constitutionality of the fees, but it also expressly recognises the viability of a model in which part of the cost of the administration of justice is met by those who benefit from it most.

By citizens that have recourse to the courts assuming part of the cost which this implies, the intention is to rationalise the exercise of jurisdiction, while, at the same time, the fee will provide greater resources which will improve the funding of the justice system and, in particular, of legal aid, within the general rules laid down by article 27 of Law 47/2003, of 26 November, the General Budget Act.

II

The application of the fee in the area of the administration of justice is based on its concept in tax law, which establishes it as a taxable item, for, *inter alia*, the provision of services under public law which affect or benefit the taxpayer. Likewise, the tax burden is not determined based on the financial means of the taxpayer, but rather the cost of the service provided, which may never be exceeded.

The new regulations substantially increase the number of both taxable items and taxable persons, which now include not only legal persons, but natural persons as well. However, the subjective exemption of those who are eligible for legal aid is provided for, as is the exemption of debtors applying for bankruptcy, the public prosecutor's office, public authorities and the Spanish Parliament and the legislative assemblies of the autonomous regions.

This Law also extends its scope of application to the labour courts, but only with regard to appeals lodged against labour court decisions and for cassation and in a manner proportionate to the interests protected therein, taking into consideration the rights and interests at stake in these courts, which also leads to the provision for a reduced fee when the claimant lodging those appeals is a salaried employee or self-employed individual. On account of their special characteristics in relation to access to justice, only the criminal courts are excluded from the scope of the fee.

The Law maintains various aspects of the provisions article 35 of Law 53/2002, of 30 December. This includes maintaining the criterion regarding the amount of the fee in accordance with two factors: A variable amount, in view of the amount involved in the legal proceedings, and a fixed amount, according to the type of proceedings.

And it includes new provisions that facilitate its application. This applies to foreigners and residents outside Spain appearing in proceedings in Spain,

who, until now, in order to pay the fee, had to provide many documents that were not even necessary for the proceedings. When that happened in proceedings such as the tendering of a plea or the filing of a counterclaim or appeal, there was not even enough time to legalise all the documents required (articles of association, powers of attorney, sworn translations and apostilles or consular legalisations). That explains the new solution which, in general, allows the lawyer or court procedural representative of the taxable person to pay the fee for the relevant proceedings.

III

The regulation of the court fee, as has already been said, is not merely a tax matter, but also a procedural one. The new fee framework is based, on the one hand, on the fact that the Ministry of Finance and Public Authorities (Ministerio de Hacienda y Administraciones Públicas) is responsible for its financial management. But, on the other, it takes into account the establishment of the Justice Office (Oficina Judicial) and the powers of the clerk of the court, who, in each case, will check that the fee has indeed been paid. In the event of non-payment, the framework provides that the proceedings requested shall not begin.

The Law sets out the various circumstances that could give rise to payment of the fee and, in particular, those that alter payment of the fee, which would be affected, for example, by the transition from small debt proceedings to other ordinary proceedings. With the basic aim of encouraging the resolution of disputes out of court, a refund of the fee is provided for, in all proceedings to which it applies, when an out-of-court resolution is achieved that saves part of the cost of providing services. The refund will be given after the relevant clerk of the court has certified that the proceedings were concluded out of court. The joinder of proceedings shall also give rise to a refund of the fee paid for each of the claims that initiated the proceedings that are subject to unification.

This Law also repeals section 3 of article 23 of Law 29/1998, of 13 July, on the Administrative Dispute Court System, insofar as the exemption from payment for civil servants in staffing matters that do not involve their dismissal no longer makes sense. Practice shows how that lack of technical representation ends up being an obstacle to a faster and more effective unfolding of proceedings. In relation to civil servants, their exemption from the fee in administrative dispute proceedings which they initiate in defence of their statutory rights should also be emphasised, making their situation equivalent to that of workers in general in the labour courts.

It should also be recalled that Law 37/2011, of 10 October, on Measures to Expedite the Judicial Process, added a new provision, number 7, to article 241 of Law 1/2000, of 7 January, on Civil Procedure, which includes the

fee for the exercise of jurisdiction within court costs. Therefore, in the event that the proceedings expire and costs are awarded against the other party, payment of the fee shall be transferred to the defendant.

IV

Alternatively, this Law governs the fee for the inclusion or modification of toxicology data sheets on the chemical products register of the Toxicology Information Service of the National Institute of Toxicology and Forensic Science. This service offers relevant information for formulating preventative and curative measures and providing the public health response in the event of an emergency.

Since 1971, the Toxicology Information Service of the National Institute of Toxicology and Forensic Science has acted as a poison control centre, performing functions in relation to preventing and advising on instances of intoxication and exposure to toxic substances, in collaboration with the Civil Protection Emergency Centre and the relevant health authorities for public health alerts, and dealing with telephone enquiries from private individuals and healthcare professionals from all over Spain.

This function of contributing to intoxication prevention, expressly included in article 480 of Organic Law 6/1985, of 1 July, on the Judiciary, and in articles 1 and 2 of Royal Decree 862/1998, of 8 May, approving the Toxicology Institute Regulations, has obliged the Ministry of Justice to adjust the human and material resources necessary to guarantee the quality of the service provided, ensuring that the public health response is in line with scientific and medical advances.

Until 2010, national and Community regulations only obliged companies selling detergents, cleaning products and bleaches to provide the Institute with the necessary information about their composition to allow the appropriate public health response.

The above notwithstanding, in order to ensure a high level of human health and environmental protection, Community regulations and, in particular, Regulation (EC) No. 1272/2008 of the European Parliament and of the Council, of 16 December 2008, on classification, labelling and packaging of substances and mixtures, establishes harmonised criteria for the classification and labelling of chemical substances and mixtures. The aforesaid Regulation (EC) NO. 1272/2008, which is based on the principle of precaution, establishes specific duties and obligations for manufacturers, importers and downstream users, who are responsible for ensuring suitable protection and providing their recipients with the essential

information, by means of the labels and safety data sheets provided for in Regulation (EC) No. 1907/2006, which will enable the end user to use them safely.

Furthermore, article 45 of Regulation (EC) No. 1272/2008 establishes the obligation of Member States to designate an organisation responsible for receiving the information required to formulate the public health response in the event of an emergency from companies that sell mixtures classified as hazardous due to their effects on human health or to their physical effects, as well as the chemical identity of the substances present in the mixtures where the European Chemicals Agency or the Member States have accepted an alternative name.

It is likewise set forth that Member States are obliged not only to establish controls to ensure compliance with the obligations imposed on companies manufacturing and selling chemical substances and mixtures, but also to regulate the penalties applicable to violations in accordance with the provisions of article 126 of Regulation (EC) No. 1907/2006 and article 47 of Regulation (EC) No. 1272/2008.

In compliance with the aforesaid Community regulations, Law 8/2010, of 31 March, was approved, which sets forth the system of penalties provided for in the Regulations (EC) with regard to the registration, evaluation, authorisation and restriction of chemical substances and mixtures (REACH) and concerning the classification, labelling and packaging of substances and mixtures (CLP).

Therefore, to comply with that obligation, all companies that sell mixtures which could have an effect on human health will have to provide the National Institute of Toxicology and Forensic Science with their composition, so that the Institute can provide the public with health information in the event of intoxication and detect toxicological alerts when the existence of a chemical product that has a negative effect on public health emerges from the calls received. Furthermore, companies which the European Chemicals Agency has allowed to use an alternative chemical name must inform this organisation of the chemical identity of the substance.

This obligation, which affects companies that benefit from selling chemical mixtures classified as hazardous due to their effects on human health or their physical effects, has a direct impact on the assistance provided by the Toxicology Information Service, which has to adapt its technological and human resources to ensure that it carries out its function properly, in order to protect public health.

This situation justifies those selling the products and those who benefit from the toxicology services of the National Institute of Toxicology and Forensic Science, either directly, by reducing the effects of a possible instance of intoxication by the products sold, or directly, by providing emergency public health information to their end users, contributing to the funding of the toxicology service, by means of the creation of the relevant fee for requesting the inclusion or modification of the product on the chemical products register of the Toxicology Information Service, which is necessary for providing information about suitable healthcare.

Lastly, a reduced fee has been established which is applicable to microenterprises and small and medium-sized enterprises (SMEs) for the compliance with Commission Recommendation 2003/361/EC, of 6 May 2003, concerning the definition of micro, small and medium-sized enterprises, in addition to a temporary exemption to compensate those companies which, through their associations, have contributed, even financially, to the running of the current database of the Toxicology Information Service. To that end, all those companies which, as at 17 February 2012, were members of the association of detergent companies and companies dealing in cleaning, maintenance and similar products (Asociación de Empresas de Detergentes y de Productos de Limpieza, Mantenimiento y Afines (ADELMA)), the National Federation of Associations of Manufactures of Bleaches and Derived Products (Federación Nacional de Asociaciones de Fabricantes de Lejías y Derivados (FENALYD)), the National Association of Major Distribution Companies (Asociación Nacional de Grandes Empresas de Distribución (ANGED)) and the Spanish Association of Distributors, Self-service Stores and Supermarkets (Asociación Española de Distribuidores, Autoservicios y Supermercados (ASEDAS)) shall be deemed to be exempt, that being the date on which the aforesaid associations and federation gave the Ministry of Justice, free of charge and for an indefinite period, the use of the application for transmitting data and loading it onto the database of the Toxicology Information Service, so that it can be used by all sectors of the industry.

V

The aim of the fourth final provision is to allow the reduction in the extraordinary payment provided for in Royal Decree-Law 20/2012 to be adapted to the professional reality of the judiciary, public prosecutors and the bodies of civil servants working in the administration of justice, such that the reduction that those groups receive in their annual salaries is equivalent to that received by other civil servants.

This is due to the fact that, although in Royal Decree 8/2010 a similar reduction in salary was established for every body throughout the civil

service, the manner of implementing it in the administration of justice was different from other areas in the public sector, as a result of the provisions of the Organic Law on the Judiciary. Given that the aforesaid Organic Law required that, in the area of justice administration, extraordinary payments as salary and as triennial salary increases were equal to ordinary monthly salary payments, even though the total annual percentage of the reduction was similar in the administration of justice and in the central state administration, the reduction in the amount of the ordinary monthly payment in the area of justice was the same as the reduction applied to the aforesaid extraordinary payments as salary and as triennial salary increases, while in the central state administration civil servants received a bigger reduction in their extraordinary payments, but a smaller reduction in their ordinary payments.

Furthermore, clarification is given of the rules applicable to general civil service insurance company payments and pension fund contributions for the month of December 2012, as laid down in article 121, section 4 of Law 2/2012, of 29 June, on the General State Budget for 2012.

TITLE I

FEE FOR THE EXERCISE OF JURISDICTION IN THE CIVIL, ADMINISTRATIVE DISPUTE AND LABOUR COURTS

Article 1. *Scope of application of the fee for the exercise of jurisdiction in civil, administrative dispute and labour courts.*

The fee for the exercise of jurisdiction in civil, administrative dispute and labour courts is a state fee and may be imposed equally throughout national territory in the circumstances provided for in this Law, without prejudice to the fees and other taxes that the autonomous regions may impose in the exercise of their respective financial powers, which may not be levied on the same chargeable events.

Article 2. *Chargeable event for the fee.*

The exercise of jurisdiction given rise to by the following proceedings constitutes a chargeable event for the fee:

- a) Filing a claim in any kind of declaratory proceedings and enforcing automatically enforceable extrajudicial documents in the civil courts, filing a counterclaim and the initial request for small debt proceedings and for the European order for payment procedure.
- b) Applying for involuntary bankruptcy and ancillary proceedings in bankruptcy proceedings.

- c) Filing an appeal for a judicial review¹.
- d) Filing an appeal to the Supreme Court for an infringement of civil procedure.
- e) Filing appeals against rulings and for cassation in the civil and administrative dispute courts.
- f) Filing appeals for reversal and cassation in the labour courts.
- g) Opposing the enforcement of judicial instruments.

Article 3. Person liable for the fee.

1. The person who instigates the exercise of jurisdiction and carries out the relevant chargeable event is the person liable for the fee².

For the purposes provided for in the preceding paragraph, a chargeable event shall be deemed to be carried out when various main proceedings which do not come from the same instrument are combined in the document bringing the proceedings that constitute the chargeable event. In this case, the amounts of each of the combined proceedings will be added together to calculate the amount of the fee.

2. The fee may be paid by the procedural representative or lawyer on behalf of the person liable when the person liable does not reside in Spain and without it being necessary for him to obtain a tax identification number prior to the payment being made. The court procedural representative or lawyer shall not incur any tax liability on account of the payment.

Article 4. Exemptions from the fee.

1. Objective exemptions from the fee are made in the event of³:

- a) Filing a claim and subsequent appeals in relation to proceedings concerning capacity, kinship, marriage and minors regulated in title I of book IV of the Civil Procedure Act (Ley de Enjuiciamiento Civil). However, proceedings regulated in chapter IV of the aforesaid title and book of the Civil Procedure Act which are not instigated by mutual agreement or by one of the parties with the consent of the other are subject to payment of the fee, even where minors are concerned, unless the measures requested deal exclusively with them.

¹ Letter c) is amended by art. 1.1 of Royal Decree-Law 3/2013, of 22 February.

² Section 1 is amended by art. 1.2 of Royal Decree-Law 3/2013, of 22 February.

³ Section 1 is amended and section 4 is added by articles 1.3 and 4 of Royal Decree-Law 3/2013, of 22 February

b) Filing a claim and subsequent appeals in relation to the proceedings established especially for the protection of fundamental rights and civil liberties, as well as those against electoral authority actions.

c) Applying for voluntary bankruptcy by the debtor.

d) Filing an appeal for a judicial review by civil servants in defence of their statutory rights.

e) Submitting the initial petition for small debt proceedings and the statement of claim in oral proceedings for payment when the amount in each case does not exceed two thousand euros. This exemption shall not apply where the claim brought in these proceedings is based on an automatically enforceable extrajudicial document in accordance with the provisions of article 517 of Law 1/2000, of 7 January, the Civil Procedure Act.

f) Filing appeals for judicial review on the grounds of negative administrative silence or lack of action by the authorities.

g) Filing a claim for the enforcement of awards made by consumer arbitration boards.

h) Proceedings, in the interests of the bankruptcy estate and with the prior authorisation of the commercial court judge, are brought by the trustees in bankruptcy.

i) Proceedings for the legal division of assets, except where objections are raised or a dispute arises regarding the inclusion or exclusion of assets. The fee shall apply to the declaratory proceedings and to the amount disputed or derived from the objection to the partition papers, at the expense of the opposing party, or, if both parties oppose, at the expense of each of them for their respective amount.

2. From a subjective point of view, the following are always exempt from this fee:

a) Individuals who have been granted legal aid and are able to prove that they meet the requirements for it, in accordance with its governing regulations.

b) The public prosecutor's office.

c) Central government, the autonomous regional governments, local bodies and public organisations dependent on all of them.

d) The Spanish Parliament and the legislative assemblies of the autonomous regions.

3. In the labour courts, workers, whether salaried employees or self-employed, are exempt from 60 per cent of the relevant fee for filing appeals for reversal or cassation.

4. In the administrative dispute courts, civil servants are exempt from 60 per cent of the relevant fee for filing appeals against decisions and appeals for cassation where they are acting in defence of their statutory rights.

Article 5. *Payment of the fee.*

1. In civil courts, the fee becomes payable at the following points in proceedings:

- a) Filing of the statement of claim.
- b) Filing particulars of the counterclaim.
- c) Submission of the initial request for small debt proceedings and the European order for payment procedure.
- d) Submission of the application for a declaration of bankruptcy by the creditor and other parties having standing.
- e) Filing an ancillary claim in bankruptcy proceedings.
- f) Lodging an appeal against a decision.
- g) Lodging an appeal with the Supreme Court for a procedural violation.
- h) Lodging an appeal for cassation.
- i) Lodging an objection to the enforcement of judicial instruments.

2. In administrative dispute courts, the fee becomes payable at the following points in proceedings:

- a) Lodging an administrative dispute appeal, whether accompanied by a statement of claim or otherwise.
- b) Lodging an appeal against a decision.
- c) Lodging an appeal for cassation.

3. In labour courts, the fee becomes payable at the moment the appeal for reversal or cassation is lodged.

Article 6. *Amount on which the fee is based.*

1. The amount on which the fee is based coincides with the value of the legal proceedings or appeal, established in accordance with procedural regulations.

2. Proceedings for an indefinite amount or those where it is impossible to determine the amount in accordance with the provisions of Law 1/2000, of 7 January, the Civil Procedure Act, shall be ascribed a value of eighteen thousand euros, solely for the purposes of establishing the amount on which this fee is based.

For the purposes of determining the amount on which the fee is based, the procedures governed by chapter IV of title I of book IV of the Civil Procedure Act are deemed to be procedures for an indefinite amount which are not exempt from payment of the fee.

3. In the event of joinder of proceedings or in cases where different claims are brought in a single claim, counterclaim or appeal, when calculating the fee, the sum of the amounts relating to the different claims brought or to the different proceedings that have been combined shall be taken into account. In the event that it is impossible to establish a financial value for one or more of the claims or combined proceedings, the rule set out in the preceding section shall apply⁴.

Article 7. Determining the amount of the fee⁵.

1. Without prejudice to their amendment as provided for in article 8, the fixed sum shall be payable, according to the type of procedure, as set forth in the following table:

In civil courts:

Oral and collection proceedings	Ordinary	Small debt proceedings, European order for payment procedure and ancillary claim in bankruptcy proceedings	Extrajudicial enforcement and objection to the enforcement of judicial instruments
€ 150	€ 300	€ 100	€ 200

Involuntary bankruptcy	Appeal	Cassation and appeal to the Supreme Court on grounds of a procedural violation
€ 200	€ 800	€ 1,200

⁴ A paragraph is added to section 2 by article 1.5 of Royal Decree-Law 3/2013, of 22 February.

⁵ Sections 1 and 2 are amended and section 3 is added by articles 1.6 and 8 of Royal Decree-Law 3/2013, of 22 February

Where ordinary procedure is followed after the debtor's defence in small debt proceedings, the amount already paid in the small debt proceedings shall be deducted from the fee.

In administrative dispute courts:

Abbreviated	Ordinary	Appeal	Cassation
€ 200	€ 350	€ 800	€ 1,200

Where the aim of administrative dispute appeals is to object to decisions imposing penalties, the amount of the fee, including the variable amount provided for in the following section, may not exceed 50 per cent of the amount of the financial penalty imposed.

In labour courts:

Reversal	Cassation
€ 500	€ 750

2. When the person liable for payment of the fee is a legal person, the amount arising from applying the relevant tax rate, according to the following scale, to the amount on which the fee is based, established in accordance with the provisions of the preceding article, shall also be paid:

From	To	Rate – %	Variable maximum
0	€ 1,000,000	0.5	€ 10,000
	Rest	0.25	

3. When the person liable for payment is a natural person, the amount payable is that resulting from applying a rate of 0.10 per cent to the amount on which the fee is based, with a variable amount limit of 2,000 euros.

Article 8. Self-assessment and payment⁶.

1. Persons liable for this fee must calculate the amount using the official self-assessment form provided by the Ministry of Finance and Public

⁶ Sections 2 and 5 are amended by art. 1.9 of Royal Decree-Law 3/2013, of 22 February.

Authorities and pay it into the Treasury in accordance with the provisions of the general tax regulations and the implementing regulations governing this article.

2. The duly validated receipt for payment of the fee in accordance with the official form must accompany all procedural documents by means of which the chargeable event relating to this fee is conducted.

Where such documents are not accompanied by the aforesaid receipt, the clerk of the court will require the person liable for the fee to produce it within ten days and will not begin to process the documents until the omission is rectified. Where such a deficiency is not rectified, after the aforesaid request by the clerk of the court, it will give rise to the barring of that procedural step and the consequent continuation or conclusion of the proceedings, as appropriate.

3. Where, during the course of any proceedings, an amount is set that is greater than that initially determined by the person liable for the fee, the person liable must make a supplementary declaration-payment within one month from when the decision determining the amount becomes final. The same shall apply in the event that the person liable for the fee has not determined the value of the proceedings initially or cases where the proceedings are inadequate.

If, on the other hand, the amount set by the competent court is less than that initially determined by the person liable for the fee, the person liable may request that the self-assessment submitted be rectified and, where appropriate, that the overpayment be refunded, in accordance with the provisions of the regulations governing refunds of tax overpayments.

4. Within five days of being notified of the decision determining the definitive amount, the clerk of the court shall inform the office of the state tax authority (Agencia Estatal de Administración Tributaria) for the district where the court is located, in writing, of the change in the amount, so that appropriate action may be taken.

5. When, in any procedure where the initiation of proceedings gives rise to this fee becoming payable, total compliance with the claim occurs or an agreement is reached that puts an end to the proceedings, 60% of the amount of the fee shall be returned. Under no circumstances shall said refund give rise to the accrual of interest for late payment.

This refund shall also apply in those circumstances in which the government is the defendant and fully acknowledges the claims of the claimant in administrative proceedings.

The right to this refund shall apply from when the decision that puts an end to the proceedings and states the manner in which they ended becomes final.

6. Where the joinder of proceedings is agreed, persons liable for the fee shall be entitled to a refund of 20% of the amount of the fee. Under no circumstances shall said refund give rise to the accrual of interest for late payment.

Article 9. *Handling of the fee.*

1. The Ministry of Finance and Public Authorities is responsible for handling the fee governed by this article.

2. The forms and procedures for self-assessment and payment of the fee shall be governed by order of the Ministry of Finance and Public Authorities.

Article 10. *Discounts arising from the use of telematic means.*

If telematic means are used to submit the documents that initiate the aforesaid activity and for other forms of communication with the courts, in accordance with the provisions of the law that governs them, a discount of 10% of the fee for judicial activity shall be applicable.

Article 11. *Linking of the fee.*

The court fee shall be deemed to be linked to the legal aid system, in accordance with the terms laid down in the General State Budget (Ley de Presupuestos Generales del Estado) for each year, within the framework of the provisions of Law 1/1996, of 10 January, the Legal Aid Act.

TITLE II

FEE FOR THE INCLUSION OR MODIFICATION OF TOXICOLOGY DATA SHEETS ON THE CHEMICAL PRODUCTS REGISTER

Article 12. *Fee for the inclusion and modification of toxicology data sheets on the register of marketed chemical products containing relevant information for formulating preventative and curative measures and for the public health response in the event of an emergency.*

The fee for the inclusion and modification of toxicology data sheets on the chemical products register of the Toxicology Information Service, containing relevant information for formulating preventative and curative

measures and for providing the public health response in the event of an emergency, shall be imposed by the National Institute of Toxicology and Forensic Science under the terms provided for in this Law.

The fee for notification of the chemical identity of substances present in mixtures for which the European Chemicals Agency has accepted an alternative chemical name shall be imposed under the same terms.

Article 13. Chargeable event.

Chargeable events giving rise to the fee are as follows:

a) The application, by persons marketing all kinds of chemicals substances and mixtures, for the inclusion or modification of toxicology data sheets on the register, irrespective of whether the application is made voluntarily or in compliance with current regulations in that regard.

b) Notification of the chemical identity of substances with an alternative chemical name accepted by the European Chemicals Agency about which the National Institute of Toxicology and Forensic Science has been notified.

Article 14. Persons liable.

Persons liable for the fee are those who market chemical substances or mixtures and apply for the inclusion or modification their data sheets on the register of the Toxicology Information Service of the National Institute of Toxicology and Forensic Science, which is used to provide a toxicological response and, where appropriate, generate health alerts, as well as persons who have been authorised to use an alternative chemical name by the European Chemicals Agency.

Article 15. Exemptions and reductions.

Where the applicant for registration is an SME (microenterprise or small or medium-sized enterprise), a reduced fee shall apply in accordance with table 2 of article 17. The applicant is responsible for proving its SME status.

Article 16. Payment of the fee.

The fee becomes payable at the time of making the application for inclusion or modification of the product on the database of the register of toxicology data sheets of the National Institute of Toxicology and Forensic Science Toxicology Information Service.

Likewise, the fee becomes payable at the time of notifying the National Institute of Toxicology and Forensic Science of the chemical identity of Substances present in mixtures for which the European Chemicals Agency has accepted an alternative chemical name.

Article 17. Determining the amount of the fee.

1. The amount payable shown in the following table is a fixed sum and depends on whether the product is included or modified on the register:

Table 1
NORMAL AMOUNT

Fee	Fee amount
Inclusion of the product on the database	€ 30
Modification of a product already included on the database	€ 15

Table 2
REDUCED AMOUNT

Fee	Fee amount		
	Microenterprise	Small enterprise	Medium-sized enterprise
Inclusion of the product on the database	€ 3	€ 10	€ 15
Modification of a product already included on the database	€ 2	€ 5	€ 7

2. In any event, a maximum annual fee per company is established of 10,000 euros for the inclusion of toxicology data sheets and 5,000 euros for the modification of toxicology data sheets.

Article 18. Self-assessment and payment.

1. Persons liable for this fee must calculate the amount using the official self-assessment form provided by the Ministry of Finance and Public Authorities and pay it into the Treasury in accordance with the provisions of the general tax regulations and the implementing regulations governing this article.

2. The duly validated receipt for payment of the fee in accordance with the official form must accompany all procedural documents by means of which the chargeable event relating to this fee is conducted; in the absence of the receipt, the Toxicology Information Service will not begin to process the application until the omission is rectified.

Article 19. *Handling of the fee.*

1. The Ministry of Justice is responsible for handling the fee governed by this title.

2. The forms and procedures for self-assessment and payment of the fee shall be governed by order of the Ministry of Justice.

First transitional provision. *Collection from civil servants.*

In administrative dispute proceedings regarding staffing matters which do not involve dismissal and which were initiated prior to this Law coming into effect, collection shall not be sought from civil servants.

Second transitional provision. *Temporary exemption from the fee for the inclusion and modification of toxicology data sheets.*

Up to and including 31 May 2015, companies that have contributed through their associations to the running of the current Toxicology Information Service database shall be exempt from the fee for the inclusion and modification of toxicology data sheets. To that end, all those companies which, as at 17 February 2012, were members of the association of detergent companies and companies dealing in cleaning, maintenance and similar products (Asociación de Empresas de Detergentes y de Productos de Limpieza, Mantenimiento y Afines (ADELMA)), the National Federation of Associations of Manufacturers of Bleaches and Derived Products (Federación Nacional de Asociaciones de Fabricantes de Lejías y Derivados (FENALYD)), the National Association of Major Distribution Companies (Asociación Nacional de Grandes Empresas de Distribución (ANGED)) and the Spanish Association of Distributors, Self-service Stores and Supermarkets (Asociación Española de Distribuidores, Autoservicios y Supermercados (ASEDAS)) shall be deemed to be exempt.

Sole repealing provision. *Repeal of regulations.*

Article 35 of Law 53/2002, of 30 December, the Tax and Administrative Measures and Measures Relating to the Labour Courts Act, is repealed.

First final provision. *Amendment of Law 8/1989, of 13 April, the Public Fees and Prices Act.*

Paragraph m) of article 13 of Law 8/1989, of 13 April, the Public Fees and Prices Act, is amended and is now worded as follows:

“m) For the exercise of jurisdiction in the civil, administrative dispute and labour courts.”

Second final provision. *Amendment of Law 29/1998, of 13 July, the Administrative Dispute Court Jurisdiction Act.*

Section 3 of article 23 of Law 29/1998, of 13 July, the Administrative Dispute Court Jurisdiction Act, is repealed.

Third final provision. *Amendment of Law 1/2000, of 7 January, the Civil Procedure Act.*

Provision number 7 of section 1 of article 241 of Law 1/2000, of 7 January, the Civil Procedure Act, is now worded as follows:

“7. The fee for the exercise of jurisdiction in the civil, administrative dispute and labour courts, where preceptive.”

Fourth final provision. *Amendment of Royal Decree-Law 20/2012, of 13 July, on measures to ensure budgetary stability and promote competitiveness.*

Article 3 is amended and a new article 5 a) is added to Royal Decree-Law 20/2012, of 13 July, on measures to ensure budgetary stability and promote competitiveness, as follows:

One. Article 3 is amended and is now worded as follows:

“1. In accordance with the provisions of article 2 of this Royal Decree-Law, the civil servants and statutory personnel included in articles 26, 28, 29, 30, 32 and 35 of Law 2/2012, of 29 June, the General State Budget for 2012, shall not receive any amount by way of an extraordinary payment in the month of December 2012, nor, where appropriate, by way of an additional payment as a specific or equivalent supplement.

2. The provisions of article 2, section 2.2, of this Royal Decree-Law shall apply to public sector personnel other than civil servants who are included in article 27 of Law 2/2012.

3. In accordance with the provisions of article 2 of this Royal Decree-Law, the personnel referred to in article 31, sections One and Two, of

Law 2/2012 shall not receive any amount by way of an extraordinary payment in the month of December 2012, including the payment provided for in Appendix X of Law 29/2010, of 22 December, the General State Budget for 2011.

In any event, the percentage reduction in the total amount of annual salary and triennial salary increases or increases for length of service shall be similar to the percentage stipulated, for those items, for the personnel referred to in section 1 of this article. Therefore, where appropriate, these personnel will be reimbursed the amount of the difference between the percentage that the extraordinary payment for those items represents in relation to the ordinary payment for the judiciary and public prosecutors and the percentage it represents for the personnel of subgroup A1 of the central state administration.

3 a) Regarding the personnel referred to in article 31, section Three, of Law 2/2012, the provisions of article 2 of this Royal Decree-Law shall apply pursuant to the provisions of the Organic Law on the Judiciary as regards salary and triennial salary increases, reducing the total annual amount of those items, including extraordinary payments, by a percentage similar, with regard to similar items, to the reduction stipulated for the personnel referred to in section 1 of this article, referring for each body to the group or subgroup with comparable qualifications, and dividing the reduction on a pro rata basis between the ordinary and extraordinary monthly payments still to be received in the present year. Nor shall they, in the month of December, receive as extraordinary payments the amounts referred to in Appendix XI of Law 39/2010, of 22 December, the General State Budget for 2011, nor those for the aforesaid month of December referred to in the second section of the Cabinet Agreement (Acuerdo de Consejo de Ministros) of 8 May 2009, published by Order 1230/2009, of 18 May, of the Ministry of the Presidency.

3 b) The reductions provided for in this article shall apply to the personnel included in article 31, section four, in accordance with the regulations applicable to them.

4. For members of the judiciary and the public prosecution service referred to in section five of article 31 of Law 2/2012, with the exception of the chief public prosecutor, in application of the provisions of article 2 of this Royal Decree-Law, total annual payments including salary and increases for length of service and triennial increases shall be reduced one fourteenth, as well as the whole of the payment for the month of December referred to in Appendix X of Law 39/2010, of 22 December, the General State Budget for 2011.

For the chief public prosecutor, in application of the provisions of article 2.5 of this Royal Decree-Law, the total annual payments for that post, referred to in section five, points 2 and 3, of the aforesaid article 31, shall be reduced by one fourteenth.

The aforesaid reduction shall be divided on a pro rata basis between the salary payments still to be received in the current year, subsequent to this Royal Decree-Law coming into effect.

5. The provisions of the preceding sections shall not apply to those public employees whose full-time salary, excluding performance incentives, calculated on an annual basis, does not reach 1.5 times the national minimum wage stipulated in Royal Decree 1888/2011, of 30 December.”

Two. A new article 5 a) is added, which is worded as follows:

“Article 5 a) Pension contributions and insurance payments in the month of December 2012.

The monthly amounts of pension fund contributions for civil servants, members of the armed forces, members of the judiciary, the public prosecution service and the bodies of court clerks, as well as the monthly payments to the general civil service insurance company (Mutualidad General de Funcionarios Civiles del Estado), the Armed Forces Social Institute (Instituto Social de las Fuerzas Armadas) and the general insurance company for the judiciary (Mutualidad General Judicial), shall be paid twice in the month of December 2012.”

Fifth final provision. *Jurisdiction.*

This Law is issued in accordance with the powers of the State with regard to the administration of justice, procedural legislation and public funds, referred to in article 149.1, points 5, 6 and 14, of the Constitution.

Sixth final provision. *Implementing regulations.*

The Government, at the joint suggestion of the Ministries of Justice and Finance and Public Authorities, shall, as necessary, issue supplementary regulatory provisions for the application of the fees regulated in this Law.

Seventh final provision. *Entry into force.*

This Law shall come into force on the day following its publication in the Official Gazette of the Spanish State (Boletín Oficial del Estado). The foregoing notwithstanding, article 11 shall apply from 1 January 2013.



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