

**ORGANIC ACT 3/1983, OF 25TH FEBRUARY
ON THE STATUTE OF AUTONOMY OF THE
SELF-GOVERNING REGION OF MADRID**

PRELIMINARY TITLE

Section 1

1. Madrid, expressing the national interest, and its specific social, economic, historic and administrative characteristics, exercising the right to self-government that the Spanish Constitution recognises and guarantees, is a Self-governing Region that organises its self-government in accordance with the Spanish Constitution and this Statute, which is its basic institutional regulation.

2. The Self-governing Region of Madrid is called the Region of Madrid.

3. By facilitating the full participation by its citizens in its political, economic, cultural and social life, the Region of Madrid aims to ensure that all the citizens of Madrid can exercise their rights to freedom, justice and equality, pursuant to the principle of solidarity among all nationalities and regions of Spain¹.

Section 2

The territory of the Region of Madrid is that which falls within the borders of the province of Madrid².

Section 3

1. The territory of the Region of Madrid is organised in Municipalities, which have full legal personality and self-governing power to manage the interests inherent to them.

2. The Municipalities may group together on a voluntary basis to manage their common services, or to co-ordinate actions of a functional or territorial nature, in accordance with the legislation enacted by the Region, within the framework of the basic State law.

3. Under the Law of the Assembly of Madrid, municipalities that boarder on each other may be grouped together to form their own territorial districts, which shall have full legal personality.

Section 4

1. The flag of the Region of Madrid is crimson red, with seven white five-pointed stars, placed in rows of four and three in the centre of the canvas.

2. The shield of the Region of Madrid shall be established by an act of the Assembly.

¹ Official State Gazette (BOE, in its Spanish acronym) of 1st March 1983. This Organic Act was amended by Organic Act 2/1991 of 13th March (BOE 63, of 14th March 1991), Organic Act 10/1994 of 24th March (BOE 72, of 25th March 1994), Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

² Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

3. The Region of Madrid has its own hymn, which shall be established by law by the Assembly.

4. The second of May³ shall be the public holiday of the Region of Madrid.

Section 5

The capital of the Region and the seat of its institutions is the city of Madrid, but its bodies, services and branches may be located in other municipalities of the territory of the Region, in accordance with the criteria of decentralisation, dispersion and coordination of functions⁴.

Section 6

The city of Madrid, as the capital of the State and seat of its general institutions, shall be subject to a special regime, regulated by law, voted by the Cortes. That Law shall establish the framework for relationships between the State, regional and municipal institutions, in the exercise of their respective powers.

Section 7

1. The fundamental rights and duties of the citizens of the Region of Madrid are those established in the Constitution.

2. For the purposes of this Statute, the political status of citizens of the Region shall be granted to Spaniards who, in accordance with the general laws of the State, hold administrative residence in any of its municipalities.

3. Citizens of Madrid who take up residence abroad shall enjoy the political rights set out in this Statute if their last administrative place of residence was in the Region of Madrid and they prove that status at the relevant Spanish Consulate. These rights shall also be enjoyed by their descendants registered as Spaniards, if they so request, in the manner determined under the State law.

4. The public authorities of the Region of Madrid shall, within the scope of their powers, create such conditions as may be necessary to ensure that individuals and any groups to which they belong enjoy true and effective freedom and equality, and shall remove those obstacles that hinder their full enjoyment and ensure that all citizens are able to participate in the politics, economy, culture and social life of the Region of Madrid⁵.

³ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁴ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁵ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

PART ONE
INSTITUTIONAL ORGANISATION OF THE REGION
OF MADRID⁶

Section 8

The powers of the Region of Madrid are exercised through its self-governing institutions: the Assembly, the Government and the President of the Region⁷.

CHAPTER ONE
THE ASSEMBLY OF MADRID⁸

Section 9

The Assembly represents the people of Madrid, exercises the legislative power of the Region, approves and controls the Budget of the Region, promotes, guides and supervises the Government's actions and exercises all other powers bestowed upon it by the Constitution, this Statute and the law⁹.

Section 10

1. The Assembly is elected for a term of four years by universal suffrage that is free, equal, direct and secret, in accordance with the principles of proportional representation.

2. The Assembly shall be comprised of one Member per 50,000 inhabitants or group over 25,000, in accordance with the updated data from the electoral roll. The Members shall hold office for four years following their election, or until the day of dissolution of the Chamber in the cases set forth in this Statute.

3. The Members shall not be bound by any imperative mandate whatsoever.

4. An Act of the Assembly shall regulate the elections, which shall be called by the President of the Region, in accordance with the terms provided in this Statute.

5. The electoral constituency is the province.

6. The allocation of the seats shall only take into account those lists that have obtained at least 5 per cent of the votes validly cast.

7. The elections shall be held on the fourth Sunday of May, every four years, on the terms set forth in the Organic Act which regulates the General Electoral Regime. The opening session of the Assembly shall be held within twenty five days following the proclamation of the electoral results.

8. All citizens of Madrid over eighteen years of age who have full enjoyment of their political rights may be electors and be elected. The Self-governing Region shall facilitate the right to vote of those citizens of Madrid who are away from the Region of Madrid¹⁰.

⁶ New denomination given to this Title in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁷ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁸ New denomination given to this Title in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁹ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

¹⁰ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

Section 11

1. The Members of the Assembly shall receive from all authorities and civil servants the assistance they require in the performance of their duties and preferential treatment on account of their status, on the terms provided by an act of the Assembly.

2. Full status as a Member shall require, in all cases, giving a promise or oath to abide by the Constitution and by this Statute of Autonomy.

3. The Members shall receive a salary to be set by the Assembly.

4. An act of the Assembly shall determine the grounds for ineligibility and incompatibility of the Members.

5. The Members shall enjoy, even when they have ceased to hold office, parliamentary privilege in respect of the opinions they have expressed in the performance of their duties.

6. During their term of office, the Members of the Assembly may not be arrested or restrained for criminal offences committed within the territory of the Region, except in cases of flagrante delicto, and in all cases, the High Court of Justice of Madrid shall decide on whether they should be charged, imprisoned, prosecuted and tried. Outside that territory, criminal liability shall be due on the same terms before the Criminal Section of the Supreme Court¹¹.

Section 12

1. The Assembly shall provide itself with its own Standing Orders, the approval and reform of which shall be submitted to final voting on the full text thereof, requiring the favourable vote of the absolute majority of Members.

2. The Standing Orders shall determine, pursuant to the terms established in this Statute, the rules of organisation and operation of the Assembly, specifying, in all cases, the following particulars:

- a) The relationship between the Assembly and the Government.
- b) The minimum number of Members required to form Parliamentary Groups.
- c) The composition and functions of the Board, the Committees and the Permanent Deputation, so that the Parliamentary Groups participate in these bodies in proportion to the number of their members.
- d) The functions of the Board of Speakers.
- e) The publicity of the sessions and quorum and majorities required.
- f) The common legislative procedure and other legislative procedures that may be established, if appropriate.
- g) The procedure to elect the Senators who represent the Region of Madrid¹².

Section 13

1. The Assembly shall elect a Speaker, the Board and a Permanent Deputation from among its members.

2. The Members of the Assembly shall form Parliamentary Groups, the Spokesmen of which shall form the Board of Spokesmen, and whose meetings shall be chaired by the Speaker of the Assembly.

3. The Assembly shall operate in Plenary and in Committees¹³.

¹¹ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

¹² Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

¹³ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

Section 14

1. The Assembly shall meet in ordinary and extraordinary sessions. There shall be two ordinary periods of sessions per year: the first from September to December, and the second from February to June.

2. In between the ordinary periods of sessions and in cases of expiry of office or dissolution of the Assembly, the Permanent Deputation shall safeguard the powers of the Chamber and all other attributes bestowed upon it by the Standing Orders. After holding elections, the Permanent Deputation shall report to the Plenary of the Assembly, once this is constituted, on the matters dealt with and decisions passed.

3. The extraordinary sessions must be called by the Speaker of the Assembly at the request of the Government, the Permanent Deputation, one fourth of the Members or the number of Parliamentary Groups as may be determined by the Standing Orders. The extraordinary sessions must be called to discuss a set agenda.

4. In order to deliberate and pass resolutions, the meeting of the Assembly must be validly constituted and be attended by the majority of its members. The resolutions must be approved by the majority of members present, except in cases when the Statute, the Standing Orders or the law require special majorities¹⁴.

Section 15

1. The Assembly exercises legislative power over the matters that are the exclusive competence of the Region of Madrid, as set forth in section 26 of this Statute.

It also exercises the legislative power in matters listed in section 27 of this Statute, as well as those which have been attributed, transferred or delegated upon it by virtue of the provisions of paragraphs 1 and 2 of section 150 of the Constitution.

2. The legislative initiative is held by the Members, the Parliamentary Groups and the Government, on the terms established in the Standing Orders of the Assembly. An act of the Assembly may regulate the exercise of the popular legislative initiative and that of the Local Governments, in respect of the matters to which section 1 refers.

3. The power to issue legislation ranking as law may only be delegated by the Assembly upon the Government in accordance with the provisions applicable to the delegation upon the Cortes Generales by the Government of the Nation, set out in sections 82, 83 and 84 of the Constitution¹⁵.

Section 16

1. The Assembly shall elect, from among its members, the President of the Region of Madrid, and shall supervise the action of the Government and its President.

2. The Standing Orders shall establish the parliamentary initiatives that allow the Assembly to exercise ordinary control over the Government and to obtain from the latter and from the Regional Authorities the information the Assembly requires to perform its duties. The Standing Orders shall also regulate the procedure to be followed for approval by the Assembly, in the exercise of its duties of promotion, guidance and control over governmental action, of resolutions or motions of a non-legislative nature.

3. It also falls upon the Assembly:

- a) The approval and control of the Budget of the Region and the examination and approval of its accounts.
- b) The examination and control of the financial plans.

¹⁴ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

¹⁵ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

- c) The agreement of credit and public debt operations.
- d) The establishment of the basic organisation of the bodies and services of the Region.
- e) The supervision of the social media dependent on the Region.
- f) The power to impose and demand taxes.
- g) The filing of an appeal of unconstitutionality and appearing before the Constitutional Tribunal in the cases and on the terms foreseen in the Constitution and in the Organic Act on the Constitutional Tribunal.
- h) The application to the Government of the Nation for approval of Bills of law and the submission to the Board of Congress of draft laws, delegating before that Chamber upon the members of the Assembly charged with their defence.
- i) The appointment of the Senators who are to represent the Region, in accordance with the provisions of section 69.5 of the Constitution. The Senators shall be appointed in proportion to the number of members of the political groups represented in the Assembly. Their term of office at the Senate shall be linked to their status as members of the Assembly.
- j) The ratification of the agreements that the Region of Madrid may enter into with other Self-governing Regions, for the management and provision of the services for which they are responsible. These agreements shall immediately be notified to the Cortes Generales.
- k) The ratification of the agreements on co-operation in matters other than those mentioned in the preceding section, entered into by the Region of Madrid with other Self-governing Regions, following authorisation by the Cortes Generales.
- l) The receipt of information provided by the Government of the Nation on international treaties and conventions and projects concerning customs regulations, in matters of specific interest to the Region of Madrid.
- m) The setting of the forecasts of a political, social and financial nature that, pursuant to section 131.2 of the Constitution, must be provided by the Region of Madrid to the Government of the Nation to prepare planning projects.
- n) The approval of general development plans for the economic development of the Region of Madrid, within the framework of the objectives set by national economic policy.
- ñ) All other powers, obligations and attributes conferred upon it by the Constitution, this Statute and the law¹⁶.

CHAPTER II THE PRESIDENT¹⁷

Section 17

1. The President of the Region of Madrid holds the supreme representation of the Self-governing Region and the ordinary representation of the State therein, presides and directs the activity of governance, appoints and removes the Vice-Presidents and Councillors and co-ordinates the Administration.

2. The President may delegate inherent executive and representative functions upon the Vice-Presidents and other members of the Government.

3. The President is politically responsible to the Assembly¹⁸.

¹⁶ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

¹⁷ New denomination given to this Chapter in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

¹⁸ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

Section 18

1. After each renewal of the Assembly, and in all other cases in which the Presidency of the Region is vacant, the President of the Assembly, after consulting with the representatives appointed by the political groups with representation in the Assembly, shall propose to the latter one of their members as a candidate to the Presidency of the Region.

2. The candidate proposed, in accordance with the preceding section, shall present the political programme of the Government he intends to form to the Assembly and shall request the confidence of the Assembly.

3. If the Assembly were to grant its confidence to that candidate by absolute majority, the King shall proceed to appoint him President of the Region of Madrid. Should the required majority not be reached, the same proposal shall be submitted for further voting, forty eight hours later, and confidence shall be understood to be granted if a simple majority is obtained¹⁹.

4. If those votes are cast and the confidence required for the investiture is not obtained, successive proposals shall be brought in the manner provided in the preceding sections.

5. If two months after the first voting of the investiture no candidate has obtained the confidence of the Assembly, it shall be dissolved and new elections called immediately.

6. The mandate of the new Assembly shall last, in all cases, until the date on which the first should have expired.

Section 19

1. The President of the Region of Madrid, after deliberation by the Government, may raise before the Assembly the matter of confidence in its programme or a declaration of general policy. Confidence shall be understood to be granted when the simple majority of the Members vote in favour of it²⁰.

2. If the Assembly withholds its confidence, the President of the Region of Madrid shall submit his resignation to the Assembly and the Speaker shall call for the election of the new President of the Region of Madrid within the maximum term of fifteen days from the plenary meeting, pursuant to the proceeding set out in section 18.

Section 20

1. The Assembly may call the President or Government to political account by calling a vote of no confidence by absolute majority. The proposal must be backed by at least 15 per cent of the Members and shall include a candidate to the Presidency of the Region of Madrid.

2. The vote of no confidence shall not take place until five days have elapsed from its being called. If the vote of no confidence is not approved by the Assembly, its signatories may not present another during the same period of sessions.

3. If the Assembly were to pass a vote of no confidence, the President and its Government shall resign, and the candidate included in it shall be understood to be appointed with the confidence of the Chamber. The King shall appoint him as President of the Region of Madrid²¹.

¹⁹ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

²⁰ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

²¹ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

Section 21

1. The President of the Region of Madrid, after deliberation by the Government and under his exclusive responsibility, may agree the dissolution of the Assembly prior to the normal term of its legislature. The dissolution shall be formalised by Decree in which elections are simultaneously called and which shall comply with the same requisites as set out in the applicable electoral laws.

2. The President may not resolve to dissolve the Assembly during the first period of sessions of the legislature, if there is less than one year to the end of the legislature, if a vote of no confidence is being formalised, or if the State electoral process has been called. Further dissolution of the Assembly shall not be appropriate before one year has elapsed since the previous one.

3. In all cases, the mandate of the new Chamber arising from the electoral calling shall be limited by the normal term of an ordinary legislature²².

CHAPTER III THE GOVERNMENT²³

Section 22

1. The Government of the Region of Madrid is the collegiate body that directs the policy of the Region of Madrid, holding the executive and administrative functions, as well as exercising the statutory power in matters not reserved in this Statute to the Assembly.

2. The Government shall be formed by the President, the Vice-President or Vice-Presidents, as appropriate, and the Councillors. The members of the Government shall be appointed and removed by the President.

It is not necessary to be a Member to be Vice-President or a Councillor²⁴.

Section 23

1. The members of the Government may not engage in any employment, professional or entrepreneurial activities other than those arising from their duties in office. The legal and administrative regime of the Government and the statute of its members shall be regulated by an act of the Assembly.

2. The Government is jointly accountable before the Assembly for its conduct of political business, without prejudice to the direct responsibility of each Councillor for his management²⁵.

Section 24

1. Each Government shall resign after the holding of elections to the Assembly, in the events of loss of parliamentary confidence set out in this Statute and in the event of resignation, incapacity or death of the President.

2. The outgoing Government shall continue as acting body until the new Government takes office²⁶.

²² Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

²³ New denomination given to this Chapter in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

²⁴ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

²⁵ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

²⁶ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

Section 25

1. The President of the Regional Government, Vice-Presidents and Councillors shall be held criminally liable before the Criminal Section of the Supreme Court. Notwithstanding the above, the Vice-Presidents and the Councillors shall be held liable before the High Courts of Justice of Madrid for offences committed within their constituency.

2. The relevant Sections of the same Courts, respectively, shall decide on the civil liability incurred by such persons in the performance of their duties while in office²⁷.

PART II THE COMPETENCES OF THE REGION

Section 26

1. The Region of Madrid, on the terms established in this Statute, has exclusive competence in the following matters:

1.1. Organisation, regime and operation of its self-governing institutions.

1.2. Creation or suppression of municipalities, alteration of the municipal districts within its territory and creation of its own territorial constituencies, on the terms set out in section 3 of this Statute.

1.3. Administrative procedure arising from the specialities of its internal organisation.

1.4. Organisation of the territory, town planning and housing.

1.5. Public works of interest to the Region, within its own territory.

1.6. Railways, roads and paths whose routes lie exclusively within the territory of the Region of Madrid and, on the same terms, land and cable transport. Depots and cargo terminals, in matters of land transport within the boundaries of the Region.

1.7. Sailing and sports installations in the continental waters, recreational airports and heliports, as well as those not engaged in commercial activities.

1.8. Projects, construction and operation of water resources, canals and irrigation channels in the interest of the Region. Springs, surface and ground water, mineral and thermal water, when running exclusively within the territory of the Region of Madrid. Organisation and concession of water resources and their exploitation, canals and irrigation channels when the water runs exclusively within the territory of the Region of Madrid.

1.9. River and lake fishing, fish farming and hunting.

1.10. Specific treatment of mountain zones.

1.11. Installation of production, distribution and transport of any power source, when the carrier lines lie within its territory and their use does not affect other Regions. This is all without prejudice to the terms of numbers 22 and 25 of paragraph 1 of section 149 of the Constitution.

1.12. Advertising, without prejudice to the rules laid down by the State for specific sectors and media, in accordance with matters 1, 6 and 8 of paragraph 1 of section 149 of the Constitution.

1.13. Regional fairs and markets, including exhibitions. Establishment of stock markets and establishment and regulation of trading centres for goods, in accordance with commercial legislation.

²⁷ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

1.14. Co-operatives and similar entities, mutual companies not integrated in the Social Security, in accordance with commercial legislation.

1.15. Crafts.

1.16. Denominations of origin, in collaboration with the State.

1.17. Promotion of the economic development of the Region of Madrid, within the objectives set by the national economic policy.

1.18. Archives, libraries, museums, newspaper libraries, music conservatories and dance schools, drama and fine arts centres and other centres for cultural exhibitions or collections of a similar nature, of interest to the Region of Madrid, not owned by the State.

1.19. Historic, artistic, monumental, archaeological, architectural and scientific heritage of interest to the Region, notwithstanding the competence of the State to defend these against export and spoliation.

1.20. Promotion of culture and scientific and technical research.

1.21. Promotion and organisation of tourism within its territory.

1.22. Sports and leisure.

1.23. Promotion and aid for the elderly, emigrants, the handicapped and other social groups requiring special attention, including the creation of centres for protection, reinsertion and rehabilitation.

1.24. Protection and care for minors and development of policies on integral promotion of youth.

1.25. Promotion of equality for women to guarantee their free and effective participation in political, social, economic and cultural development.

1.26. Foundations that mainly perform their duties within the Region of Madrid.

1.27. Surveillance and protection of its buildings and facilities.

1.28. Co-ordination and other powers in relation to the local police, on the terms established in the Organic Act.

1.29. Casinos, gambling and betting, excluding mutual sporting-charitable bets.

1.30. Public entertainment.

1.31. Statistics for non-State purposes.

1.32. Weather service of the Region of Madrid.

2. In the exercise of these powers, the Region of Madrid shall be assigned the legislative and statutory power and executive function which shall, at all times, observe the provisions of the Spanish Constitution.

3.1. The Region of Madrid shall have exclusive competence over the following matters, in accordance with the framework and organisation of general economic activity and State monetary policy, on the terms set forth in sections 38, 131 and in matters 11 and 13 of paragraph 1 of section 149 of the Constitution:

3.1.1. Organisation and planning of regional economic activity.

3.1.2. Internal trade, without prejudice to the general policy on, free circulation of goods within the territory of the State and the laws on the defence of competition.

3.1.3. Industry, without prejudice to the provisions of State law issued for reasons of security, health or military interest, and regulations related to industries subject to the laws on mines, hydrocarbons and nuclear energy.

3.1.4. Agriculture, husbandry and agro alimentary industries.

3.1.5. Public and territorial corporate credit institutions. Savings Banks.

3.1.6. Public and economic sector of Madrid, in all matters not covered by other provisions of this Statute.

3.2. The Region of Madrid shall also participate in the management of the State's

economic public sector, in the appropriate cases and activities²⁸.

Section 27

Within the framework of the basic legislation of State and, if appropriate, on the terms established therein, the Region of Madrid is assigned the legislative development, statutory power and execution of the following matters:

1. Local regime.
2. Legal regime and system of responsibility of the public authorities in the Region of Madrid and the public bodies reporting to it, as well as the statutory regime of its civil servants. Contracts and administrative concessions, in the scope of competences of the Region of Madrid.
3. Regime of forestry and forestry operation, with special reference to common neighbourhood woodland, common forests, cattle paths and grazing land.
4. Health and hygiene.
5. Hospital co-ordination in general, including that of the Social Security.
6. Public law corporations representing economic and professional interests. Exercise of the professions for which a degree is required.
7. Protection of the environment, without prejudice to the power of the Region of Madrid to establish additional rules on protection. Biotic and a biotic pollution. Waste disposal within the territory of the Region.
8. Mining and energy regime.
9. Protection of the ecosystems where fishing, fish farming and hunting take place. Protected natural spaces.
10. Defence of the consumers and users, in accordance with the bases and organisation of general economic activity and monetary policy of the State; establishment of the bases and general co-ordination of Health matters, on the terms set forth in sections 38, 131 and numbers 11, 13 and 16 of paragraph 1 of section 149 of the Constitution.
11. Press, radio, television and other means of social communication. The Region of Madrid may regulate, create and maintain its own television, radio, press and, in general, all kinds of social media to fulfil its purposes.
12. Pharmaceutical organisation and pharmaceutical establishments, without prejudice to the terms set forth in number 16 of paragraph 1 of section 149 of the Constitution.
13. Public assets and heritage owned by the Region, as well as the public easements under its competence²⁹.

Section 28

1. The Region of Madrid shall enforce the State laws on the following matters:

1.1. Management of the Social Security health services, in accordance with the terms set forth in matter 17 of paragraph 1 of section 149 of the Constitution, the State retaining the highest powers of inspection to ensure the fulfilment of the function to which this principle refers.

1.2. Management of the social benefits and services within the Social Security system: "Imsero" (Institute for the Elderly and Social Services). Determination of the benefits provided by the system, the requisites for entitlement and financing shall be arranged in accordance with the regulations established by the State in exercise of its

²⁸ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

²⁹ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

competences, in accordance with the terms provided in matter 17 of paragraph 1 of section 149 of the Constitution.

1.3. Credit, banking and insurance, in accordance with the provisions of rules 6, 11 and 13, of paragraph 1 of section 149 of the Constitution.

1.4. Associations.

1.5. International fairs held in the Region of Madrid.

1.6. Museums, archives, libraries and other collections of a similar nature owned by the State when direct management thereof is not reserved by the State. The terms of their management shall be stipulated by agreement.

1.7. Airports and heliports classified of general interest, the direct management of which is not reserved by the State.

1.8. Weights and measurements. Metal hallmarking.

1.9. Restructuring and creation of industrial sectors, in accordance with the plans established by the State's General Administration.

1.10. Pharmaceutical products.

1.11. Intellectual and industrial property.

1.12. Employment matters. Pursuant to matter 7 of paragraph 1 of section 149 of the Constitution, the State holds competence to legislate on employment matters and has the highest powers of inspection. The State retains all the competences in matters of internal and external migration, national funds and employment, without prejudice to State law on the matter³⁰.

1.13. Transport of goods and passengers with departure and arrival within the territory of the Region of Madrid, without prejudice to the power of direct implementation retained by the State.

2. In the exercise of these competences, the Region of Madrid shall be responsible for the administration, implementation and, where appropriate, inspection of the relevant services, and shall have the power to issue internal regulations on organisation thereof, in accordance with the statutory regulations of a general nature which, in developing subordinate legislation, may be issued by the State³¹.

Section 29

1. The Self-governing Region is competent to legislate on the development and administration of education to its fullest extent, levels and grades, types and specialities, in accordance with the terms set forth in section 27 of the Constitution and the organic acts that may develop this subject, pursuant to paragraph 1 of section 81 of the Constitution, without prejudice to the powers bestowed upon the State by number 30 of paragraph 1 of section 149 and of the State's highest powers of inspection to guarantee education and ensure its fulfilment.

2. To guarantee the homogeneous and effective provision of a public service of education that allows inequalities or imbalances that may arise to be corrected, the Regional Government shall provide the State Administration the information that the latter requests on the operation of the educational system in its qualitative and quantitative aspects and shall collaborate with the State Administration in the monitoring of the actions and evaluation of the national education system³².

Section 30

³⁰ Application of article 28.1.12 by Royal Decree 30/2000, of 14th January (BOE 26, 2nd February 2000).

³¹ Text as drafted in Organic Act 10/1994 of 24th March (BOE 72, of 25th March 1994).

³² Amended and renumbered in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

1. The Region of Madrid may assume competence in matters not envisaged in this Statute through reform hereof, or by a decision by the Cortes Generales, passed in compliance with the procedures set out in the Constitution.

2. The Region of Madrid, through a resolution by the Assembly, may request that the Cortes Generales approve enabling acts, or acts on devolution or delegation, that attribute, transfer or delegate powers to the Self-governing Regions and, specifically, to the Region of Madrid³³.

Section 31

1. The Region of Madrid may enter into co-operation agreements with other Self-governing Regions, especially those bordering on it, for the management and provision of the services within their competence. Before enactment, the agreements entered into must be reported to the Cortes Generales. If the Cortes Generales or any of the Chambers were to object within thirty days from receipt of notice, the Agreement shall follow the proceedings set out in the next section. The Agreement shall come into force if no objections are raised within the said thirty-day period.

2. The Region of Madrid may establish co-operation agreements with other Self-governing Regions when previously authorised by the Cortes Generales.

3. The Region of Madrid, due to its traditional bonds, shall maintain relations of special collaboration with the Regions of Castile, to which end it may instigate approval of the relevant agreements and conventions³⁴.

Section 32

1. The Region of Madrid may request the Government of the Nation to enter into international treaties or conventions on matters of interest to Madrid.

2. The Region of Madrid shall be informed of the preparation of international treaties and conventions and negotiations to adhere to these, as well as of draft customs laws, when they affect matters of its specific interest. Having received the information, the Regional Government shall issue its opinion, if appropriate.

3. The Region of Madrid shall adopt the necessary measures for implementation, within its territory, of the international treaties and conventions and charters of international organisations, when these affect matters on which the Region of Madrid is competent³⁵.

Section 33

The internal law of the Region of Madrid, formed by the laws and subordinate legislation that regulate the matters of full competence of the Self-governing Region, shall prevail over and above any other law applicable in the territory of Madrid. In any case, State law shall supplement the internal law of Madrid³⁶.

³³ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

³⁴ Renumbered in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

³⁵ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

³⁶ Renumbered in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

PART III
THE LEGAL REGIME

CHAPTER I
GENERAL PROVISIONS

Section 34

1. The competences of the Region of Madrid are understood to refer to its territory.

2. In matters of its competence, the Assembly of Madrid has legislative powers on the terms set out in the Statute, the Executive Council having the statutory power and executive function.

3. The competences of implementation by the Region of Madrid imply the relevant statutory power for internal organisation of the services, administration and, when appropriate, inspection³⁷.

Section 35

The Administration of the Region of Madrid, as a publicly constituted legal body, has legal personality and full capacity to act. Its responsibility, that of its authorities and civil servants shall proceed, and be demanded on the same terms and in the cases as established in the State laws on the matter³⁸.

Section 36

1. In the exercise of its executive competences, the Region of Madrid shall have the powers and privileges inherent to the State Administration, which include, among others:

- a) Presumption of legitimacy and validity of its acts, as well as the powers of mandatory execution and review of its own acts by the Administration.
- b) The power of expropriation, including the declaration of urgent occupation of the assets affected, as well as the exercise of the remaining competences of the expropriation laws attributed to the State Administration, in the case of matters of competence of the Region of Madrid.
- c) The power to penalise, within the limits established by the law.
- d) The power to use foreclosure proceedings.
- e) The impossibility of subjecting its assets and rights to embargo, as well as the privileges of pre-emption, preference and others the Public Treasury is recognised to collect its credits *pari passu* with other Self-governing Regions, without prejudice to the privileges held in such matters by the State Treasury.
- f) The powers of investigation, demarcation and recovery of assets.
- g) Exemption from the obligation to provide any type of guarantee or caution before the administrative bodies and before the judges or tribunals of any jurisdiction.

2. No injunctions shall be allowed against actions by the Region of Madrid in matters of its competence carried out in accordance with the legally established procedure³⁹.

³⁷ Renumbered in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

³⁸ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

³⁹ Renumbered in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

CHAPTER II THE ADMINISTRATION

Section 37

1. The Region of Madrid is to create and structure its own public Administration, within the general principles and basic rules of the State.

2. The legal regime of the regional public administration and its officers shall be regulated by an act of the Assembly, in accordance with the basic State legislation⁴⁰.

Section 38

The Administration of the Region of Madrid shall perform its actions through the bodies, organisations and entities dependent on the Government that may be established, with power to delegate such functions upon the municipalities and other local entities recognised under this Statute, if thus authorised by an act of the Assembly, which shall establish the appropriate means of control and co-ordination⁴¹.

Section 39

On the terms set forth in this Statute, in accordance with the basic State legislation, the Region of Madrid may, by law, create institutional bodies for specific purposes⁴².

Section 40

1. The laws approved by the Assembly shall be enacted on behalf of the King by the President of the Region, who shall order them to be published in the "Official Gazette of the Region of Madrid" and in the "Official State Gazette", coming into force on the day following their publication therein, except if otherwise provided therein.

2. Subordinate legislation passed by the Government shall be published by the President of the Government in the "Official Journal of the Region of Madrid" and, when appropriate, in the "Official State Gazette"⁴³.

Section 41

The Government may lodge declarations of unconstitutionality, raise conflicts of competence and appear before the Constitutional Tribunal, in the cases or on the terms set forth in the Constitution and in the Organic Act of the Constitutional Tribunal⁴⁴.

⁴⁰ Renumbered in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁴¹ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁴² Renumbered in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁴³ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁴⁴ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

CHAPTER III
CONTROL OF THE REGION OF MADRID

Section 42

The acts passed by the Assembly shall be subject solely to the control of constitutionality by the Constitutional Tribunal⁴⁵.

Section 43

The acts or regulations issued by the executive or administrative bodies of the Region of Madrid, as well as control over the legality of administrative action and its submission to the purposes that justify it, shall in all cases be controlled by the contentious-administrative jurisdiction.

Section 44

The economic and budgetary control of the Region of Madrid shall be exercised by the Audit Office, notwithstanding the powers held by the Accounts Tribunal pursuant to sections 136 and 153.d) of the Constitution.

An act of the Assembly shall regulate the composition and function of the Audit Office⁴⁶.

PART IV
ADMINISTRATION OF JUSTICE

Section 45

Within the territory of the Region of Madrid, the High Court of Justice is the jurisdictional body before which the successive procedural instances are exhausted, on the terms set forth in section 152 of the Constitution and in accordance with this Statute and with the Organic Act of the Judicial Power and the General Council of the Judicial Power. All this is without prejudice to the relevant jurisdiction of the Supreme Court, in accordance with the provisions of section 123.1 of the Constitution⁴⁷.

Section 46

The courts of justice that exercise their jurisdiction within the territory of the Region of Madrid shall extend their competence:

- a) In civil, criminal and employment matters, to all instances and grades, with the exception of appeals against judgment and reviews of final judgments.
- b) In the contentious-administrative order, to appeals against acts of or provisions issued by the Public Administrations and against resolutions of the courts not attributed to the contentious-administrative chamber of the Supreme Court or the Audiencia Nacional.

⁴⁵ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁴⁶ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁴⁷ Renumbered in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

In all cases, they shall hear, on the terms of the Organic Act on the Judicial Power, the appeals brought against administrative acts of and provisions issued by the bodies of the Region of Madrid.

c) To issues of competence that arise between them.

In the remaining matters, an appeal, or any other remedy as may be available in accordance with State law, including an appeal for review of a final judgment, may be lodged before the Supreme Court, when appropriate and pursuant to the provisions of the Organic Act on the Judicial Power. The Supreme Court shall also resolve conflicts of competence and jurisdiction between the Courts based in the Region of Madrid and those in the rest of Spain⁴⁸.

Section 47

1. The President of the High Court of Justice of Madrid shall be appointed by the King, at the proposal of the General Council of the Judicial Power, on the terms set forth in the Organic Act on the Judicial Power. The President of the Region shall order publication of that appointment in the "Official Gazette of the Region of Madrid".

2. Magistrates, Judges and Secretaries to the High Court of Justice shall be appointed in the manner set forth in the Organic Act on the Judicial Power.

3. The State, according to the general laws, organises and ensures operation of the State Attorney General's Office⁴⁹.

Section 48

At the instances of the Executive Council of the Region of Madrid, the competent body shall issue the callings and the competitive examinations to cover vacancies in Madrid of Magistrates, Judges, Judicial Secretaries and other personnel in the service of the Administration of Justice, as provided in the Organic Act on the Judicial Power⁵⁰.

Section 49

In relation to the Administration of Justice, except in military matters, it is incumbent upon:

1. The Regional Government, to exercise all the powers bestowed upon the Government of the Nation by the Organic Act on the Judicial Power.

2. The Assembly, to set the borders of the territorial districts over which the courts of justice of the Region of Madrid have jurisdiction and their capital status, in accordance with the Organic Act on the Judicial Power.

3. Both institutions above, jointly to assist each other in organising and establishing the facilities of the Courts and Tribunals, subject, in all cases, to the provisions of the Organic Act on the Judicial Power⁵¹.

Section 50

1. The Region of Madrid shall participate in setting the relevant boundaries for

⁴⁸ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁴⁹ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁵⁰ Renumbered in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁵¹ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

Notaries Public, Land Registers and Mercantile Registers located in its territory.

2. Notaries Public, Land and Mercantile Registrars and other public recorders shall be appointed by the Region of Madrid in accordance with State law and with equal rights, whether the candidates are in practice in or outside Madrid⁵².

PART V ECONOMY AND TREASURY

Section 51

The Region of Madrid, within the principles of co-ordination with the State and Local Treasuries, has financial autonomy, is the owner of public assets, its heritage and has an estate, in accordance with the Constitution, this Statute, the Organic Act on Financing of the Self-governing Regions and relevant subordinate legislation.

Section 52

1. The assets of the Region of Madrid include all the goods, interests and rights of action belonging to it, whether or not they are assigned to a public use or service, and whatever their nature and the title by which they are acquired.

2. An act of the Assembly shall regulate the legal regime to which the assets of the Region of Madrid are subject, as well as their administration, conservation and defence⁵³.

Section 53

The resources of the Treasury of the Region of Madrid shall consist of:

1. The yield from its own taxes, rates, special levies and public prices⁵⁴.
2. The surcharges set by the Region of Madrid on State taxes, on the terms established in the relevant Act.
3. The complementary funds that, when appropriate, may be allocated by the General State Budget to the Region of Madrid.
4. Shares in State taxes that have not been made over.
5. Yields from taxes made over by the State.
6. Transfers from the Inter-territorial Compensation Fund and other funds intended to favour regional development.
7. Yield from the assets of the Region of Madrid and private law income, inherited assets, legacies and donations.
8. Revenue from fines and penalties imposed within the scope of its competencies.
9. The yield from credit operations and the issuing of public debt⁵⁵.
10. All other resources as may be allocated in accordance with State law.

Section 54

1. The annual share allocated to the Region of Madrid from the State's resources, to which number 4 of section 53 refers, shall be negotiated according to the criteria set in

⁵² Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁵³ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁵⁴ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁵⁵ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

the legislation on development of section 157 of the Constitution and any other criteria that guarantee that the Region of Madrid can exercise its competences with sufficiency and solidarity.

The percentage of its share may be subject to review in the following cases:

- a) When the competences undertaken by the Region of Madrid, from those previously held by the State, are extended or reduced.
- b) When new taxes are made over.
- c) When substantial reforms are carried out in the State taxation system.
- d) When, five years having elapsed from its coming into force, a review is requested by the State or by the Region of Madrid.

2. The percentage of the share shall be established by law⁵⁶.

Section 55

1. The Region of Madrid, through a resolution by the Assembly, may arrange credit and public debt operations, in the country and abroad, to finance investment operations.

2. The volume and characteristics of the credit operations and the issue of public debt shall be established in accordance with the credit policy established by the State.

3. The debt titles issued shall be considered public funds for all purposes.

4. The Government may carry out credit operations for a term not exceeding one year, in order to cover its transitory treasury needs. The Budget Act of the Regional Government shall regulate on an annual basis the basic conditions applicable to these operations⁵⁷.

5. The provisions above shall be implemented in accordance with the terms set forth in the Organic Act on Financing of the Self-governing Regions.

Section 56

1. Management, collection, settlement and inspection of its own taxes, as well as examining claims concerning them, lies with the Region of Madrid, which shall have full powers to perform and organise those tasks, without prejudice to the collaboration that may be established with the State Tax Administration, especially when so required by the nature of the tax.

2. The Executive Council shall undertake, by State delegation, the management, collection, settlement, inspection and review of taxes made over to the Region of Madrid, without prejudice to the mutual assistance that may be established between the Regional and State administrations, in accordance with the provisions of the law setting out the extent and conditions pursuant to which the said taxes have been made over.

3. Management, collection, settlement, inspection and review, if appropriate, of the other State taxes collected within the Self-governing Region lies with the State Tax Administration, without prejudice to the delegation of functions upon the Self-governing Region by the State and the assistance that may be established, especially when so required by the nature of the tax.

Section 57

The Region of Madrid shall assist the State and the Local Governments in all matters related to the tax and financial regime.

⁵⁶ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁵⁷ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

Section 58

The Region of Madrid shall enjoy the same tax treatment as applies to the State by law.

Section 59

The following matters must necessarily be regulated by an act of the Assembly of Madrid:

- a) Imposition, modification and repeal of its own taxes, rates and special levies, and of exemptions, reductions and credits applicable to them.
- b) Imposition, modification and repeal of surcharges on State taxes, as established in section 12 of the Organic Act on Financing of the Self-governing Regions.
- c) The general budgetary regime of the Region of Madrid, according to the principles of the State legislation.

Section 60

The Government of the Region of Madrid shall:

- a) Approve the statutory instruments regulating its taxes.
- b) Draft the necessary statutory instruments for the management of State taxes made over, in accordance with the terms whereby they have been made over⁵⁸.

Section 61

1. The Government is to prepare and implement the budget of the Region of Madrid and the Assembly to examine, amend, approve and supervise it. The Government shall submit the Budget Bill to the Assembly at least two months prior to the start of the relevant financial year⁵⁹.

2. The budget shall be unique, annual in nature and shall include all the revenue and expenditure of the Region and of the bodies, institutions and companies dependent on it. The amount of revenue raised through Regional taxes shall be reflected in the Budget.

Section 62

Pursuant to the terms of State law, the Regional Government shall appoint the persons who are to represent it on the governing bodies of public corporations or financial institutions whose scope of action is fundamentally in the province of Madrid⁶⁰.

Section 63

1. The Region of Madrid may be the owner of public companies and credit and savings entities, as a means of performing the functions within its remit, pursuant to section 27 of this Statute.

⁵⁸ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁵⁹ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁶⁰ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

2. The Region shall prepare an annual programme of action in the public economic sector, the general lines of which shall be co-ordinated with the annual budget activity.

PART VI REFORM OF THE STATUTE

Section 64

1. Reform of the Statute shall be performed pursuant to the following procedure:

The initiative of the reform lies with the Government or the Assembly of Madrid at the proposal of one third of its members, or two thirds of the municipalities of the Region whose population represents the absolute majority of the Region of Madrid.

The proposal for reform shall require, in all cases, approval by the Assembly, by a two thirds majority, and approval by the Cortes Generales by organic act⁶¹.

2. If the proposal of reform is not approved by the Assembly, or by the Cortes Generales, it must not be submitted again for debate and voting by the Assembly until one year has elapsed.

ADDITIONAL PROVISIONS

One

1. The total or partial yield of the following taxes is transferred to the Region of Madrid, on the terms set forth in number 3 of this provision⁶²:

- a) Personal Income Tax, with the limits and conditions established in the transfer.
- b) Personal Wealth Tax.
- c) Conveyance tax and stamp duty.
- d) Inheritance and Gift Tax.
- e) General tax on retail sales.
- f) Taxes on specific retail consumption, except those collected by tax monopoly.
- g) Gambling taxes.

⁶¹ Text as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

⁶² Section amended by Act 30/2002 of 1st July (BOE 157, of 2nd July 2002).

1. The yield from the following taxes has been made over to the Region of Madrid:

- a) Personal Income Tax, partially, up to the limit of 33%.
- b) Personal Wealth Tax.
- c) Inheritance and Gift Tax.
- d) Conveyance Tax and Stamp Duty.
- e) Gambling Taxes.
- f) Value Added Tax, partially, up to 35%.
- g) Special Tax on Beer, partially, up to 40%.
- h) Special Tax on Wine and Fermented Beverages, partially, up to 40%.
- i) Special Tax on Intermediate Products, partially, up to 40%.
- j) Special Tax on Alcohol and Derivative Beverages, partially, up to 40%.
- k) Special Tax on Hydrocarbons, partially, up to 40%.
- l) Special Tax on Tobacco Making, partially, up to 40%.
- m) Special Tax on Electricity.
- n) Special Tax on Certain Means of Transport.
- ñ) Tax on Retail Sales of Certain Hydrocarbons.

The elimination or amendment by the State of any of the taxes aforementioned shall involve extinction or modification of the transfer.

The repeal or modification of any of these taxes shall involve modification or repeal of the transfer.

2. The content of this provision may be amended by agreement between the Government and the Region of Madrid, which shall be processed by the Government as a bill of law. To these ends, amendment of this provision shall not be considered an amendment of the Statute.

3. The scope and conditions of the transfer shall be established by the Mixed Committee referred to in Transitional Provision two which, in all cases, shall refer to the yield within the scope of the Region of Madrid. The Government shall formalise the resolution by the Committee as a draft law.

Two

Elections shall be held according to the provisions laid down by the Cortes Generales, to the exclusive end of co-ordinating the calendar of diverse electoral events⁶³.

TRANSITIONAL PROVISIONS

One

Until the Cortes Generales pass the laws setting out the bases to which this Statute refers, and until the Assembly issues the regulations on the matters of its competence, the State laws and provisions related to those matters currently in force shall continue to apply. All the above is without prejudice to their implementation by the Region where thus provided.

Likewise, the Region may develop the legislative principles or bases contained in the State law from time to time in force, in the cases set forth in this Statute, interpreting that law in accordance with the Constitution.

Two

Devolution of the services inherent to the competences that, according to this Statute, are assigned to the Region of Madrid shall be implemented pursuant to the following bases:

1. Within the maximum term of one month from appointment of the President by the King, a Mixed Committee shall be appointed to prepare an inventory of the assets and interests belonging to the State that must be transferred to the Region, to specify the services and civil servants to be transferred and to proceed to adapt, if necessary, those transferred to the competence of the Region.

2. The Mixed Committee shall be made up of an equal number of Spokesmen appointed by the National Government and the Assembly, and shall establish its own rules of procedure.

3. The resolutions of the Mixed Committee shall be passed as proposals to the National Government, for their approval by Royal Decree, the resolutions being recorded as addenda thereto. They shall be published in the "Official Gazette of the Self-governing Region" and in the "Official State Gazette", coming into force when published.

4. The Mixed Committee shall establish the calendars and terms for transferral of each service. In any event, the said Committee must determine, within a period of two

⁶³ Text of this Additional Provision as drafted in Organic Act 5/1998 of 7th July (BOE 162, of 8th July 1998).

years from the date of its appointment, the term for transferral of all the services assigned to the Region pursuant to this Statute.

5. To prepare the transfers and implement them in organised blocks of a homogeneous nature, the Mixed Committee on transfers shall be aided by Sectorial Committees, with a national scope, grouped by matters, the fundamental duty of which shall be to determine, together with the State Administration, staff, finance and material resources that must be transferred to the Region of Madrid. The Sectorial Committees shall notify their proposals in co-ordination with the Mixed Committee⁶⁴ for ratification by the latter.

6. A certification issued by the Mixed Committee of duly enacted governmental resolutions shall be sufficient title for registration in the Land Registry of the real estate assets transferred by the State to the Region of Madrid. That certificate shall meet the requisites of the Mortgage Act.

7. The change of tenant in contracts for the lease of premises for use as public offices by the services transferred shall not entitle the landlord to terminate or novate the contract.

Three

1. The civil servants and personnel assigned to the Provincial Deputation of Madrid, the State services or to other public institutions subject to transferrals shall retain all of the rights, whatever their nature that they enjoyed at the time of the said transferrals.

2. The said civil servants and personnel shall be subject to the general State legislation and, in particular, to that of the Region of Madrid, within the scope of its competence.

Four

1. The Provincial Deputation of Madrid shall become part of the Region of Madrid as of enactment of this Statute and shall manage the general interests of the Region with respect to local matters until the regional bodies of self-government have been set up. In the performance of its duties, the Deputation shall continue to observe its present competences and economic and administrative programmes, and to apply, in a harmonic manner, the local and State laws in force, the latter order prevailing.

2. Once the regional bodies of self-government have been set up, the political bodies of the Provincial Deputation of Madrid shall be fully dissolved and the latter shall cease its duties. The Region of Madrid shall take over all the competences, means and resources assigned by Law to the Provincial Deputation of Madrid and shall subrogate itself to all the legal relationships arising from the activities of the Deputation.

Five

In television related matters, application of section 31⁶⁵ of this Statute means that the State shall grant the Region of Madrid the use of the State-owned third channel under concession regime, to broadcast within the territory of the Region, on the terms set out in that cession.

⁶⁴ Should read "to the Mixed Commission".

⁶⁵ This reference to section 31 is from the original draft of Organic Act 3/1983. Section 31 was repealed by Organic Act 10/1994 of 24th March, thus being without content. Following the reform introduced by Organic Act 5/1998 of 7th July, section 31 has a content unrelated to this Transitional Provision Five.

Six

1. Until completion of the transferral of the services inherent to the competences bestowed by this Statute upon the Self-governing Region of Madrid, or in any case, until six years have elapsed from its coming into force, the State shall guarantee financing of the services transferred with a sum equal to the effective cost of the service within the territory of the Self-governing Region at the time of devolution.

2. To guarantee financing of the aforementioned services, the Mixed Committee on Transferrals referred to in Transitional Provision Two shall adopt a method aimed at setting the percentage of share in the State Revenue to which section 54 of this Statute refers. The method to be followed shall take into account the direct as well as indirect costs of the services, as well as the relevant investment expenditure.

3. The Mixed Committee on Transferrals shall set the said percentage for the duration of the transitory period at least one month in advance of the presentation of the General State Budget to the Parliament.

4. On the basis of the method established in paragraph 2 above, a percentage shall be set that shall be considered the global effective cost of the services transferred by the State to the Self-governing Region, as reduced by the total tax revenue collected from taxes made over to the Region, in relation to the aggregate of revenue obtained by the State under headings I and II of the budget immediately prior to the transferral of the services evaluated.

Seven

Until Value Added Tax comes into force, the revenues from the collection of Luxury Tax paid by the final buyer are made over to the Self-governing Region.

FINAL PROVISION

This Statute shall come into force on the day of its publication in the "Official State Gazette".

*Thus,
I order all Spaniards, individuals and authorities to abide by and enforce this Organic Act.*

Zarzuela Palace, Madrid, 25th February 1983

H.M. JUAN CARLOS

THE PRESIDENT OF THE GOVERNMENT
Felipe González Márquez