

LAW 13/1996, OF 30 DECEMBER, ON MEASURES HAVING FISCAL, ADMINISTRATIVE AND SOCIAL CHARACTER, ARTICLES 93 TO 96, AND THIRD TEMPORARY PROVISION

(BOE [Boletín Oficial del Estado – Official State Journal] nº. 315, of 31 December 1996), in its deed established by the Law 66/1997, of 30 December - Article 48 - (BOE nº. 313, of 31 December 1997), by Law 50/1998, of 30 December – forty-second additional provision - ( BOE nº. 313, of 31 December 1998), by Law 24/2001, of 27 December - Article 43 - (BOE nº. 313, of 31 December 2001) and by Law 53/2002, of 30 December - Article 49 - (BOE nº. 313, of 31 December 2002).

Article 93. Damages liable to compensation.

Corporal damage and material damage will be liable to compensation by the State, when these damages are caused as a consequence or on the occasion of terrorism offences to those who are not responsible for the aforementioned offences, within the scope and under the conditions established by the regulations that develop this precept.

Article 94. Supplied Assistance.

The development regulations referred to in the previous article will have to comply with the following criteria:

1. Should there be caused a situation of temporary disability, the amount to be received will be equivalent to twice the current daily minimum wage, during the time in which the affected person is in such a situation, with a maximum limit of eighteen monthly payments.
2. Should there be caused injuries, mutilations or deformations of a final and non disabling nature, the amounts to be received will be determined in accordance with the reckoning scale value resulting from the implementation of the law on the amount of the compensations for injuries, mutilations and final and non disabling deformations, caused by accidents at work or by occupational illness.
3. Should there be caused any disabling injuries, the amount to be received will correspond to the current minimum wage on the date in which the corporal damages be consolidated. Besides, it will depend on the disability degree, in accordance with the following scale:
 

a) Partial permanent disability:	fifty	monthly payments.
b) Total permanent disability:	seventy	monthly payments.
c) Absolute permanent disability:	one hundred	monthly payments.
d) High disability:	one hundred forty	monthly payments.
4. In case of death, the compensation will amount to one hundred thirty monthly payments of the current minimum wage on the date in which the said death occurs.
5. A fixed amount of twenty monthly payments of the corresponding minimum wage will be added to the amounts being the result of the implementation of the rules contained in the previous paragraphs (3) and (4), the total sum being granted to each of the children that were economically dependent of the victim.
6. The amounts resulting from applying the rules established in the previous paragraph-numbers could be increased up to 30 per 100, taking into account the personal, familiar, economic and professional circumstances of the victim.
7. The compensations for corporal damage that are stipulated in the previous paragraph-numbers will be compatible with any others to which the victims or their assignees would be entitled. The aforementioned compensations could be granted, during the proceedings of the compensation recognition, and under the conditions that should be determined according to the regulations, those amounts being an advance to the ones which would finally correspond to the beneficiaries. The amounts to be reimbursed will be paid on a three-month period basis, and their value will be equivalent to what results from multiplying by one hundred the current daily minimum wage in force on the date when the injury was produced.
8. Assistance for studying purposes will be granted when, as a result of a terrorist act, either the student himself, or his parents, guardians or curators suffer personal damage of especial importance, or are limited in the performance of their usual profession. The stipulations to develop this regulation will determine the assistance modalities, their amounts and the conditions for their being received, establishing, in any case, their not being compatible with the assistance received, owing to the same concept, from other Public Administrations.
9. The expenditure aimed at covering medical treatments, prostheses and surgery, in an amount not covered by any health care system to which the victim would have opted, will be equally entitled to compensation. The victims and their relatives will receive, on an immediate basis, the psychological and, where appropriate, the psycho-pedagogical assistance which would be deemed necessary. To this purpose, the State Administration will establish the appropriate agreements with other Public Administrations or with private entities specialized in supplying the aforementioned assistance. The psychological and psycho-pedagogical assistance will be incompatible with the ones which might have been granted by other Public Administrations, owing to the same reason. (LAW 24/2001).
10. Compensations for material damage will have a subsidiary nature with respect to any other recognized by the Public Administrations or deriving from insurance contracts, the amount received being reduced by the amount received due to these concepts. Compensations will cover as much the damages caused in the usual housing of individuals, as the damages affecting commercial and industrial establishments, or productive elements of the companies, as well as head offices of political parties, trade unions and social organizations. The compensations should fulfill the following criteria:

a) In the usual residential facilities of individuals, the damage undergone by the structure, the facilities and the furniture that it is necessary to replace will be liable to be granted compensation allowance, in order for the said residential facilities to recover their previous habitability conditions, with the exclusion of elements of sumptuary nature. In those residential facilities not

having the nature of usual residence, the compensation will cover 50 per 100 of the damage expenditure, with the limit of € 90.151,82 per residential facility unit.

b) In the case of commercial or industrial facilities, the compensation will cover 100 per 100 of the value of the repairs that are necessary to set back into working conditions the aforementioned facilities, with a maximum of € 90.151,82 by facility.

Damages caused to public-owned facilities will not be liable for compensation.

Regardless of the compensations for damages stipulated in this paragraph, under exceptional assumptions and, in particular, when the activity of a company is interrupted as a result of the terrorist act, entailing the risk of job losses, the General Administration of the State will be able to decide upon subsidizing the loans having as their purpose the resumption of that activity. The subsidy will consist on paying the credit-lending entity the difference existing between the amount of payments for capital and interest amortizations, at the interest rate set by the credit-lending entity, and the amount which would correspond to the subsidized interest rate, which will be determined in the development provisions.

Likewise, the General Administration of the State will be able to settle agreements with credit organizations in order for the latter to establish low-interest credit granting modalities, with the views stated in the previous paragraph.

In the case of political parties, trade unions and social organizations offices, the compensation will cover 100% of the value of the necessary repairs in order for them to recover their former conditions and to resume their activities.

The General Administration of the State will be able to entrust the reparation of the real estate items referred to in the aforementioned to construction companies, paying directly the latter with the amount of the cost incurred.

The administrative contracts implied by the repair works will be dealt with according to the official emergency procedure stipulated in the Article 72 of the Royal Legislative Decree 2/2000 of 16 June, whereby the modified Text of the Law of Contracts of the Public Administrations is approved.

Notwithstanding that, the General Administration of the State will be able to sign agreements with other Public Administrations, in order for the latter to assume the implementation of the repair works, the former effecting the payment of their cost.

Those having suffered from loss or damage that had benefited from repair works made by the General Administration of the State will be deemed to have relinquished their right to require, from the Partnership for Compensation of Insurance, the payment compensations corresponding to damages to the insured goods having been repaired. The aforementioned payment will be received by the company having carried out the repair work or by the Administration acting as per agreement, according to the official expert evaluations performed by the aforementioned Partnership.

c) There will be liable for compensation both those damages caused to private vehicles as well as those undergone by those vehicles intended for land transportation of people or goods, excepting those vehicles of public ownership.

In order for the compensation to be deemed appropriate, it will be an essential requirement the existence of the automobile compulsory insurance, and its validity at the time of the accident.

The compensation will cover the amount of the necessary expenditure for its reparation. In the case that the vehicle should be destroyed, or when the reparation cost is higher than its saleable value, the compensation will be equivalent to the acquisition market value of a vehicle having technical characteristics and conditions of use similar to the one affected, with the maximum limit of € 21.035,42. The compensation will have subsidiary nature with respect to any others recognized by the Public Administrations or deriving from insurance contracts, being reduced in an amount equaling the value of those compensations or indemnities, in case of concurrence of the latter.

d) The General Administration of the State will be able to contribute to supporting the expenditure implied by the provisional lodging of those persons that, as a result of a terrorist attack, must temporarily abandon their houses while works of reparation are carried out. To those effects, it will be able to sign agreements or compacts with other Public Administrations or with organizations specializing in assisting or aiding those having suffered from loss or damage, in situations of accident or disaster. (LAW 24/2001).

11. The loans regulated in the previous paragraphs will be implemented to the facts having occurred since 1st January, 2002. Nevertheless, the assistance to studying costs and to psychological care for the victims from acts of terrorism could be granted in accordance with what is established by the regulations of the development of this rule, whatever the date of perpetration of the criminal act causing the damage that led to their having the condition of victims. (LAW 24/2001).

12. Without any prejudice for the compensations and the assistance considered in the previous paragraphs, the Minister of the Interior will be able to grant special aid in order to alleviate situations of personal or familiar needs of the victims, not covered or covered in an obviously insufficient way by ordinary assistance means.

These aids will be especially intended to counter the economic damages caused to persons who, after having been subject to threats, undergo attacks aimed at their goods and properties. (LAW 24/2001).

13. The Ministry of the Interior will be able to award an advance up to the amount of three million pesetas, to be deduced from the final assistance amount to be received, in the cases in which, owing to the seriousness of the corporal mutilations suffered as a consequence of the attack, it is reasonable to presume a later declaration of total permanent disability, absolute permanent disability, or high disability of the victim. (LAW 66/1997).

14. In assumptions of peremptory necessity, advance payments could be granted as per special assistance, health care assistance, transfers of affected persons and provisional lodgings, the total amount of which will not exceed 70 per 100 of the amount that might foreseeable have been agreed by the ruling deciding its award. Such advance payments could be issued as payments to be justified. (LAW 53/2002).

#### Article 95. Grants.

The General Administration of the State will be able, in the terms and conditions determined in the development regulations, to award grants to those associations having as their purpose the representation and the defense of the interests of the victims of

acts of terrorism.

Article 96. Competency to recognize the compensations.

The proceedings for the recognition of the compensations will be processed and solved by the Ministry of the Interior. The decisions issued will put an end to the administrative way and could be discretionarily appealed or directly impugned before the courts of the contentious-administrative territorial magistrates.

In order to decide upon the quality of the injuries, and as is specified by the National Social Health and Welfare Institute [Instituto Nacional de la Seguridad Social], there will be required a determination having been issued by the disability valuation board, in which a representative of the Ministry of the Interior will be integrated. Nevertheless, the qualification of disabilities affecting members of the Armed Services, the Civil Guard or the Body of National Police will be carried out by their respective Superior Medical Courts. The qualification of non disabling permanent injuries could be carried out, where appropriate, by the Medical Consultation Board assigned to the Administrative Unit conducting preliminary examination in order to determine the compensations.

The expert appraisal of material damage will be made by the competent services belonging to the Compensation of Insurance Partnership, to which will be restored the amount of the costs implied by the appraisal of those goods not being covered by insurance contracts.

In the dossiers for compensation of material damage of an amount below EUR 1.803,04, the expert appraisal from the Compensation of Insurance Partnership will be deemed sufficient in order to their being recognized in the corresponding administrative decision.

When they are determinant upon whether to adopt the decision, the calculated evaluations of injuries and the expert appraisal of material damage will adjourn the proceedings until the said evaluations are integrated into the dossier that settles the compensation.

In the exercise of the powers deriving from this article, the Ministry of the Interior will be able to gather data appertaining to the recognition proceedings for the special pensions awarded owing to acts of terrorism, related to those applicants whose list appears in the files of the National Social Health and Welfare Institute [Instituto Nacional de la Seguridad Social] and in the General Directorate for Personnel Costs and Public Pensions. (LAW 24/2001).

Third temporary provision. Procedures for awarding compensations to the victims of acts performed by armed gangs and by terrorist elements.

One. The compensations for corporal and material damage caused by the criminal activities perpetrated by armed gangs and terrorist elements prior to 1st January, 2002 will be regulated by the legislation hitherto in force.

Two. Nevertheless, until those development regulations referred to in the Article 93 of this Law be issued, the Royal Decree 1211/1997, of 18 July will be applied, in whatever does not contradict the current provision, to the procedures for awarding compensation to victims of armed gangs and of terrorist elements, and having undergone the result of offences generally related to terrorism. (LAW 24/2001).

#### LAW 32/1999, OF 8 OCTOBER, OF SOLIDARITY WITH THE VICTIMS OF TERRORIST ACTS

(BOE [Boletín Oficial del Estado – Official State Journal] nº. 242, of 9 October 1999) in its deed as established by the ninth additional provision to the Law 14/2000, of 29 December (BOE nº. 313, of 31 December 2000) and by the Law 2/2003, of 12 March (BOE nº. 62, of 13 March 2003).

##### EXPLANATORY FOREWORD

By this Law, the Spanish society pays honoring tribute to all that have undergone the violence arising from acts of terrorism. The Parliamentary Groups of the Chamber of Deputies and of the Senate wish – unanimously – to have this initiative become an expression of recognition and solidarity, in order to offer the victims from acts of terrorism the demonstration of deep-felt homage that their sacrifice indeed deserves.

With their personal contribution, the victims from acts of terrorism have been the exponent of a society determined not to allow anything or anybody to subvert those values proper to coexistence, tolerance and freedom. Therefore, the victims are the clearest paradigm of the citizens' collective will in order to favor a peaceful future, which must be built up based on dialogue, consensus and the reciprocal respect among the various political options that act as legitimate representation of the citizenship.

The recovery of Democracy strengthened a coexistence project aimed at overcoming the old conflicts of our History. A project established upon the respect for law and order, for the popular will and for the free and peaceful exercise of any political vindication. Therefore, nothing justifies resorting to any kind of violence, nor is there any argument for a few persons to have broken the peace.

At the present time, however, expectations of a future lacking in violence have a more hopeful horizon than at any other moments. This is, undoubtedly, a collective achievement of the whole of our society, and in which that society plays the sole major role. This is why, in that context, the reference to the victims will always imply the incontrovertible meeting place wherein, from their own plurality and their natural ideological differences, all democrats are to concur.

For the two last decades, the State has paid its especial and continuous attention towards the victims from acts of terrorism. In the last twenty years, the acts of all democratic governments have been directed to determine, through legal regulation, a wide and single protection system. In parallel, the action of the Courts has been establishing where the responsibilities deriving from acts that should shake any sensitivity should lie, even though numerous offences are still pending to be elucidated. The proceedings of Justice have been articulated by means of rulings wherein recognized and established, together with acknowledging the pains corresponding to frightful and blind offences against persons, diverse compensations for the victims or for their families. These compensations, however, have never hitherto satisfied. Therefore, this Law does not aim to improve or

to perfect the assistance or the benefits granted under the current legal system, but to bring into effect – for reasons of solidarity – the right of those having suffered from loss or damage to be indemnified or compensated according to civil liabilities, whereas the State acts as subrogee on behalf of those entitled to the payment of remedies or securities. That notwithstanding, the Law lends also its protection to all the victims from acts of terrorism, both whether those victims had been recognized their rights by a final judgment as in the cases under other assumptions wherein such circumstance would not concur.

This does not have the aim of palliating the harm undergone by the victims by way of a mere material compensation as that would be, by itself, unacceptable. The harm suffered by the victims is – and will forever be – a piece of evidence that must serve Spanish society so that it never loses the most authentic sense of what is meant by coexisting peacefully. For the victims, only the final banishment of violence would become their sole possible compensation. Whoever has undergone, in themselves, the drama implied by terror require us to be able to achieve that intolerance, exclusion and fear may never replace discourse and reason.

This Law is, therefore, the statement of the agreement of all the legitimate representatives of the Spanish citizens to contribute towards the aim that peace should be the outcome of conciliation and justice, and in order that victims from acts of terrorism should receive, once more, the expression of the respect, the admiration and the affection that our citizenship must and will always feel towards them.

#### Article 1. Purpose

By this Law, the State pays honoring and recognizing tribute to all those who have undergone violence arising from acts of terrorism and, owing to this consideration, assumes the charge of paying those compensations that are owed by the authors and by all other persons responsible of such acts.

#### Article 2. Area of implementation

1. The victims of acts of terrorism or of acts having been perpetrated by one or more persons integrated in armed gangs or groups, or that act in order to seriously subvert peace and civic safety, will have the right to be granted compensation by the State. The latter will assume, acting as per special nature, the payment of the corresponding compensations, as a civil liability and in accordance with the provisions of this Law.

2. Only physical or psycho-physical damages undergone by such victims will be liable to indemnification, provided the acts or deeds having caused them happened between 1st January, 1968 and the date of coming into force of this Law. (See the ninth Additional Provision of the Law 14/2000, of 29 December)

3. The compensations granted under this provision will be granted only once, and do not imply for the State to assume any subsidiary responsibility.

#### Article 3. Beneficiaries

The beneficiaries of the compensations stipulated in the previous article will be:

1. The victims of acts of terrorism or of acts having been perpetrated by one or more persons integrated in armed gangs or groups, or that act in order to seriously subvert peace and civic safety.

2. In the assumption for the victims to incur death:

a) The persons that would have been designed as rightful successors according to the corresponding final judgment, or their heirs.

b) When the final judgment had not been issued, the spouse lawfully being non separate or, where appropriate, the person that would have been living in partnership with the victim in a permanent way, enjoying an affectivity relationship similar to that of the spouse, during at least the two years previous to the moment of the victim's death, unless they had had any descent in common, in which case mere coexistence will suffice, and their heirs in descendent or ascending straight line up to the second degree of relationship. The order of preference and the principles of concurrence of the different beneficiaries will be those established in the Regulation for the Assistance and the Compensations to the Victims of Offences of Terrorism, approved by the Royal Decree 1211/1997, of 18 July.

#### Article 4. Honorary Mentions (Amended by the Law 2/2003, of 12 March)

1. In order to honor the victims from acts of terrorism, the Royal Order of Civil Recognition to the Victims from acts of terrorism is created.

2. The Government, subject to the request of those interested or their heirs, will grant the decorations that this article considers: in the class of Great Order, at a posthumous title, to the persons deceased subsequently to acts of terrorism; and in the class of Commandership, to those wounded and kidnapped subsequently to acts of terrorism.

3. The aforementioned decorations could not be granted, however the case, to whomever has shown, in his or her personal or professional trajectory, a behavior deemed contrary to the values represented in the Constitution and in this Law, and to the Human Rights acknowledged in international treaties.

#### Article 4 bis. (Introduced by Law 2/2003, of 12 March)

1. Following a proposal issued by the Minister of the Presidency and in the maximum deadline of three months, to be computed from the coming into force of this Law, the Government will approve the Regulation of the Royal Order of Civil Recognition to the Victims from acts of terrorism.

2 The Ministry of the Presidency will be in charge of the formal proceedings in order to award the decorations foreseen in this article. By means of a royal decree, the aforementioned Ministry will submit to the approval of the Cabinet of the Ministers the

proposal for awarding the class of the Great Order, or will grant the class of Commandership, by order and on behalf of His Majesty the King.

3. The fact of being considered a victim from an act of terrorism will be accredited by means of the mandatory report issued by the Ministry of the Interior, or by means of the recognition, carried out by the General Administration of the State, of a special pension subsequent to an act of terrorism, or by the issue of a final judgment.

4. The maximum deadline to notify the decision of the requests will be of 12 months, to be computed from their entry date into the input register of the body having competency as for the proceedings.

In the case of those procedures that are not solved through a decision issued within the indicated deadline, the requests will be understood to have been upheld.

5. The dismissing or upholding decision will put an end to the administrative way. The aforesaid decision is liable to be appealed, through the application for a contentious-administrative appeal.

#### Article 5. Requirements for the entitlement of compensations

1. Those affected by the compensations regulated in this Law will be repaid:

- a) Whenever, as a consequence of a final judgment, they are recognized the right to be compensated, as results from the concept for civil liability related to the deeds and the damage considered in the second Article of this Law.
- b) Whenever, with no mediation effected by such a final decision, suitable legal proceedings have been carried out, or penal proceedings aimed at the legal trial of the offences have been started. In these cases, the condition of victim or that of rightful successor, the characteristics of the harms and damages undergone, the nature of the acts or deeds that caused the said harms and damages, and the other legally stipulated requirements could be accredited before the General Administration of the State by any kind of evidence rightfully admitted by Law.

2. In any case, the administrative decisions that entitle those persons implied to being recognized their condition of victims from acts of terrorism will be effectual in order to proceed and decide upon the corresponding administrative dossiers.

#### Article 6. Assessment of indemnities and compensations

1. The duties assumed by the State, in pursuance to what is set out in the first Article of this Law, apply to the payment of the indemnities or the compensations established as related to the physical or psycho-physical damages having caused the following contingencies:

- a) Death.
- b) High disability.
- c) Absolute permanent disability.
- d) Total permanent disability.
- e) Partial permanent disability.
- f) Non-disabling permanent injuries.

2. The amount of the indemnities or the compensations referred to in the previous paragraph will be determined in the following way:

a) When there is a final judgment recognizing a compensation as results from the concept of a civil liability, either due to death or physical or psycho-physical harm, the amount determined by the aforementioned judgment will be paid, after having been updated in accordance to the peseta [Spanish currency before the Euro] constant rate-value index. The latter will be paid, after being updated according to the index of the constant value of the peseta. If the amount thus established were lower than the one determined for each assumption listed in the Annex to this Law, the State would make up for the difference.

b) When there is no final judgment, or if the decision issued does not recognize or did not allow recognizing an amount as results from the concept of a civil liability for physical or psycho-physical harm, the amount stipulated in the Annex to this Law will be paid.

3. Within each assumption, the indemnification or compensation will amount to the same quantity, irrespectively of the time wherein the act or deed motivating the damage would have taken place.

4. The victims from acts of kidnapping will be compensated in the terms that are to be determined by regulation, the maximum amount to which they would be entitled being that which corresponds to partial permanent disability, as is foreseen in the Annex to this Law.

5. The compensations granted in accordance with the provisions of this Law will be compatible with those pensions, assistance, indemnities or compensations having been received, or that might be granted latterly, under the provisions included in the Laws for the Assistance to the Victims from Acts of Terrorism, or under other legal provisions.

#### Article 7. Other kinds of assistance

1. The different educational authorities will decide, in the exercise of their respective powers, upon the necessary measures to ensure the exemption of any kinds of academic fees in the official academic centers and at all the educational levels, as well in favor of the victims from acts of terrorism as well as in that of their spouses and their children.

2. Regardless of the indemnities or the compensations regulated in the previous article, the victims of the acts mentioned in the second Article will be granted specific assistance with the purpose of financing medical treatments, prostheses and surgery, whenever the actual need of these health care services is accredited and the said services are covered neither by a public or private insurance system, nor by the public regime of compensation or of assistance to the victims of acts of terrorism.

#### Article 8. Transfer of the civil action to the State

1. The State will act as a subrogee being transferred the rights entitled to the beneficiaries, against those initially obliged, as authors of the offences, to effect the payment of compensation, in accordance with what is stipulated in this article.
2. Prior to receiving the compensations established in this Law, the beneficiaries will have to transfer to the State those civil actions of which they would be holders.
3. If the final judgment had not been issued, the victim or, on his or her behalf, the rightful successors of the victim, would transfer to the State their legal expectations, based on the future legal determination of civil liabilities.

#### Article 9. Effects of the different procedural situations

1. If the civil liability had been determined by means of a final judgment, the victim or his or her rightful successors would only receive the compensations stipulated in this Law, insofar as the reimbursement of the aforementioned civil liability had not been made effective.
2. The fact that legal proceedings are pending or are started against the deeds generating civil liability will not hinder the official proceedings related to the compensations and, where appropriate, the fact of the aforementioned compensations being granted in pursuance to this Law.
3. The setting down of a compensation according to the concept of civil liability, occurring subsequently to a final judgment, will have the effects stipulated in the Articles 6.2.a) and 8.1 of this Law. If the compensation established by the decision, following the concept of physical or psycho-physical harm, was higher in amount than the one received by the beneficiary, the State would pay the difference to the interested person.
4. When a Court decision is issued in order to grant a compensation in accordance with criteria that are different to those following an administrative ruling issued under this Law, and besides those stipulated in the previous section of this article, the following rules will be abided:
  - a) If the overall amount of the compensation determined by the judgment is equal to or lower than the one established in the ruling, the Administration will not start any further legal action, and the situation deriving from that ruling will not be altered.
  - b) If the overall amount of the compensation determined by the judgment is higher than the one established in the ruling, the difference will be distributed among the beneficiaries whom the judgment has entitled to amounts higher than those fixed for them in the administrative ruling.

The aforementioned distribution will be made in accordance with the proportions that arise from the indemnifying disposition of the Court decision.

  - c) In the assumptions described on sections a) and b), the beneficiaries whom the Court decision has entitled a compensation higher than the one they would finally receive will retain their being parties to the civil action, for the amount corresponding to the difference to be received.
  - d) What is established in this section will be understood without any prejudice to what is established in the additional provision 9.2 of the Law 14/2000, of 29 December, on fiscal, administrative and social order Measures. (Law 14/2000).

#### Article 10. Processing enquiries and appeals.

1. The Ministry of the Interior will be in charge of processing and deciding upon the proceedings and the payment of the compensations established in this Law.
2. The persons that consider themselves beneficiaries will be able to apply for the grant of the amounts to which they might be entitled, within a period of six months to be computed from the coming into force of the Regulation included in this Law,.
3. The maximum deadline to notify the decision of the requests will be 12 months. In the case of those procedures that are not solved through a decision issued within the indicated deadline, the requests will be understood to have been upheld.
4. The dismissing or upholding decision will put an end to the administrative way. The aforesaid decision is liable to be appealed, through the application for a contentious-administrative appeal.

#### Article 11. Relationship with the Courts

The Ministry of the Interior will be able to require from the Courts of Justice the background, data or reports that are deemed necessary in order to process the enquiries.

#### Article 12. Commission of Evaluation

A Commission of Evaluation will be created within the Ministry of the Interior. This Commission, having as Chairman the Technical General Secretary of the Department and integrated by representatives of the Ministries of Justice, Economy and Finance, Interior, and Labor and Social Affairs, will draw up and submit the proposals for the resolution of those enquiries being processed under this Law.

#### Article 13. Tax Exemptions

1. The amounts received as a result of the compensations referred to by this Law will be free from the Personal Income Tax and from any personal tax to which they might be liable.
2. In particular, the compensations considered by this Law will be considered as special public loans, subsequent to acts of terrorism, to the effects of the exemption stipulated in Article 7.a) of Law 40/1998, of 9 December, on the Personal Income Tax and on other tax regulations.

First additional provision

The widow's or widower's pensions and the orphan's pensions allowed to those persons having been granted permanent disability pensions or retirement pensions owing to permanent disability, the former and the latter being the result arising from acts of terrorism, will also be considered extraordinary pensions deriving from such acts.

Second additional provision (Introduced by Law 2/2003, of 12 March)

When the acts described in section 1 of Article 2 have been perpetrated outside the national territory, by persons or by groups whose terrorist activity is not mainly performed in Spain, the Ministry of the Interior will be able to grant exceptional assistance to the Spanish victims of such acts, in the terms that are determined by regulation.

What is stipulated in this provision will apply to the acts occurred from 1st September 2001 onwards.

Single repealing provision

The provisions of equal or inferior legal rank contrary to what is established in this Law are thereby repealed.

First final provision. – Development of the regulation.

Within a three-month deadline since the coming into force of this Law, and in pursuance to the joint proposal of the Ministers of Justice, of Economy and Finance, of the Interior, and of Work and Social Affairs, The Government will develop by regulation what is established in this Law.

Second final provision. – Extraordinary credit and future budgetary needs

1. Within the shortest delay, the Government will submit to the Parliament a draft bill for the granting of a special credit, in order to provide financing means for the foreseeable payments throughout 1999.

2. Further budgetary needs will be settled down in the Laws of the National Budgets.

Third final provision. – Supplementary rules

In whatever is not foreseen by this Law, the Laws liable to be applied will be the Law on compensations to the victims from offences of terrorism or of armed gangs, the provisions as to grants and public assistance and, wherever deemed appropriate, the Law 30/1992, of 26 November, on the Legal System of the Public Administrations and on Common Administrative Procedure.

Fourth final provision. – Coming into force

This Law will come into force on the same day of its publication in the Official State Journal.

#### ANNEX

#### COMPENSATIONS FOR PHYSICAL AND PSYCHO-PHYSICAL DAMAGE

TABLE I

Compensations for death and disabilities

ASSUMPTIONS	AMOUNT - pesetas/Euros
Death	23.000.000 / 138.232,78
High disability	65.000.000 / 390.657,87
Absolute permanent disability	16.000.000 / 96.161,94
Total permanent disability	8.000.000 / 48.080,97
Partial permanent disability	6.000.000 / 36.060,73

TABLE II

Compensations for non-disabling permanent injuries

The amounts of these compensations will be the ones stemming from the implementation of the scale criteria for non disabling permanent injuries established by the Law on Civil Liability and Insurance in the Circulation of Motor Vehicles.