

STATEMENT OF MOTIVES

I

The fundamental right of association, recognized in article 22 of the Constitution, and an ancient tradition in our constitutionalism, constitutes a sociological and political phenomenon, as a natural tendency of people and as an instrument of participation, with respect to which the public powers do not they can stay on the sidelines.

Our Constitution is not alien to these ideas and, based on the principle of freedom of association, contains norms regarding associations of constitutional relevance, such as political parties (article 6), trade unions (articles 7 and 28), religious confessions (article 16), consumer and user associations (article 51) and professional organizations (article 52), and in a general way defines, in article 22, the principles common to all associations, eliminating the preventive control system, contained in Law 191/1964, of December 24, on Associations, and enabling its exercise.

Consequently, the unavoidable need to address the development of article 22 of the Constitution, by means of Organic Law, as it deals with the exercise of a fundamental right (article 81), implies that the general regime of the right of association is compatible with the specific modalities regulated in special laws and the regulations that develop them, for political parties, unions, business associations, religious confessions, sports associations, and professional associations of Judges, Magistrates and Prosecutors. With this objective in mind, a minimum and common regime is established, which is also the regime to which associations not covered by the special legislation will adjust.

It has been chosen to include in a single normative text the comprehensive and global regulation of all these aspects related to the right of association or its free exercise, as opposed to the possibility of distinguishing, in two legal texts, the aspects that constitute the essential nucleus of the content of this right -and, therefore, adjustable through Organic Law- of those others that do not require such a normative instrument because they do not have that character.

This division would have been difficult to achieve for the following reasons: first, in the current text, precepts of an organic and ordinary nature are intertwined, sometimes as different sections of the same article, for which their separation would have led to a loss. technical quality of the standard and greater difficulty in its understanding, application and interpretation; and second, by grouping in a single text - always differentiating according to the organic nature or not- the basic code that regulates the right of association, it favors its knowledge and management by citizens, whose perception of the right of association is basically unitary in terms of its regulatory regulations, at least at the state level.

It is also undeniable, and this is what the Economic and Social Committee of the European Union recalls in its Opinion of 28 January 1998, the importance of associations for the preservation of democracy. The partnerships allow individuals recognize their convictions, actively pursue their ideals, perform tasks useful, find their place in society, be heard, exert influence and bring about change. By organizing, citizens are equipped with more effective means to convey their opinion on the different problems of society to those who make political decisions. Strengthening democratic structures in society reverts to strengthening all democratic institutions and contributes to the preservation of cultural diversity.

In this sense, the legislator must be especially aware, when regulating the right of association, of the mandate contained in article 9.2 of the Constitution, which derives directly from the configuration of our State as social and democratic by law. It is in this legislative framework where the task assigned to the public powers of facilitating the participation of citizens in all social spheres is called to find its main expression. This philosophy permeates the entire regulation, since one of the decisive instruments for participation to be real and effective is the existence of a vigorous associationism. This must be made compatible with respect for associative freedom and non-interference in its internal functioning, so that under the pretext of promotion it does not take shelter in forms of interventionism contrary to our supreme rule.

II

This Organic Law , following our legal tradition, limits its scope to non-profit associations, which allows civil, commercial, industrial and labor companies, cooperatives and mutual societies, to be left out of the scope of its application , and to the communities of property or owners, whose purposes and nature do not respond to the commonly accepted essence of associations, without prejudice to recognizing that article 22 of the Constitution can project, tangentially, its protective scope when in this type of entities consider rights that do not have an equity character.

Neither can the corporations called upon to exercise , by legal mandate, certain public functions, when they develop them, be included.

On the other hand, the criminal unlawfulness of associations, whose definition corresponds to criminal law, constitutes the insurmountable limit of protection of the right to association.

III

The right of association projects its protection from a double perspective; on the one hand, as a right of people in the field of social life, and, on the other hand, as the capacity of the associations themselves to function.

The Law, throughout its articles and systematically located, expressly develops both facets.

Regarding the first, the positive aspects appear, such as freedom and voluntariness in the constitution of associations, in parallel with the contemplation of the ownership of the right to establish associations, without prejudice to the conditions established by current legislation for its exercise. , and the rights inherent to the condition of associate; and the negative ones, which imply that no one can be forced to join or remain in an association.

The second includes the capacity of the associations to register in the corresponding Registry; to establish their own organization within the framework of the Law; to carry out activities aimed at fulfilling its purposes within the framework of specific sector legislation; and, finally, in order not to suffer any interference from the Administrations, as stated so emphatically in section 4 of article 22 of the Constitution , except that which may be determined by the concurrence of other constitutional values, rights or freedoms that must be the object of protection at the same time and level as the right of association.

IV

The growing importance that associations have in legal traffic advises, as a guarantee for those who enter into said traffic, that the Law take as a point of reference - in relation to its liability regime - the moment in which the registration in the Corresponding record.

This same guarantee makes necessary the regulation of important points in legal traffic, such as the content of the founding act and the Statutes, the modification, dissolution and liquidation of the associations, their documentary and accounting obligations , and the publicity of the identity of the members of the management and administration bodies.

The consequence of the registration in the Registry will be the separation between the patrimony of the association and the patrimony of the associates, without prejudice to the existence, and possibility of demand, of the responsibility of those who, with their acts or omissions, cause the association or third parties damages or losses.

V

From the content of article 22.3 of the Constitution it follows that the Administration lacks, when managing the Registers, of powers that could entail a material control of legalization or recognition.

For this reason, the registration procedure is regulated within the aforementioned constitutional limits, establishing registration by positive silence in coherence with the fact that it is the exercise of a fundamental right.

SAW

This Law recognizes the importance of the associative phenomenon, as an instrument of integration in society and of participation in public affairs, before which the public powers must maintain a careful

balance, on the one hand in guarantee of associative freedom, and of another in protection of the fundamental rights and freedoms that could be affected in the exercise of the former.

It is clear that associations play a fundamental role in the various areas of social activity, contributing to an active exercise of citizenship and the consolidation of an advanced democracy, representing the interests of citizens before the public powers and developing a function essential and essential, among others, in the policies of development, environment, promotion of human rights, youth, public health, culture, job creation and others of a similar nature, for which the Law contemplates the granting of aid and subsidies by the different public administrations in accordance with the general legal and regulatory framework that provides for them, and the specific one that in this matter will be legally regulated in the future.

For this reason, a chapter dedicated to promotion is included that incorporates, with adjective modifications, the recently updated public utility association regime as a dynamic instrument for carrying out activities of general interest, which will decisively benefit the community.

In this regard, the important role of volunteers cannot be forgotten, so the Administration must take into account the existence and activity of volunteers in their respective associations, in the terms established in Law 6/1996, of 15 December. January, from volunteering.

VII

Chapter VII contemplates the jurisdictional guarantees, without which the exercise of the right of association could become a mere declaration of principles.

The application of the special procedures for the protection of the fundamental rights of the person, corresponding in each jurisdictional order, does not offer any doubt, in all those aspects that constitute the fundamental content of the right of association.

Likewise, section 4 of article 22 of the Constitution is being developed, establishing the causes of suspension and judicial dissolution of associations; and, with regard to the protection, in ordinary procedure, of the contentious-administrative and civil jurisdictional orders, the Law does not modify, in essence, the pre-existing situation, referring to the Organic Law of the Judicial Power as regards jurisdiction

VIII

Another notable novelty of the Law is the possibility of creating the Sectorial Councils of Associations as collaboration and advisory bodies, of which representatives of the Administrations and associations are part, as a framework for common action in the different associative sectors, given its wide diversity, and that it serves as a channel of dialogue, so that the role and evolution of the associations respond to current and future needs.

It is necessary that the associations collaborate not only with the Administrations, but also with industry and commerce, business organizations and trade union organizations; collaboration built on a relationship of mutual trust and exchange of experiences, especially on issues such as the environment, culture, education, health, social protection, the fight against unemployment, and the promotion of human rights. With the creation of the Sectorial Councils of Associations, it is intended to channel and encourage this collaboration.

IX

This Law, by virtue of the provisions of the first final provision, is clearly respectful of the doctrine of the Constitutional Court, which is contained in the judgment of July 23, 1998, regarding the reservation of organic law, and in what which refers to the distribution system competition I it emerges from the Constitution and the Statute of Autonomy. For this reason, the existing regional legislation on associations has also been taken into account.

The rank of organic law, ex article 81.1 of the Constitution, reaches, in the terms of section 1. of the first final provision, the precepts of the Law considered as essential elements of the content of the right of association, which is manifested in four dimensions: in the freedom to create associations and ascription to those already created; in the freedom not to associate and to stop belonging to them; in the freedom of

internal organization and functioning without external interference; and in a set of faculties of the associates considered individually against the associations to which they belong.

Article 149.1.1.8 of the Constitution enables the State to regulate and guarantee the primary content, the elementary powers and the essential limits in what is necessary to guarantee the equality of all Spaniards, and this law specifies said empowerment, in the exercise of the right of association, in aspects related to the definition of the legal concept of association, as well as in the external legal regime of associations, all of which require uniform treatment.

The second of the jurisdictional titles that is manifested in the Law is the one provided for in article 149.1.6.8 of the Constitution, as regards procedural legislation and that responds to the need to safeguard the uniformity of the jurisdictional instruments.

The purpose of the definition and regime of the associations declared of state public utility is to stimulate the participation of the associations in carrying out activities of general interest, and for this reason it is issued under the protection of article 149.1.14.8 of the Constitution.

The remaining rules of the Law are only applicable to associations of state competence, competence that will reach all those associations for which the Autonomous Communities do not hold exclusive powers, and, where appropriate, foreign associations.

Ultimately, this Law is intended to overcome the current preconstitutional regulations, taking as fundamental criteria the democratic structure of associations and their absence of profit-making purposes, as well as guaranteeing the participation of people in them, and the participation of the associations itself. associations in social and political life, from a spirit of freedom and pluralism, recognizing, in turn, the importance of the functions they fulfill as social agents of change and social transformation, in accordance with the principle of subsidiarity.

CHAPTER I

General disposition

Article 1. Purpose and scope of application.

1. The purpose of this Organic Law is to develop the right of association recognized in article 22 of the Constitution and to establish those norms of the legal regime of associations that correspond to the State.

2. The right of association shall be governed in general by the provisions of this Organic Law, within whose scope of application are included all associations that do not have profit purposes and that are not subject to a specific associative regime.

3. The political parties will be governed by their specific legislation; trade unions and business organizations; churches, confessions and religious communities; sports federations; consumer and user associations; as well as any others regulated by special laws.

Associations constituted for exclusively religious purposes by churches, confessions and religious communities will be governed by the provisions of international treaties and specific laws, without prejudice to the supplementary application of the provisions of this Organic Law.

4. Communities of property and owners and entities governed by the provisions relating to the partnership contract, cooperatives and mutual societies, as well as temporary unions of companies and interest groups are excluded from the scope of this Law. economic.

Article 2. Content and principles.

1. All people have the right to associate freely for the achievement of lawful purposes.

2. The right of association includes the freedom to associate or create associations, without the need for prior authorization.

3. No one may be obliged to form an association, to join it or to remain within it, or to declare belonging to a legally constituted association.

4. The constitution of associations and the establishment of their organization and operation will be carried out within the framework of the Constitution, this Organic Law and the rest of the legal system.

5. The internal organization and operation of the associations must be democratic, with full respect for pluralism. Pacts, statutory provisions and agreements that ignore any of the aspects of the fundamental right of association will be null and void .

6. Public entities may exercise the right of association among themselves, or with individuals, as a measure of promotion and support, provided that they do so on equal terms with them, in order to avoid a dominant position in the operation of the association .

7. Associations that pursue ends or use means classified as a crime are illegal.

8. Secret associations and those of a paramilitary nature are prohibited .

9. The condition of member of a certain association cannot be, in any case, reason of favor, advantage or discrimination to any person on the part of the public powers.

Article 3. Capacity .

Individuals and legal entities, whether public or private, may establish associations and form part of them, in accordance with the following principles:

a) Natural persons need to have the capacity to act and not be subject to any legal condition for the exercise of the right.

b) Non-emancipated minors over fourteen years of age with the documented accredited consent of the persons who must supply their capacity, without prejudice to the regime established for children's, youth or student associations in article 7.2 of Organic Law 1 / 1996, of January 15, on the Legal Protection of Minors.

c) The members of the Armed Forces shall abide by the provisions of the Royal Ordinances for the Armed Forces and the rest of their specific norms for the exercise of the right of association. The members of the Civil Guard will be governed by their own regulations.[\[one\]](#)

d) The Judges, Magistrates and Prosecutors shall abide by what their specific regulations provide for the exercise of the right of association in regard to professional associations.

e) Legal persons of an associative nature will require the express agreement of their competent body, and those of an institutional nature, the agreement of their governing body.

f) Associations may establish federations, confederations or unions, after fulfilling the requirements for the constitution of associations, with the express agreement of their competent bodies.

g) Legal-public persons will be holders of the right of association in the terms of article 2.6 of this Law , unless otherwise established by its constitutive and regulatory norms, to which the exercise of that right must, in any case, be adhered to. .

Article 4. Relations with the Administration.

1. The public powers, within the scope of their respective competences, shall promote the constitution and development of associations that carry out activities of general interest.

2. The Administration may not adopt preventive or suspensive measures that interfere in the internal life of the associations.

3. The granting of public aid or subsidies and, where appropriate, the recognition of other benefits provided by law or regulations, will be conditional on compliance with the requirements established in each case.

4. The competent Administration will offer the advice and technical information available, when requested, by those who undertake associative projects of general interest.

5. The public authorities will not provide any type of assistance to associations that, in their admission process or in their operation, discriminate on the basis of birth, race, sex, religion, opinion or any other personal or social condition or circumstance .

6. The public authorities will not provide any financial or other assistance to those associations that, through their activity, promote or justify hatred or violence against natural or legal persons, or exalt or justify terrorist crimes by any means. or of those who have participated in its execution, or the performance of acts that involve discrediting, disparaging or humiliating the victims of terrorist crimes or their families.

It is considered, these effect years, an association carries out activities under the preceding paragraph, when one of the members of their representative bodies, or any other active member, has been convicted by final judgment for membership, acting to being vice or collaboration with an armed gang as long as he has not fully served the sentence, if he had not publicly rejected the aims and means of the terrorist organization to which he belonged or with which he collaborated or supported or exalted.

Likewise, any action carried out by the members of its governing and representative bodies, or any other active members, when they have acted in the name, on behalf of or on behalf of the association, will be considered activity of the association, even though it does not constitute the end or activity of the association in the terms described in its Statutes.

The provisions of this section are understood without prejudice to what is established in criminal law and in article 30.4 of this Law.

CHAPTER II

Const remaining responsible associations

Article 5. Constitution agreement.

1. Associations are formed by agreement of three or more legally constituted natural or legal persons, who undertake to pool knowledge, means and activities to achieve legal, common, general or particular interest purposes, and are endowed with the Statutes that govern the operation of the association.

2. The constitution agreement, which will include the approval of the Statutes, must be formalized by means of a founding act, in a public or private document. With the granting of the act, the association will acquire its legal personality and full capacity to act, without prejudice to the need for its registration for the purposes of article 10.

3. What is established in this article shall also apply to the constitution of federations, confederations and unions of associations.

Article 6. Founding act.

1. The founding act must contain:

a) The name and surname of the promoters of the association if they are natural persons, the name or company name if they are legal persons, and, in both cases, their nationality and domicile.

b) The will of the promoters to establish an association, the agreements that, where appropriate, they have established and the name of the association.

c) The approved Statutes that will govern the operation of the association, whose content will conform to the prescriptions of the following article.

d) Place and date of execution of the certificate, and signature of the promoters, or their representatives in the case of legal persons.

e) The appointment of the members of the provisional governing bodies.

2. The founding act must be accompanied, in the case of legal persons, by a certification of the agreement validly adopted by the competent body, in which the will to establish the association and be part of it and the designation of the natural person appears who will represent it; and, in the case of natural persons, the proof of their identity. When the grantors of the certificate act through a representative, the accreditation of their identity will be accompanied by the same.

Article 7. Statutes.

1. The Statutes must contain the following points:

a) The denomination.

b) The domicile, as well as the territorial scope in which they mainly carry out their activities.

c) The duration, when the association is not established for an indefinite period of time.

d) The aims and activities of the association, precisely described.

e) The requirements and modalities of admission and withdrawal, sanction and separation of associates and, where appropriate, their classes. They may also include the consequences of non-payment of fees by members.

f) The rights and obligations of the associates and, where appropriate, of each of their different modalities.

g) The criteria that guarantee the democratic functioning of the association.

h) The governing and representation bodies, their composition, rules and procedures for the election and replacement of their members, their powers, duration of the positions, causes of their dismissal, the way of deliberating, adopting and executing their agreements and the persons or positions with the power to certify them and requirements for the aforementioned bodies to be validly constituted, as well as the number of associates necessary to be able to call sessions of the governing bodies or to propose matters on the agenda.

i) The administration, accounting and documentation regime, as well as the closing date of the associative exercise.

j) The initial assets and the economic resources that may be used.

k) Causes of dissolution and destination of the patrimony in such a case, which cannot detract from the non-profit nature of the entity.

2. The Statutes may also contain any other legal provisions and conditions that the promoters deem appropriate, provided that they do not oppose the laws or contradict the shaping principles of the association.

3. The content of the Statutes may not be contrary to the legal system.

Article 8. Denomination.

1. The name of the associations may not include a term or expression that leads to error or confusion about their own identity, or about the class or nature of it, especially, through the adoption of words, concepts or symbols, acronyms and similar ones belonging to different legal entities, whether or not they are associative in nature.

2. Denominations that include expressions contrary to the laws or that may imply violation of the fundamental rights of people will not be admissible.

3. Neither may it coincide, or be similar in a way that may create confusion, with any other previously registered in the Registry in which its registration proceeds, nor with any other public or private legal person, or with a pre-existing entity, whether or not they are of Spanish nationality, nor with natural persons, except with the express consent of the interested party or their successors, nor with a notorious registered trademark, unless it is requested by the owner of the same or with their consent.

Article 9. Address.

1. Associations established in accordance with this Law shall have their domicile in Spain, in the place established by their Statutes, which may be the headquarters of their representative body, or the place where they mainly carry out their activities.
2. The associations that carry out activities mainly within their territory must have domicile in Spain.
3. Without prejudice to the provisions of community law, foreign associations in order to be able to carry out activities in Spain, on a stable or lasting basis, must establish a delegation in Spanish territory.

Article 10. Registration in the Registry.

1. The associations regulated in this Law must register in the corresponding Registry, for the sole purpose of publicity.
2. Registration registers I makes public the constitution and the Statutes of the associations and is a guarantee, both for third parties that are related to them, and for their own members.
3. The promoters will carry out the actions that are necessary, for the purposes of the registration, responding otherwise to the consequences of the lack of registration.
4. Without prejudice to the responsibility of the association itself, the promoters of non-registered associations shall be liable, personally and jointly, for the obligations contracted with third parties. In this case, the associates will be jointly and severally liable for the obligations contracted by any of them towards third parties, provided that they have stated that they are acting on behalf of the association.

CHAPTER III Functioning of associations

Article 11. Regime of associations.

1. The regime of associations, in regard to its constitution and registration shall be determined by the provisions of the pre sente Organic Act and the regulations to be issued in its development.
2. Regarding their internal regime, the associations will have to adjust their operation to what is established in their own Statutes, provided that they are not in contradiction with the norms of the present Organic Law and with the regulatory provisions that are dictated for the application Of the same.
3. The General Assembly is the supreme governing body of the association, made up of the associates, which adopts its agreements by the majority principle or of internal democracy and must meet at least once a year.
4. There will be a representative body that manages and represents the interests of the association, in accordance with the provisions and directives of the General Assembly . Only associates may form part of the representative body.

To be a member of the representative bodies of an association, without prejudice to what is established in their respective Statutes, the essential requirements will be: to be of legal age, to be in full use of civil rights and not to be involved in the established incompatibility grounds. in current legislation.

5. In the event that the members of the representative bodies may receive remuneration based on the position, they must be stated in the Bylaws and in the annual accounts approved at the meeting.

Article 12. Internal regime.

If the Statutes do not provide otherwise, the internal regulations of the associations will be as follows:

a) The powers of the representative body will extend, in general, to all the acts of the association's purposes, provided that they do not require, in accordance with the Statutes, express authorization from the General Assembly.

b) Without prejudice to the provisions of article 11.3, the General Assembly will be convened by the representative body, on an extraordinary basis, when requested by a number of associates not less than 10%.

c) The General Assembly will be validly constituted, after a call made fifteen days before the meeting, when a third of the associates attend it, present or by proxy, and its president and secretary will be appointed at the beginning of the meeting.

d) The resolutions of the General Assembly will be adopted by a simple majority of the persons present or represented, when the affirmative votes exceed the negative ones. However, a qualified majority of the persons present or represented will require, which will result when the affirmative votes exceed half, the agreements related to dissolution of the association, modification of the Statutes, disposition or disposal of assets and remuneration of the members of the body representation.

Article 13. Regime of activities.

1. Associations must carry out the activities necessary to fulfill their purposes, although they must comply with the specific legislation that regulates such activities.

2. The benefits obtained by the associations, derived from the exercise of economic activities, including the provision of services, must be used exclusively for the fulfillment of their purposes, without allowing them to be distributed among the associates or between their spouses or people who live with those with an analogous relationship of affection, neither between their relatives, nor their free assignment to natural or legal persons with lucrative interest.

Article 14. Documentary and accounting obligations.

1. Associations must have an up-to-date list of their associates, keep accounts that make it possible to obtain a true image of the assets, results and financial situation of the entity, as well as the activities carried out, make an inventory of their assets and collect in a book the minutes of the meetings of its governing and representation bodies . They must keep their accounts in accordance with the specific rules that apply to them.

2. The associates will be able to access all the documentation- that is related in the previous section, through the representative bodies, in the terms provided in the Organic Law 15/1999, of December 13, on the protection of personal data. personal.

3. The accounts of the association shall be approved annually by the General Assembly.

Article 15. Responsibility of the registered associations .

1. Registered associations are liable for their obligations with all their present and future assets.

2. The associates are not personally liable for the association's debts.

3. The members or holders of the governing and representative bodies, and the other persons acting in the name and on behalf of the association, will be liable to it, to the associates and to third parties for the damages caused and the debts contracted for malicious acts, guilty or negligent.

4. The persons referred to in the preceding section shall be civilly and administratively liable for acts and omissions carried out in the exercise of their functions, and for the resolutions that they have voted, vis-à-vis third parties, the association and the associates.

5. When responsibility can not be attributed to any member or head of the governing and representative bodies, they will all be jointly and severally liable for the acts and omissions referred to in sections 3 and 4 of this article, unless they can prove that they are not have participated in its approval and execution or expressly opposed them.

6. Criminal liability shall be governed by the provisions of criminal law.

Article 16. Modification of the Statutes.

1. The modification of the Bylaws that affects the content provided for in article 7 will require an agreement adopted by the General Assembly convened specifically for this purpose, must be registered within a period of one month and will only produce effects, both for the associates and for third parties, as soon as they have been registered in the corresponding Associations Registry, governing for the same the sense of silence provided for in article 30.1 of this Law.

The remaining modifications will produce effects for the associates from the moment of their adoption in accordance with the statutory procedures, while third parties will also require registration in the corresponding Registry.

2. The registration of statutory modifications will be subject to the same requirements as the registration of the Statutes.

Article 17. Dissolution.

1. Associations will be dissolved for the causes provided for in the Statutes and, failing that, by the will of the associates expressed in a General Assembly called for this purpose, as well as for the causes determined in article 39 of the Civil Code and by court ruling firm.

2. In all cases of dissolution, the patrimony must be assigned the destination provided for in the Statutes.

Article 18. Liquidation of the association.

1. The dissolution of the association opens the liquidation period, until the end of which the entity will retain its legal personality.

2. The members of the representative body at the time of dissolution become liquidators, unless the Statutes establish otherwise or are designated by the General Assembly or the judge who, where appropriate, decides the dissolution.

3. Corresponds to the liquidators:

- a) Watch over the integrity of the association's assets.
- b) Conclude pending operations and carry out new ones that are necessary for settlement.
- c) Collect the credits of the association.
- d) Liquidate the patrimony and pay the creditors.
- e) Apply the surplus assets of the association to the purposes provided by the Statutes.
- f) Request the cancellation of the seats in the Registry.

4. In the event of insolvency of the association, the representative body or, if applicable, the liquidators must immediately promote timely competes procedure I before the competent judge.

CHAPTER IV Asociad os

Article 19. Right to associate.

Integration in a constituted association is free and voluntary, and must comply with the provisions of the Statutes.

Article 20. Succession in the condition of associate.

Associate status is non-transferable, unless the Statutes provide otherwise, due to death or gratuitously.

Article 21. Rights of associates.

Every associate has the following rights:

- a) To participate in the activities of the association and in the governing and representative bodies , to exercise the right to vote, as well as to attend the General Assembly , in accordance with the Statutes.
- b) To be informed about the composition of the governing and representation bodies of the association, their state of accounts and the development of their activity.
- c) To be heard prior to the adoption of disciplinary measures against him and to be informed of the facts that give rise to such measures, the agreement that, where appropriate, imposes the sanction must be motivated.
- d) To challenge the agreements of the association's bodies that it deems contrary to the law or the Statutes.

Article 22. Duties of the associates.

The duties of the associates are:

- a) Share the purposes of the association and collaborate to achieve them .
- b) Pay the fees, spills and other contributions that, in accordance with the Bylaws, may correspond to each partner.
- c) Fulfill the rest of the obligations that result from the statutory provisions.
- d) Abide by and comply with the agreements validly adopted by the governing and representative bodies of the association.

Article 23. Voluntary separation.

1. Associates have the right to voluntarily separate from the association at any time.
2. The Bylaws may establish that, in the event of voluntary separation of an associate, he may receive the initial equity participation or other economic contributions made, not including the membership fees that he had paid for the association, with the conditions, scope and limits that are set in the Statutes. This is understood provided that the capital reduction does not imply damage to third parties.

CHAPTER V

Association Records

Article 24. Right of registration.

The right of association includes the right to be registered in the competent Association Registry, which can only be denied when the requirements established in this Organic Law are not met .

Article 25. National Registry of Associations.

1. The National Registry of Associations, whose organic dependency shall be determined by regulation, will have as its object the registration of associations, and other acts that can be registered in accordance with article 28, relating to:

a) Associations, federations, confederations and unions of state-level associations and all those that do not primarily carry out their functions within the territorial scope of an Autonomous Community.

b) Foreign associations that carry out activities in Spain, on a stable or long-term basis, which must establish a delegation in Spanish territory . When the scope of activity of the foreign association is mainly that of one or several Autonomous Communities, the National Registry will communicate the registration to the aforementioned Autonomous Communities.

2. In the National Registry of Associations , in addition to the inscriptions referred to in section 1, there will be evidence, by communication from the competent Administration, of the entries for inscription and dissolution of the associations, whose inscription or deposit of Statutes in special registration is legally required.

3. The National Registry of Associations will keep a file of denominations, to avoid duplication or similarity of these, which may lead to error or confusion with the identification of pre- existing entities or organizations , including religious ones registered in their corresponding registry.

4. By regulation, the structure and operation of the National Registry of Associations will be determined.

Article 26. Autonomous Registries of Associations.

1. In each Autonomous Community there will be an Autonomous Registry of Associations, which will have as its object the registration of the associations that mainly carry out their functions in the territorial scope of those associations.

2. In any case, the Registries included in this article must communicate to the National Register of Associations the entries for the registration and dissolution of the associations at the regional level.

Article 27. Cooperation and collaboration between Registries.

Cooperation and collaboration mechanisms will be established between the different Association Registries.

Article 28. Registrable acts and deposit of documentation.

1. The registration of the associations must contain the entries and their modifications related to:

- a) The denomination.
- b) The address.
- c) The statutory purposes and activities.
- d) The territorial scope of action.
- e) The identity of the holders of the governing and representative bodies.
- f) The opening and closing of branches or establishments of the entity.
- g) The date of incorporation and registration.
- h) The declaration and revocation of the condition of public utility.
- i) Associations that constitute or integrate federations, confederations and unions.
- j) Membership in other associations, federations, confederations and unions or international entities.
- k) The withdrawal, suspension or dissolution of the association, and its causes.

2. The following documentation, original or through the corresponding certificates, will be deposited in the Association Registries:

- a) The founding act and those in which there are agreements that modify the registry details or intend to introduce new data in the Registry.
- b) The Statutes and their modifications.

c) Relating to the opening, transfer or closure of delegations or establishments.

d) Regarding the incorporation or withdrawal of associations in federations, confederations and unions; and, in the Registry in which they are registered, the one relating to the withdrawal or incorporation of associations.

e) that refer to dissolution and to the destination of the assets remaining following the dissolution of the entity.

3. Foreign associations, validly constituted in accordance with their personal law and this Law, must register the data referred to in letters a), b), c), d), e) and f) of section 1, and also the cessation of its activities in Spain; and deposit the documents referred to in letters b), c) and e) of section 2, in addition to documentary justification that they are validly constituted. 4. Any substantial alteration of the data or documentation in the Registry must be updated, upon request from the corresponding association, within a month from when it occurs.

Article 29. Publicity.

1. The Registries of Associations are public.

2. The publicity will be made effective by certifying the content of the entries, by a simple informative note or by a copy of the entries and documents deposited in the Registries or by computer or telematic means that will comply with the requirements established in the current regulations regarding the protection of personal data.

Article 30. Legal regime of registration.

1. The registration period in the corresponding Registry will, in any case, be three months from the receipt of the application in the competent body. Once the registration period indicated in the previous paragraph has elapsed without an express resolution being notified, the application for registration may be deemed estimated .

The Administration will proceed with the registration, limiting its activity to verifying compliance with the requirements that must be met by the founding act and the Statutes.

2. When formal defects are noted in the application in the accompanying documentation, or when the denomination coincides with another registered or may lead to error or confusion with it, or when the denomination coincides with a notorious registered trademark unless requested by the owner of the same or with his consent, the term to proceed to the registration will be suspended and the corresponding one will be opened for the correction of the defects noticed.

3. When the applicant entity is not included in the scope of this Law or does not have the nature of an association, the Administration, after hearing the same, will deny its registration in the corresponding Register of Associations and will indicate to the applicant which is the registry or administrative body competent to register it . The refusal will always be justified.

4. When rational indications of criminal unlawfulness are found in the constitution of the associative entity, the competent body will issue a reasoned resolution, transferring all the documentation to the Fiscal Ministry or the competent court, and communicating this circumstance to the entity interested party, the administrative procedure being suspended until a final judicial decision is issued.

When rational indications of criminal unlawfulness are found in the activity of the associative entity, the competent body will issue a reasoned resolution, transferring all the documentation to the Public Prosecutor or the competent court, and communicating this circumstance to the interested entity .

5. In the cases of sections 2 and 3 of this article, appeals may be filed before the contentious-administrative jurisdictional order, and in the case of section 4 before the criminal jurisdictional order.

CHAPTER VI Promotion measures

Article 31. Promotion measures.

1. Public Administrations, within the scope of their respective competencies, will promote and facilitate the development of associations and federations, confederations and unions that pursue purposes of general interest, always respecting freedom and autonomy from public powers. Likewise, public administrations will offer the necessary collaboration to people who intend to undertake any associative project.

2. The General State Administration , within the scope of its competence, will promote the establishment of assistance mechanisms, information services and campaigns for the dissemination and recognition of the activities of associations that pursue objectives of general interest .

3. Associations that pursue objectives of general interest may enjoy, in the terms and with the scope established by the competent Ministry or Ministries, of aid and subsidies based on specific associative activities.

Public subsidies granted for the development of certain activities and projects may only be used for that purpose and will be subject to the general regulations on public subsidies.

4. Non-registered associative entities will not benefit from the guarantees and rights regulated in this article.

5. Public Administrations, within the scope of their powers, may establish with associations that pursue objectives of general interest, collaboration agreements in programs of social interest .

Article 32. Associations of public utility.

1 . At the initiative of the corresponding associations, those associations in which the following requirements are met may be declared of public utility:

a) That its statutory purposes tend to promote the general interest, in the terms defined by art. 31.3 of this Law, and are of a civic, educational, scientific, cultural, sports, health, promotion of constitutional values, promotion of human rights, social assistance, cooperation for development, promotion of women , for the promotion and protection of the family, for the protection of children, for the promotion of equal opportunities and tolerance, for the defense of the environment, for the promotion of the social economy or research, of the promotion of social volunteering, defense of consumers and users, promotion and attention to people at risk of exclusion for physical, social, economic or cultural reasons, and any other of a similar nature.[\[two\]](#)

b) That its activity is not restricted exclusively to benefit its associates, but open to any other possible beneficiary who meets the conditions and characteristics required by the nature of its own purposes.

c) That the members of the representative bodies who receive remuneration do not do so from public funds and subsidies.

Notwithstanding the provisions of the preceding paragraph, and under the terms and conditions determined in the Bylaws, they may receive adequate compensation for the performance of services other than the functions that correspond to them as members of the representative body.

d) That they have the appropriate personal and material means and the appropriate organization to guarantee compliance with the statutory purposes.

e) That they are constituted, registered in the corresponding Registry, in operation and effectively fulfilling their statutory purposes, without interruption and meeting all the preceding requirements, at least during the two years immediately prior to the presentation of the application.

2. The federations, confederations and unions of entities contemplated in this Law may be declared of public utility, provided that the requirements provided for in the previous section are met, both by the federations, confederations and unions, as well as by each of the entities integrated into them.

Article 33. Rights of public utility associations.

Associations declared of public utility will have the following rights:

- a) Use the mention "Declared of Public Utility" in all kinds of documents, following its name.
- b) Enjoy the tax exemptions and benefits that the laws recognize in favor of the same, under the terms and conditions provided in the current regulations.
- c) Enjoy the economic benefits that the laws establish in favor of them.
- d) Free legal assistance under the terms provided for in the specific legislation .

Article 34. Obligations of public utility associations.

1. Public utility associations must render the annual accounts for the previous financial year within six months after its end, and present a descriptive report of the activities carried out during the same before the body in charge of verifying its constitution and carrying out their registration in the corresponding Registry, where they will be deposited. Said annual accounts must express the true image of the assets, the results and the financial situation, as well as the origin, amount, destination and application of the public income received.

Regulations will determine in what circumstances the annual accounts should be audited .

2. Likewise, they must provide the public administrations with the reports that they require, in relation to the activities carried out in fulfillment of their purposes.

Article 35. Procedure for declaration of public utility.

1 . The declaration of public utility will be carried out by virtue of an Order of the Minister that is determined by regulation, after a favorable report from the competent public administrations due to the statutory purposes and activities of the association , and, in any case, from the Ministry of Estate.

2. The declaration will be revoked, after hearing the affected association and a report from the competent public administrations, by Order of the Minister that is determined by regulation, when the circumstances or the activity of the association do not respond to the demands or requirements established in the article 32, or those responsible for its management fail to comply with the provisions of the previous article.

3. The declaration and revocation procedure shall be determined by regulation. The expiration of the resolution period, in the declaration procedure, without having adopted an express resolution will have dismissal effects.

4. The declaration and revocation of public utility will be published in the "Official State Gazette ".

Article 36. Other benefits.

The provisions of this chapter are understood without prejudice to the competence of the Autonomous Communities for the declaration of public utility, in order to apply the benefits established in their respective legal systems, to the associations that mainly develop their functions in their territorial scope. , in accordance with the procedure that the Autonomous Communities themselves determine and with respect to their own scope of competences.

CHAPTER VII Jurisdictional guarantees

Article 37. Judicial protection.

The right of association regulated in this Organic Law will be protected by the special procedures for the protection of the fundamental rights of the person, corresponding in each jurisdictional order, and,

where appropriate, by the constitutional protection procedure before the Constitutional Court in the terms established in its Organic Law.

Article 38. Suspension and judicial dissolution.

1. Except in cases of dissolution by the will of the associates, associations may only be suspended in their activities, or dissolved, by reasoned resolution of the competent judicial authority.

2. The dissolution of associations may only be declared in the following cases:

a) When they have the status of illicit association, in accordance with criminal laws.

b) For the causes provided for in special laws or in this law, or when it is declared null or dissolved by application of civil law.

3. In the processes referred to in the previous section, the competent judicial body, ex officio or at the request of a party, may agree to the provisional suspension of the association until a judgment is issued.

Article 39. Contentious-administrative jurisdictional order.

The jurisdictional order to the contentious-administrative one will be competent in all the questions that arise in the administrative procedures instructed in application of the present Organic Law , in accordance with the rules established in the Organic Law of the Judicial Power and in the Law regulating the Contentious-administrative jurisdiction .

Article 40. Civil jurisdictional order.

1. The civil jurisdictional order will be competent, in the terms established in the Organic Law of the Judicial Power, in relation to the claims derived from the private legal traffic of the associations, and their internal functioning.

2. The agreements and actions of the associations may be challenged by any associate or person who proves a legitimate interest, if he considers them contrary to the legal system, by the corresponding trial procedures.

3. The associates may challenge the agreements and actions of the association that they deem contrary to the Statutes within a period of forty days, from the date of their adoption, urging their rectification or cancellation and preventive suspension, where appropriate , or accumulating both claims by the procedures established in the Civil Procedure Law.

4. Meanwhile contentions are resolved internal order that may arise in partnerships, requests for records record I are formulated on controversial issues will result only provisional entries.

Article 41. Communications.

The Judges and Courts will order the inclusion in the corresponding Associations Registries of the judicial resolutions that determine:

a) Registration of associations.

b) The suspension or dissolution of the registered associations.

c) Modification of any of the ends of the Statutes of the registered associations.

d) The closure of any of its establishments.

e) Any other resolutions that affect acts subject to registration.

CHAPTER VIII

Sectorial Councils of Associations

Article 42. With Sectorial Councils of Associations.

1. In order to ensure collaboration between public administrations and associations, as a channel for citizen participation in public affairs, Sectorial Councils of Associations may be set up as bodies for consultation, information and advice in specific areas of action.

2. Sectoral Associations Councils shall be composed of representatives of public authorities, associations, and other members who are appointed by their special conditions of experience or knowledge, based on the competence distribution I concrete that exists in each subject.

3. By regulation, and for each specific sector, its creation, composition, powers, operating system and administrative assignment will be determined.

First additional provision. Declaration of public utility of associations.

1. Sports associations that comply with the provisions of article 32 of this Law may be declared of public utility, without prejudice to the provisions of Law 10/1990, of October 15, on Sports.

2. Likewise, other associations governed by special laws that comply with the provisions of article 32 of this Organic Law may be declared of public utility .

3. The procedure for the declaration of public utility of the associations referred to in the previous sections, and their rights and obligations, will be those determined in articles 33, 34 and 35 of this Organic Law.

D additional isposición second. Enrollment procedures .

In the registration procedures of associations, Law 30/1992, of November 26, on the Legal Regime of Public Administrations and the Common Administrative Procedure , will be applied in all matters not regulated in this Law and its implementing regulations.

Third additional provision. Extrajudicial conflict resolution.

Public Administrations will promote the creation and use of extrajudicial mechanisms for the resolution of conflicts that arise in the sphere of action of the associations.

Fourth additional provision. Public costs and subscriptions.

The promoters of collections and public subscriptions, charitable acts and other similar initiatives of a temporary nature, destined to raise funds for any lawful and determined purpose, are liable, personally and jointly, in front of the people who have contributed, of the administration and the investment. of the amounts collected .

First transitory provision. Registered associations.

1. Associations registered in the corresponding Registry prior to the entry into force of this Organic Law will be subject to it and will retain their legal personality and full capacity, but must adapt their Statutes within two years.

2. Notwithstanding the foregoing, the registered associations must declare, within two years from the entry into force of this Organic Law , that they are in a situation of activity and operation, notifying the Registry in which the company is registered. address of its registered office, and the identity of the components of its governing and representative bodies, as well as the date of their election or appointment .

Second transitory provision. Associations declared of public utility.

Within one year, the list of associations declared of public utility by the State will be published in the "Official State Gazette" , prior to the entry into force of this Organic Law.

Sole repealing provision.

Law 191/1964, of December 24, regulating associations, and any provisions that oppose this Organic Law are hereby repealed.

Dispo first final sition. Nature of the Law.

1. Articles 1; 2 except section 6; 3 except section g); 4.2, 5 and 6; 10.1; 19; twenty-one; 23.1; 24; 29.1; 30.3 Y4; 37; 38; the sole repeal provision; and the first, second and fourth final provisions have the rank of Organic Law, as they constitute the development of the fundamental right of association, contained in article 22 of the Constitution.

2. Articles 2.6; 3 g); 4.1, and 4; 5; 6; 7; 8; 9; 10.2, 3 and 4; eleven; 13.2; fifteen; 17; 18.4; 22; 25.2; 26; 27; 28; 30 .1, 2 and 5; the fourth additional provision and the first transitory provision are directly applicable throughout the State, under the provisions of article 149.1.1. ' of the Constitution.

3. Articles 39, 40 and 41 constitute procedural legislation , issued under Article 149.1.6. ' of the Constitution.

4. Articles 32 to 36, the first additional provision and the second transitory provision are issued under Article 149.1.14. ' of the Constitution, without prejudice to the foral tax regimes in force in the Historical Territories of the Basque Country and in the Foral Community of Navarra.

5. The remaining precepts of the Law will be applicable to state-level associations.

Second final provision. Supplementary character .

Except for those precepts that have the rank of Organic Law, this Law has a supplementary nature with respect to any others that regulate specific types of associations, or that affect the scope of the right of association recognized in article 22 of the Constitution, without prejudice to the powers of the Autonomous Communities.

Third final provision. Development.

The Government is empowered to dictate whatever provisions are necessary for the application and development of this Law.

Fourth final provision. Entry into force.

This Organic Law shall enter into force two months after its publication in the "Official State Gazette".

[1] Paragraph modified by Organic Law 11/2007, of October 22 , regulating the rights and duties of the members of the Civil Guard (BOE 10/23/2007)

[2] Section modified by Law 62/2003, of December 30, on Fiscal, Administrative and Social Order Measures (BOE 12/31/2003)