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Royal Legislative Decree 1/2013, of November 29, 2013, approving
the Consolidated Text of the General Law on the Rights of Persons
with Disabilities and their Social Inclusion.

Ministry of Health, Social Services and Equality
"BOE" No. 289, of December 3, 2013
Reference: BOE-A-2013-12632

INDEX

<i>Preamble .</i>	8
<i>Articles</i>	9
Sole Article. Approval of the Consolidated Text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion.	9
<i>Additional Provisions</i>	9
Sole additional provision. Regulatory referrals.	9
<i>Repealing Provisions</i>	9
Sole derogatory provision. Repeal of regulations	9
<i>Final Provisions</i>	10
Sole Final Provision. Entry into force.....	10
PRELIMINARY TITLE. General Provisions	10
CHAPTER I. Purpose, definitions and principles	10
Article 1. Object of this law	10
Article 2. Definitions	10
Article 3. Principles	12
CHAPTER II. Scope of application	12
Article 4. Holders of the rights	12

Article S. Scope of application regarding equal opportunities, non-discrimination and universal accessibility.	13
CHAPTER III. Autonomy of persons with disabilities	13
Article 6. Respect for the autonomy of persons with disabilities	13
TITLE I. Rights and obligations	13
Article 7. Right to equality	13
CHAPTER I. System of social and economic benefits	14
Article 8. Special system of social and economic benefits for persons with disabilities	14
Article 9. Pharmaceutical benefit of the special system of social and economic benefits for people with disabilities	14
CHAPTER II. Right to health protection	14
Article 10. Right to Health Protection	14
Article 11. Prevention of impairments and intensification of disabilities.	15
Article 12. Multiprofessional disability care teams	15
CHAPTER III. Integral care	16
Article 13. Comprehensive care	16
Article 14. Habilitation or medical-functional rehabilitation	16
Article 15. Psychological care, treatment and counseling	16
Article 16. Education	17
Article 17. Support for professional activity.	17
CHAPTER IV. Right to education	18
Article 18. Content of the right	18
Article 19. Free education.	18
Article 20. Additional Guarantees	18
Article 21. Assessment of educational needs	18
CHAPTER V. Right to independent living	19
Section 1. ^a General provisions	19
Article 22. Accessibility	19
Article 23. Basic conditions of accessibility and non-discrimination	19
Basic conditions of accessibility and non-discrimination in the field of products and services related to the information society and social media	20
Article 25. Basic conditions of accessibility and non-discrimination in the area of urbanized public spaces and buildings	20

Article 26. Technical building regulations	20
Article 27. Basic conditions of accessibility and non-discrimination in the area of means of transport.	20
Article 28. Basic conditions of accessibility and non-discrimination in the field of relations with the public. with public administrations.....	21
Article 29. Basic conditions of accessibility and non-discrimination for the access and use of the goods and services available to the public.....	21
Article 29 bis. Basic conditions of cognitive accessibility.....	21
Section 2. ^a Affirmative Action Measures	22
Article 30. Measures to facilitate the parking of vehicles	22
Article 31. Mobility allowance and compensation for transportation expenses	22
Article 32. Reservation of housing for persons with disabilities and accessibility conditions	22
Article 33. Concept of housing rehabilitation	22
Article 34. Other public accessibility measures	22
CHAPTER VI. Right to work	23
Section 1. ^a General provisions	23
Guarantees of the right to work.....	23
Equal treatment.....	23
Types of employment of persons with disabilities	23
Article 38. Orientation, placement and registration of workers with disabilities for their labor inclusion.....	24
Article 39. Aid for the generation of employment of persons with disabilities	24
Section 2. ^a Regular employment	24
Adoption of measures to prevent or compensate for disadvantages caused by disability as a guarantee of full equality at work	24
Supported employment services.	25
Article 42. Quota of jobs reserved for persons with disabilities	25
Section 3. ^a Sheltered employment	25
Article 43. Special employment centers for the labor inclusion of persons with disabilities.	25
Article 44. Financial compensation for special employment centers for labor inclusion. of persons with disabilities.....	26
Article 45. Creation of special employment centers for the labor inclusion of persons with disabilities	26
Article 46. Labor enclaves. .	26
Section 4. ^a Self-employment	26

Article 47. Self-employment	26
CHAPTER VII. Right to social protection	27
Article 48. Right to social protection	27
Criteria for the application of social protection.....	27
Content of the right to social protection.....	27
Article 51. Types of social services.	27
Article 52. Occupational centers	28
CHAPTER VIII. Right to participate in public affairs	28
Article 53. Right to participate in political life	28
Article 54. Right to participate in public life	29
Article 55. National Council on Disability.....	29
Article 56. Office of Attention to Disability	29
CHAPTER IX. Obligations of the public authorities	29
Section 1. ^a General Provisions	29
Article 57. Provision of services	29
Article 58. Financing	29
Article 59. Social awareness.	30
Section 2. ^a Personnel of the different services for the care of persons with disabilities	30
Article 60. Specialized personnel.	30
Article 61. Training of personnel	30
Article 62.	30
TITLE II. Equal opportunity and non-discrimination	31
CHAPTER I. The right to equal opportunity	31
Infringement of the right to equal opportunity	31
Article 64. Guarantees of the right to equality of opportunity	31
Article 65. Measures against discrimination	31
Article 66. Content of anti-discrimination measures.	31
Article 67. Affirmative action measures.	32
Content of affirmative action measures and equal opportunity measures.	32
CHAPTER II. Promotion and defense measures .	32
Article 69. Promotion and defense measures	32

Section 1. ^a Promotion measures	32
Article 70. Measures to promote quality	32
Article 71. Measures for innovation and development of technical standards	32
Article 72. Private initiative	33
Article 73. State Disability Observatory	33
Section 2. ^a Defense Measures.....	33
Article 74. Arbitration	33
Article 75. Judicial protection and protection against reprisals	33
Article 76.	34
Article 77. Special criteria on the proof of relevant facts	34
TITLE III. Infringements and penalties in matters of equal opportunities, non-discrimination and universal accessibility of persons with disabilities.....	34
CHAPTER I. Common system of infringements and penalties	34
Article 78. Scope	34
Article 79. Subjects	34
Section 1. ^a Infringements	35
Article 80. Subject matter of infringements	35
Article 81. Infringements	35
Article 82. Statute of limitations for infringements.	35
Section 2. ^a Sanctions	35
Article 83. Penalties.....	35
Article 84. Criteria for graduation of sanctions.....	36
Article 85. Accessory penalties	36
Article 86. Consequences of non-compliance with respect to access to goods and services	36
Article 87. Statute of limitations for penalties.....	36
Article 88. Compliance with the obligations established in this Law and in the autonomous legislation.	36
Section 3. ^a Guarantees of the sanctioning regime	37
Article 89. Legitimation. .	37
Article 90. Guarantee of accessibility of procedures.....	37
Article 91. Instruction	37
Article 92. Publicity of the sanctioning resolutions.	37
Article 93. Duty to collaborate.....	37

CHAPTER II. Specific rules to be applied by the General State Administration	38
Competence of the General State Administration	38
Section 1. ^a Violations and penalties	38
Article 95. Infringements	38
Article 96. Penalties.....	39
Article 97. Computation of the statute of limitations for infringements	39
Article 98. Computation of the statute of limitations for penalties.....	39
Section 2. ^a Penalty proceedings	39
Article 99. Applicable regulations.	39
Article 100. Preliminary actions.....	40
Article 101. Initiation	40
Article 102. Precautionary measures.	40
Effectiveness of the sanction.....	40
Article 104. Information to other bodies	40
Section 3. ^a Competent Bodies	40
Article 105. Competent authorities	40
Additional Provisions	41
First additional provision. Guarantee of respect for the constitutional and statutory distribution of competences in force	41
Second additional provision. Treatment of information.....	41
Third additional provision. Enforceability of the basic conditions of accessibility and non-discrimination	41
Fourth additional provision. Accessibility and non-discrimination plans and programs.	42
Fifth additional provision. Report on accessibility in state-owned infrastructures.	42
Sixth additional provision. Prevention of deficiencies and intensification of disabilities	42
Seventh additional provision. Infringements and penalties in the social order.....	42
Eighth additional provision. Infringements in matters of accessibility and reasonable accommodation	43
Ninth additional provision. Revision of the amount of penalties.	43
Tenth additional provision. Information to the Cortes Generales on the system of infractions and penalties.	43
Eleventh additional provision. Office of Attention to Disability.....	43
Twelfth additional provision. Access to Spanish nationality under conditions of equality	43

Thirteenth additional provision. Non-discrimination of persons with disabilities in public shows and recreational activities.	43
Transitional <i>provisions</i>	44
Single transitory provision. Effectiveness of the recognition of the current situations of minimum income guarantee subsidy and third person assistance	44
Fine <i>provisions</i>	44
First final provision. Competent title	44
Second final provision. Training in universal design or design for all persons	44
Third final provision. Regulatory development.	44

CONSOLIDATED TEXT

Last modification: May 09, 2023

People with disabilities make up a large and vulnerable group that the way in which society is structured and functions has habitually kept in conditions of exclusion. This fact has led to the restriction of their basic rights and freedoms, conditioning or hindering their personal development, as well as their enjoyment of the resources and services available to the entire population and the possibility of contributing their abilities to the progress of society.

The yearning for a full life and the need for personal fulfillment move all people, but these aspirations cannot be satisfied if the rights to freedom, equality and dignity are restricted or ignored. This is still the case today for women and men with disabilities, who, despite the undeniable social progress achieved, find these rights limited in their access to or use of environments, processes or services that either have not been designed with their specific needs in mind or are expressly restrictive to their participation in them.

There is, therefore, a varied and profuse set of impediments that deprive people with disabilities of the full exercise of their rights and the effects of these obstacles materialize in a situation of social exclusion, which must be inexcusably addressed by the public authorities.

The promotion of measures to foster equal opportunities by eliminating the disadvantages that hinder the full presence of people with disabilities concerns all citizens, organizations and entities, but first and foremost the legislator, who must identify the needs detected and propose the most appropriate solutions and general lines of action. As previously demonstrated, it is necessary for the regulatory framework and public actions on disability to intervene in the social organization and its material or relational expressions that, with their segregating structures and actions, postpone or separate people with disabilities from ordinary social life, all with the ultimate goal of enabling them to participate, as active subjects with rights, in a life on an equal footing with other citizens.

In this regard, Law 13/1982, of April 7, 1982, on the social integration of people with disabilities, was the first law passed in Spain aimed at regulating care and support for people with disabilities and their families, within the framework of Articles 9, 10, 14 and 49 of the Constitution, and represented a relevant advance for the time.

Law 13/1982, of April 7, 1982, already shared the idea that special protection and equalization measures to guarantee the rights of people with disabilities should be based on complementary support, technical aids and specialized services that would allow them to lead a normal life in their environment. It established a system of economic benefits and services, labor integration measures, accessibility and economic subsidies, and a series of principles that were later incorporated into health, education and employment laws.

Subsequently, Law 51/2003, of December 2, 2003, on equal opportunities, non-discrimination and universal accessibility for people with disabilities, gave renewed impetus to policies for the equalization of people with disabilities, focusing especially on two intervention strategies: the fight against discrimination and universal accessibility.

Law 51/2003, of December 2, 2003, provided for the establishment of a system of infractions and penalties that became a reality with the approval of Law 49/2007, of December 26, 2007, which establishes the system of infractions and penalties for equal opportunities, non-discrimination and universal accessibility for people with disabilities.

Likewise, and although it is not the object of the task of recasting this regulation, it is necessary to highlight, in the configuration of the legislative framework of the rights of persons with disabilities, Law 27/2007, of October 23, 2007, which recognizes the languages of persons with disabilities.

The Spanish sign languages and the means of oral communication support for deaf, hearing impaired and deaf-blind people are regulated, which recognizes the right of free choice of deaf, hearing impaired and deaf-blind people to learn, know and use the Spanish sign languages and the different means of oral communication support, which is an essential factor for their social inclusion.

Finally, it is essential to refer to the International Convention on the Rights of Persons with Disabilities, approved on December 13, 2006 by the United Nations (UN) General Assembly, ratified by Spain on December 3, 2007 and entered into force on May 3, 2008. The Convention enshrines the rights-based approach to persons with disabilities, so that persons with disabilities are considered to be rights-holders and the public authorities are obliged to ensure that the exercise of these rights is full and effective.

The task of recasting, regularizing, clarifying and harmonizing the three cicadas laws, which is mandated by the second final provision of Law 26/2011, of August 1, on regulatory adaptation to the International Convention on the Rights of Persons with Disabilities, in the wording given by the fifth final provision of Law 12/2012, of December 26, on urgent measures to liberalize trade and certain services, is necessary given the modifications they have undergone in recent years, as well as the substantial change in the regulatory framework of the rights of persons with disabilities. The main reference point for this task has been the aforementioned International Convention. Therefore, in addition to reviewing the principles that inform the law in accordance with the provisions of the Convention, its structure includes a specific title dedicated to certain rights of persons with disabilities. It is also expressly recognized that the exercise of the rights of persons with disabilities should be carried out in accordance with the principle of freedom in decision-making.

The Autonomous Communities and the cities of Ceuta and Melilla have been consulted in the preparation of this consolidated text, and it has been submitted to the prior and mandatory report of the National Council on Disability. The affected sectors have been heard and a prior report has been submitted to the Spanish Data Protection Agency.

This regulation is issued in application of the provisions of the second final provision of Law 26/2011, of August 1, 2011, on regulatory adaptation to the International Convention on the Rights of Persons with Disabilities.

By virtue thereof, at the proposal of the Minister of Health, Social Services and Equality, in agreement with the Council of State and after deliberation of the Council of Ministers at its meeting of November 29, 2013,

PROVIDED:

Sole Article. *Approval of the Consolidated Text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion.*

The Consolidated Text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion, which is inserted below, is hereby approved.

Sole additional provision. *Regulatory referrals.*

The normative references made in other provisions to Law 13/1982, of April 7, on the social integration of persons with disabilities, to Law 51/2003, of December 2, on equal opportunities, non-discrimination and universal accessibility of persons with disabilities, or to Law 49/2007, of December 26, on infractions and sanctions in matters of equal opportunities, non-discrimination and universal accessibility of persons with disabilities, shall be understood to be made to the corresponding precepts of the rewritten text that is approved.

Sole derogatory provision. *Repeal of regulations.*

Any provisions of equal or lower rank that oppose the provisions of the consolidated text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion, and in particular, because they are integrated into said consolidated text, are hereby repealed:

- a) Law 13/1982, of April 7, 1982, on the social integration of persons with disabilities.
- b) Law 51/2003, of December 2, 2003, on equal opportunities, non-discrimination and universal accessibility for people with disabilities.
- c) Law 49/2007, of December 26, 2007, which establishes the system of infractions and penalties in matters of equal opportunities, non-discrimination and universal accessibility for people with disabilities.

Sole Final Provision. *Entry into force.*

This Royal Legislative Decree and the revised text it approves will enter into force on the day following its publication in the "Official Gazette of the State".

Given in Madrid, on November 29, 2013.

JUAN CARLOS R.

The Minister of Health, Social Services and Equality,
ANA MATO ADROVER

INTRODUCTORY TITLE

General Provisions

CHAPTER I

Purpose, definitions and principles

Article 1. *Object of this law.*

The purpose of this law is:

- a) To guarantee the right to equal opportunities and treatment, as well as the real and effective exercise of rights by persons with disabilities on equal terms with other citizens, through the promotion of personal autonomy, universal accessibility, access to employment, inclusion in the community and independent living and the eradication of all forms of discrimination, in accordance with Articles 9.2, 10, 14 and 49 of the Spanish Constitution and the International Convention on the Rights of Persons with Disabilities and the international treaties and agreements ratified by Spain.
- b) To establish the system of infractions and sanctions that guarantee the basic conditions in terms of equal opportunities, non-discrimination and universal accessibility for people with disabilities.

Article 2. *Definitions.*

For the purposes of this law it is understood by:

- a) Disability: is a situation resulting from the interaction between persons with foreseeable permanent impairments and any type of barriers that limit or prevent their full and effective participation in society, on an equal basis with others.
- b) Equal opportunity is the absence of any direct or indirect discrimination on the basis of disability, including any distinction, exclusion or restriction that has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise by persons with disabilities, on an equal basis, of all human rights and fundamental freedoms in the political, economic, social, labor, cultural, civil or any other field. Equal opportunity is also understood to mean the adoption of affirmative action measures.
- c) Direct discrimination: is the situation in which a person with a disability finds himself/herself when he/she is treated less favorably than another person in a similar situation because of or by reason of his/her disability.

d) Indirect discrimination: exists when a legal or regulatory provision, a conventional or contractual clause, an individual agreement, a unilateral decision or a criterion or practice, or an apparently neutral environment, product or service, may cause a particular disadvantage to a person with respect to others because of or on account of disability, provided that objectively they do not respond to a legitimate purpose and that the means for the achievement of this purpose are not adequate and necessary.

e) Discrimination by association: exists when a person or group in which he/she is integrated is subjected to discriminatory treatment due to his/her relationship with another person or group on the basis of disability.

f) Harassment: is any unwanted conduct related to a person's disability, which has the purpose or consequence of violating his or her dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

g) Positive action measures: are those of a specific nature consisting of avoiding or compensating for the disadvantages derived from disability and aimed at accelerating or achieving de facto equality of persons with disabilities and their full participation in the political, economic, social, educational, labor and cultural spheres of life, taking into account the different types and degrees of disability.

h) Independent living: is the situation in which the person with disabilities exercises the power of decision over his or her own existence and actively participates in the life of his or her community, in accordance with the right to free development of the personality.

i) Normalization: is the principle by virtue of which people with disabilities should be able to lead an equal life, accessing the same places, areas, goods and services that are available to any other person.

j) Social inclusion: is the principle by virtue of which society promotes shared values aimed at the common good and social cohesion, allowing all people with disabilities to have the opportunities and resources necessary to participate fully in political, economic, social, educational, labor and cultural life, and to enjoy living conditions on an equal footing with others.

k) Universal accessibility: is the condition that environments, processes, goods, products and services, as well as objects, instruments, tools and devices must meet in order to be understandable, usable and practicable by all people in conditions of safety and comfort and in the most autonomous and natural way possible. Universal accessibility includes cognitive accessibility to enable easy understanding, communication and interaction for all people. Cognitive accessibility is deployed and made effective through easy reading, alternative and augmentative communication systems, pictograms and other human and technological means available for this purpose. It presupposes the strategy of "universal design or design for all people", and is understood without prejudice to the reasonable adjustments to be adopted.

l) Universal design or design for all people: is the activity by which environments, processes, goods, products, services, objects, instruments, programs, devices or tools are conceived or projected from the origin, and whenever possible, in such a way that they can be used by all people, to the greatest extent possible, without the need for adaptation or specialized design. Universal design or design for all people" shall not exclude assistive products for particular groups of people with disabilities, when needed.

m) Reasonable accommodations: are the necessary and appropriate modifications and adaptations of the physical, social and attitudinal environment to the specific needs of persons with disabilities that do not impose a disproportionate or undue burden, when required in a particular case in an effective and practical manner, to facilitate accessibility and participation and to ensure to persons with disabilities the enjoyment or exercise, on an equal basis with others, of all rights.

n) Civil dialogue: is the principle by virtue of which the representative organizations of persons with disabilities and their families participate, under the terms established by law and other normative provisions, in the elaboration, implementation, monitoring and evaluation of official policies developed in the field of persons with disabilities, which shall guarantee, in all cases, the right of children with disabilities to express their opinion freely on all matters affecting them and to have their views heard.

to receive appropriate assistance according to their disability and age in order to be able to exercise this right.

o) Transversality of disability policies: this is the principle by virtue of which the actions developed by the Public Administrations are not limited only to specific plans, programs and actions, designed exclusively for these people, but include general policies and lines of action in any of the areas of public action, where the needs and demands of people with disabilities will be taken into account.

Article 3. Principles.

The principles of this law shall be:

- a) Respect for inherent dignity, individual autonomy, including the freedom to make one's own decisions, and personal independence.
- b) Independent living.
- c) Non-discrimination.
- d) Respect for difference and acceptance of people with disabilities as part of the human diversity and condition.
- e) Equal opportunity.
- f) Equality between women and men.
- g) Standardization.
- h) Universal accessibility.
- i) Universal design or design for all people.
- j) Full and effective participation and inclusion in society.
- k) Civil dialogue.
- l) Respect for the development of the personality of persons with disabilities and, in particular, of children with disabilities and their right to preserve their identity.
- m) The mainstreaming of disability policies.

CHAPTER II

Scope of application

Article 4. Holders of the rights.

1. Persons with disabilities are those who have physical, mental, intellectual or sensory impairments, foreseeably permanent, which, in interaction with various barriers, may prevent their full and effective participation in society, on an equal basis with others.

The regulatory provisions of the public authorities and administrations, the resolutions, acts, communications and statements of the latter and of their authorities and agents, when acting in their capacity as such, shall use the terms "person with disabilities" or "persons with disabilities" to refer to them.

2. In addition to the provisions of the preceding paragraph, for the purposes of this law, persons with disabilities shall be considered to be those who have been recognized as having a degree of disability equal to or greater than 33 percent.

Without prejudice to the foregoing, for the purposes of Section 1.^a of Chapter V and Chapter VIII of Title I, as well as Title II, persons who are Social Security pensioners who have been granted a permanent disability pension in the degree of total, absolute or severe disability and passive class pensioners who have been granted a retirement pension or a retirement pension for permanent incapacity for service or uselessness shall be deemed to be disabled to a degree equal to or greater than 33 percent.

3. The recognition of the degree of disability must be made by the competent body in the terms developed by regulations.

The accreditation of the degree of disability will be carried out under the terms established in the regulations and will be valid throughout the national territory.

4. For the purposes of the recognition of the right to disability prevention and disability intensification services, the previous conditions are assimilated to this situation,

understood as evolving processes that may lead to a limitation in the activity.

5. The services, benefits and other benefits provided for in this law will be granted to foreigners in accordance with the provisions of the Organic Law 4/2000, of January 11, on the rights and freedoms of foreigners in Spain and their social integration, in international treaties and in the agreements established with the country of origin. For foreign minors, the provisions of the laws on the protection of the rights of minors in force, both at the state and regional level, as well as in international treaties, shall also apply.

6. The Government shall extend the application of the economic benefits provided for in this law to Spaniards residing abroad, provided that they lack comparable protection in the country of residence, in the manner and with the requirements to be determined by regulations.

Article S. *Scope of application regarding equal opportunities, non-discrimination and universal accessibility.*

The specific measures to guarantee equal opportunities, non-discrimination and universal accessibility, as stipulated in Article 2 (k), shall apply, in addition to the rights regulated in Title I, in the following areas:

- a) Telecommunications and information society.
- b) Urbanized public spaces, infrastructure and buildings.
- c) Transportation.
- d) Goods and services available to the public.
- e) Relations with public administrations, including access to public benefits and administrative decisions.
- f) Administration of justice.
- g) Participation in public life and electoral processes.
- h) Cultural heritage, in accordance with the provisions of the legislation on historical heritage, always with the purpose of reconciling the values of heritage protection and access, enjoyment and enjoyment by people with disabilities.
- i) Employment.

CHAPTER III

Autonomy of persons with disabilities

Article 6. *Respect for the autonomy of persons with disabilities.*

1. The exercise of the rights of persons with disabilities shall be carried out in accordance with the principle of freedom in decision-making.

2. People with disabilities have the right to free decision making, for which information and consent must be provided in appropriate formats and in accordance with personal circumstances, following the rules set by the principle of universal design or design for all people, so that they are accessible and understandable to them.

In all cases, the individual's personal circumstances, his or her capacity to make the particular type of decision and to ensure the provision of support for decision making must be taken into account.

TITLE I

Rights and obligations

Article 7. *Right to equality.*

1. People with disabilities have the same rights as other citizens under our legal system.

2. In order to make this right to equality effective, public administrations shall promote the necessary measures so that the exercise of the rights of persons with disabilities under equal conditions is real and effective in all areas of life.

3. The public administrations will protect in a particularly intense manner the rights of persons with disabilities in matters of equality between women and men, health, employment, social protection, education, effective judicial protection, mobility, communication, information and access to culture, sports, leisure, as well as participation in public affairs, under the terms provided in this Title and other applicable regulations.

4. Likewise, public administrations will provide particularly intense protection to those persons or groups of persons especially vulnerable to multiple discrimination, such as girls, boys and women with disabilities, elderly persons with disabilities, women with disabilities who are victims of gender violence, persons with multiple disabilities or other persons with disabilities who are members of minorities.

CHAPTER I

Social and economic benefits system

Article 8. *Special system of social and economic benefits for persons with disabilities.*

1. The protective action of the special system of social and economic benefits for people with disabilities who are not included in the scope of application of the Social Security System because they do not work:

- a) Health care and pharmaceuticals.
- b) Mobility allowance and compensation for transportation expenses.
- c) Professional recovery.
- d) Vocational rehabilitation and habilitation.

2. Without prejudice to the provisions of Article 9, the health care and pharmaceutical benefits provided for in letter a) of the preceding paragraph shall have the extension, duration and conditions provided for in the regulations.

3. The beneficiaries of the minimum income guarantee and third person assistance subsidies will continue to be entitled to receive them in accordance with the provisions of the sole transitory provision.

Article 9. *Pharmaceutical benefit of the special system/ of social and health benefits for people with disabilities.*

The beneficiaries of the special system of assistance and economic benefits foreseen in this chapter will be exempt from the contribution for the consumption of pharmaceutical specialties.

CHAPTER II

Right to health protection

Article 10. *Right to health protection.*

1. Persons with disabilities have the right to health protection, including the prevention of disease and the protection, promotion and recovery of health, without discrimination on the basis of disability, paying special attention to mental health and sexual and reproductive health.

2. The actions of public administrations and private subjects shall pay specific attention to the needs of people with disabilities, in accordance with the general and sectorial health legislation in force.

3. The public administrations will develop the necessary actions for the coordination of social and health care, in an effective and efficient manner.

The Ministry of Health and Social Welfare will promote the necessary measures to favor the access of people with disabilities to the services and benefits related to their health in conditions of equality with the rest of the citizens.

Article 11. *Prevention of impairments and intensification of disabilities.*

1. The prevention of impairments and intensification of disabilities constitutes a right and a duty of every citizen and of society as a whole and shall be part of the priority obligations of the State in the field of public health and social services. The prevention of impairments and intensification of disabilities shall attend to the diversity of persons with disabilities, providing differentiated treatment according to the specific needs of each person.

2. The competent public administrations shall promote plans for the prevention of deficiencies and the intensification of disabilities, also taking into account the provisions of Article 21 of Law 39/2006, of December 14, on the Promotion of Personal Autonomy and Care for Dependent Persons.

3. These plans will give special importance to family planning and counseling services, genetic counseling, prenatal and perinatal care, early detection and diagnosis, pediatric care, including child and adolescent mental health, geriatric care, as well as occupational health and safety, road traffic safety, food hygiene and sanitary control, and environmental pollution.

Specific consideration will be given to actions aimed at rural areas.

Article 12. *Multiprofessional teams for disability care.*

1. The multiprofessional disability care teams in each sectoral area shall have the corresponding specialized training and shall be competent, in their territorial area, to provide interdisciplinary care to each person with a disability who needs it, in order to guarantee their inclusion and full participation in society on an equal footing with others.

2. The multiprofessional teams for the qualification and recognition of the degree of disability are the bodies in charge of assessing and qualifying disability situations, for their official recognition by the competent administrative body.

3. The functions of the multiprofessional teams for the qualification and recognition of the degree of disability:

a) Issue a standardized technical opinion on the impairments, limitations to perform activities and barriers to social participation, including the abilities and skills for which the person needs support.

b) Guidance for habilitation and rehabilitation, with full respect for the autonomy of the disabled person, proposing the needs, aptitudes and possibilities for recovery, as well as follow-up and review.

c) The assessment and qualification of the disability situation, determining the type and degree of disability in relation to the benefits, economic rights and services provided for in the legislation, without prejudice to the recognition of the right that corresponds to the competent administrative body.

d) The assessment and qualification of the disability situation will be reviewable in the manner to be determined by regulation. The definitive assessment and qualification will only be made when the person has reached maximum rehabilitation or when the impairment is presumably definitive, which will not prevent previous assessments to obtain certain benefits.

4. The qualifications and assessments of the multiprofessional teams for the qualification and recognition of the degree of disability will respond to unified technical criteria, based on the available evidence, and will be valid before any public body and throughout the territory of the State.

CHAPTER III

Comprehensive care

Article 13. *Comprehensive care.*

1. Comprehensive care is understood as the processes or any other intervention measures aimed at enabling people with disabilities to achieve their maximum level of development and personal autonomy, and to achieve and maintain their maximum independence, physical, mental and social capacity, and their full inclusion and participation in all aspects of life, as well as obtaining suitable employment.

2. Comprehensive care programs may include:

- a) Habilitation or medical-functional rehabilitation.
- b) Psychological care, treatment and counseling.
- c) Education.
- d) Support for professional activity.

3. These programs should begin at the earliest possible stage and be based on a multidisciplinary assessment of the needs and capabilities of the person with a disability, as well as the opportunities in the environment, considering the appropriate adaptations or adaptations and supports for decision-making and the promotion of personal autonomy.

4. The public administrations shall ensure the maintenance of adequate care services, through the coordination of habilitation and rehabilitation resources and services in the areas of health, employment, education and social services, in order to guarantee a sufficient and diversified supply of services and programs for people with disabilities in the environment in which they live, both in rural and urban areas.

Article 14. *Habilitation or medical-functional rehabilitation.*

1. The objective of habilitation or medical-functional rehabilitation is to achieve maximum functionality of physical, sensory, mental or intellectual capacities. This process begins with the detection and identification of the deficiencies and psychosocial needs of each person and will continue until the achievement and maintenance of the maximum possible personal development and autonomy.

2. For these purposes, any person who presents any impairment in their bodily or psychosocial structures or functions, from which a limitation in the activity qualified as disability according to the provisions of this Law derives or may derive, shall be entitled to benefit from the medical-functional habilitation or rehabilitation processes necessary to improve and achieve the maximum possible personal autonomy and to be able to achieve with the necessary support their personal development and full and effective participation in society on an equal footing with others.

3. The habilitation or rehabilitation process initiated in specific services will be developed in close connection with the intervention centers where it is to be continued and will continue, if necessary, as home treatment or in the environment in which the person with disabilities lives, with the existing community resources.

4. The habilitation and rehabilitation programs will be complemented with the supply, adaptation, conservation and renovation of assistive technologies, prostheses and orthoses, devices, vehicles and other auxiliary elements for people with disabilities whose personal circumstances make it advisable.

Article 15. *Psychological care, treatment and counseling.*

1. Psychological care, treatment and guidance will be present during the different phases of the interdisciplinary habilitation or rehabilitation process and will be aimed at achieving maximum autonomy and the full development of the personality of the disabled person, as well as support for his or her immediate family environment.

2. Psychological care, treatment and counseling will be based on the personal characteristics of the person with a disability, his or her motivations and interests as well as the

family and social factors that may condition him/her, and will be aimed at maximizing the use of his/her capabilities and personal autonomy, taking into account his/her unique life project.

3. Psychological care, treatment and guidance will form part of the support for personal autonomy and must be coordinated with the rest of the functional treatments and, in any case, will be provided from the moment the impairment is detected, or from the moment a pathological process begins or a supervening circumstance occurs that could lead to a limitation in activity.

Article 16. Education.

Inclusive education shall be part of the process of comprehensive care for persons with disabilities and shall be provided through the support and adjustments recognized in Chapter IV of this Title and in the Organic Law 2/2006, of May 3, on Education.

Article 17. Support for professional activity.

1. Persons with disabilities of working age shall be entitled to benefit from vocational and professional rehabilitation programs, job maintenance and return to work.

2. The support processes for the professional activity will include, among others, the following benefits:

- a) The medical-functional habilitation or rehabilitation processes.
- b) Professional orientation.
- c) Training, retraining or professional requalification.

3. In the processes of support for professional activity, medical-functional habilitation or rehabilitation, regulated in Article 14, include both the development of skills and the use of products and assistive technologies and devices necessary for the best performance of a job on an equal footing with others.

4. The professional orientation will be provided by the corresponding services, taking into account the real capacities of the person with disability, determined according to the reports of the multiprofessional teams of qualification and recognition of the degree of disability. It will also take into consideration the training actually received and to be received, and the employment possibilities existing in each case, as well as attention to their motivations, aptitudes and professional preferences. They also include the necessary support for seeking, obtaining, maintaining and returning to employment.

5. The training, retraining or professional requalification, which may include, where appropriate, a basic general pre-training, will promote the acquisition of work experience in the labor market and will be provided in accordance with the personal itinerary and the professional orientation previously provided, according to the decision made by the person with disabilities, and following the criteria established in Article 15.

6. The Regulatory activities may be taught, in addition to the training centers dedicated to it, in companies, being necessary in the latter case, the formalization of a contract for training and learning, whose basic content shall conform to the provisions of Article 11 of the Consolidated Text of the Workers' Statute Law, approved by Royal Legislative Decree 2/2015, of October 23, and its implementing regulations.

7. The support processes for the professional activity referred to in this article may be complemented, where appropriate, with other additional measures that facilitate the beneficiary's achievement of the highest level of personal development and favor his or her full inclusion and participation in social life.

CHAPTER IV

Right to education

Article 18. *Content of the right.*

1. People with disabilities have the right to an inclusive, quality and free education, on equal terms with others.

2. It is the responsibility of the educational administrations to ensure an inclusive educational system at all educational levels as well as lifelong learning and to guarantee a school place for students with disabilities in basic education, paying attention to the diversity of educational needs of students with disabilities, through the regulation of support and reasonable adjustments for the care of those who require special attention for learning or inclusion.

3. The schooling of these students in special education centers or substitute units will only be carried out when, exceptionally, their needs cannot be met within the framework of the diversity attention measures of regular centers and taking into consideration the opinion of the parents or legal guardians.

Article 19. *Free education.*

Persons with disabilities, in their educational stage, shall have the right to free education, in ordinary and special centers, in accordance with the provisions of the Constitution and the laws that develop it.

Article 20. *Additional guarantees.*

In order to guarantee the right to an inclusive education for persons with disabilities and without prejudice to the measures provided for in the regulations on education, the following additional guarantees are established:

a) Special education centers shall create the necessary conditions to facilitate the connection with regular centers, and the inclusion of their students in the regular education system.

b) Children's hospitals, rehabilitation hospitals and those with permanent pediatric services, whether publicly or privately owned, which regularly occupy at least half of their beds with patients whose stay and health care are financed by public resources, must have a pedagogical section to prevent and avoid the marginalization of school-age students admitted to such hospitals from the educational process.

c) Those persons pursuing university studies, whose disability makes it seriously difficult for them to adapt to the system of examinations established in general, may request and the universities will have to grant, in accordance with the provisions of their corresponding rules of permanence which, in any case, must take into account the situation of persons with disabilities studying at the university, the extension of the number of the same to the extent that compensates for their difficulty, without reducing the level required. The tests will be adapted, where appropriate, to the characteristics of the disability presented by the interested party.

d) Awareness, information and continuous training programs will be carried out for management teams, teachers and education professionals, aimed at their specialization in meeting the special educational needs of students with disabilities, so that they may have the necessary knowledge and tools to do so.

Article 21. *Assessment of educational needs.*

1. The specific functions of the educational guidance services are to support schools in the process towards inclusion and, especially, in the functions of guidance, evaluation and educational intervention, contributing to the pedagogical dynamization, quality and educational innovation.

2. For the purposes of the participation in the control and management of educational centers provided for in Organic Law 8/1985, of July 3, 1985, regulating the right to education, and in Organic Law 2/2006, of May 3, 2006, on education, the specialty of this law with regard to educational guidance services was taken into account.

CHAPTER V

Right to independent living

Section 1." General Provisions

Article 22. Accessibility.

1. Persons with disabilities have the right to live independently and to participate fully in all aspects of life. To this end, the public authorities shall take appropriate measures to ensure universal accessibility, on an equal basis with others, to environments, processes, goods, products and services, transportation, information and communications, including information and communications systems and technologies, as well as social media and other services and facilities open to the public or for public use, both in urban and rural areas.

2. In the field of employment, the basic conditions of accessibility and non-discrimination referred to in this chapter shall apply in addition to the provisions of labor legislation.

Article 23. Basic conditions of accessibility and non-discrimination.

1. The Government, without prejudice to the competences attributed to the autonomous communities and local entities, shall regulate the basic conditions of accessibility and non-discrimination that guarantee the same levels of equal opportunities to all persons with disabilities.

All references to accessibility and universal accessibility in this law are understood to include cognitive accessibility, as stipulated in Article 2 (k).

Said regulation shall be gradual in time and in the scope and content of the obligations imposed, and shall cover all the fields and areas listed in article 5.

2. The basic conditions of accessibility and non-discrimination shall establish, for each field or area, concrete measures to prevent or eliminate discrimination, and to compensate for disadvantages or difficulties. They shall include provisions on at least the following aspects:

a) Accessibility requirements for buildings and environments, instruments, equipment and technologies, and goods and products used in the sector or area. In particular, the removal of barriers to facilities and the adaptation of equipment and instruments, as well as appropriate signage.

b) More favorable conditions in the access, participation and use of the resources of each field or area and conditions of non-discrimination in norms, criteria and practices.

c) Supplementary aids, such as financial aids, assistive products and technologies, specialized services or treatments, other personal services, as well as other forms of personal or animal support. In particular, auxiliary aids and services for communication, such as augmentative and alternative systems, Braille, easy reading, pictograms, easily accessible multimedia devices, oral communication support systems and sign language, tactile communication systems and other devices that enable communication.

d) The adoption of internal rules in companies or centers that promote and encourage the elimination of disadvantages or general situations of discrimination against persons with disabilities, including reasonable accommodations.

e) Plans and timetable for the implementation of accessibility requirements and for the establishment of the most favorable and non-discriminatory conditions.

f) Human and material resources for the promotion of accessibility and non-discrimination in the area concerned.

3. The basic conditions of accessibility and non-discrimination will be established taking into account the different types and degrees of disability that should guide both the initial design and the reasonable adjustments of environments, products and services in each area of application of the law.

Article 24. *Basic conditions of accessibility and non-discrimination in the field of products and services related to the information society and social media.*

1. The basic conditions of accessibility and non-discrimination for the access and use of technologies, products and services related to the information society and any means of social communication shall be enforceable in the terms and terms established by regulation.

However, the conditions set forth in the preceding paragraph shall be enforceable for all these technologies, products and services, in accordance with the conditions and maximum terms set forth in the third additional provision.1.

2. Within two years of the entry into force of this law, the Government shall carry out comprehensive studies on the accessibility of such goods or services that are considered most relevant from the point of view of non-discrimination and universal accessibility.

Article 25. *Basic conditions of accessibility and nondiscrimination in the area of urbanized public spaces and buildings.*

1. The basic conditions of accessibility and non-discrimination of people with disabilities for the access and use of urbanized public spaces and buildings will be enforceable in the terms and terms established by regulation.

However, the conditions set forth in the preceding paragraph shall be enforceable for all urbanized public spaces and buildings, in accordance with the conditions and maximum terms set forth in the third additional provision.1.

2. Within two years of the entry into force of this law, the Government shall carry out comprehensive studies on the accessibility of urbanized public spaces and buildings, in what is considered most relevant from the point of view of non-discrimination and universal accessibility.

Article 26. *Technical building regulations.*

1. The technical building standards shall include provisions on the minimum conditions to be met by buildings of any type to allow accessibility for persons with disabilities.

2. All these standards must be included in the drafting phase of the basic, execution and partial projects, and the corresponding official approvals, either from professional associations or from the supervisory offices of the competent public administrations, will be denied to those that do not comply with them.

Article 27. *Basic conditions of accessibility and non-discrimination in the field of transport.*

1. The basic conditions of accessibility and non-discrimination of persons with disabilities for the access and use of the means of transport shall be enforceable within the terms and time limits established by regulation.

However, the conditions set forth in the preceding paragraph shall be enforceable for all transport infrastructures and material, in accordance with the conditions and maximum terms set forth in the third additional provision.1.

2. Within two years of the entry into force of this law, the Government shall carry out comprehensive studies on the accessibility of the different means of transport, in what is considered most relevant from the point of view of non-discrimination and universal accessibility.

Article 28. *Basic conditions of accessibility and non-discrimination in the field of relations with public administrations.*

1. The basic conditions of accessibility and non-discrimination to be met by public offices, devices and services for citizen attention and those for participation in public affairs, including those related to the Administration of Justice and participation in political life and electoral processes, shall be enforceable within the terms and conditions established by regulation.

However, the conditions set forth in the preceding paragraph shall be enforceable for all environments, products, services, provisions, criteria or administrative practices, in accordance with the conditions and maximum terms set forth in the third additional provision.1.

2. Within two years of the entry into force of this law, the Government shall carry out comprehensive studies on the accessibility of those environments or systems that are considered most relevant from the point of view of non-discrimination and universal accessibility.

Article 29. *Basic conditions of accessibility and non-discrimination for access to and use of goods and services available to the public.*

1. All natural or legal persons who, in the public or private sector, provide goods or services available to the public, offered outside the sphere of private and family life, shall be obliged, in their activities and in the ensuing transactions, to comply with the principle of equal opportunities for people with disabilities, avoiding direct or indirect discrimination on the grounds of or because of disability.

2. The provisions of the preceding paragraph do not affect the freedom of contracting, including the freedom of the person to choose the other contracting party, provided that such choice is not determined by his or her disability.

3. Notwithstanding the provisions of the preceding paragraphs, differences of treatment in access to goods and services shall be admissible when they are justified by a legitimate aim and the means of achieving it are appropriate, proportionate and necessary.

4. The basic conditions of accessibility and non-discrimination for the access and use of goods and services available to the public by persons with disabilities shall be enforceable within the terms and conditions established by regulation.

However, the conditions set forth in the preceding paragraph shall be enforceable for all goods and services, in accordance with the conditions and maximum terms set forth in the third additional provision.2.

5. Within two years of the entry into force of this law, the Government shall carry out comprehensive studies on the accessibility of goods or services that are considered most relevant from the point of view of non-discrimination and universal accessibility.

Article 29 bis. *Basic conditions of cognitive accessibility.*

1. The basic conditions of cognitive accessibility are the systematic, comprehensive and coherent set of demands, requirements, standards, norms, parameters and guidelines that are considered necessary to ensure the understanding, communication and interaction of all people with all environments, products, goods and services, as well as processes and procedures.

2. These basic conditions, which will be the object of specific normative development, will be extended to all the areas referred to in article 5 of this law, as they are necessary to promote human development and the maximum individual autonomy of all persons.

3. These basic conditions shall be enforceable within the terms and conditions established by regulations.

4. These basic conditions of cognitive accessibility fall within the framework of universal accessibility, as stipulated in article 2, letter k) of this law.

Section 2.^a Positive action measures

Article 30. Measures to facilitate the parking of vehicles.

The municipalities shall adopt appropriate measures to facilitate the parking of motor vehicles belonging to persons with severe mobility problems, due to their disability.

Article 31. Mobility allowance and compensation for transportation expenses.

Disabled persons with difficulties in using public transportation, who meet the requirements established by regulation, will be entitled to receive a mobility allowance and compensation for transportation expenses, the amount of which will be established annually in the General State Budget Law.

Article 32. Reservation of housing for persons with disabilities and accessibility conditions.

1. In subsidized housing projects, a minimum of four percent will be programmed with the appropriate construction and design features to ensure comfortable and safe access and development for people with disabilities.

The dwellings subject to the reserve provided for in this article, intended for rental, may be awarded to persons with disabilities individually considered, family units with a person with disabilities or to non-profit entities in the disability sector, provided that in the latter case they are intended by such entities to promote the social inclusion of persons with disabilities and independent living, such as assisted housing, shared housing, supportive housing or independent living projects for persons with disabilities.

2. The obligation established in the preceding paragraph shall also apply to housing projects of any other nature that are built, promoted or subsidized by public administrations and other entities dependent on or linked to the public sector. The competent public administrations shall issue the regulatory provisions to guarantee the installation of elevators capable of simultaneously transporting a standard type wheelchair and a non-disabled person.

3. The public administrations shall issue the basic technical standards necessary to comply with the provisions of the two preceding paragraphs.

4. When the project refers to a set of buildings and facilities that make up an architectural complex, it shall be designed and built in conditions that allow, in any case, accessibility for people with disabilities to the different buildings and complementary facilities.

Article 33. Concept of housing rehabilitation.

For the purpose of obtaining subsidies and loans with interest subsidies, renovations that persons with disabilities or family or cohabitation units with a member with a disability have to carry out in their usual and permanent housing to make it accessible are considered housing rehabilitation.

Article 34. Other public accessibility measures.

1. The public administrations shall make the necessary appropriations in their budgets to finance the adaptations in the buildings that depend on them.

2. At the same time, they will promote the adaptation of privately owned properties by establishing aid, exemptions and subsidies.

3. In addition, the competent urban planning administrations must consider and, if necessary, include the need for these early adaptations in the municipal urban development plans that they formulate or approve.

4. The city councils will have to foresee municipal plans of action, in order to adapt the public roads, parks and gardens, to the norms approved with general character, coming obliged to destine a percentage of their budget to these aims.

CHAPTER VI

Right to work

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Article 35. Guarantee of the right to work.

1. Persons with disabilities have the right to work, under conditions that guarantee the application of the principles of equal treatment and non-discrimination.

Without prejudice to the provisions of Article 4, for the purposes of this Chapter VI and the exercise of the right to work by persons with disabilities, persons with disabilities shall be considered to be persons with disabilities if they are Social Security pensioners who have a recognized permanent disability pension in the degree of total, absolute or severe disability, and persons who are pensioners of passive classes who have a recognized retirement or retirement pension for permanent incapacity for service or uselessness.

2. The guarantee and effectiveness of the rights to equal treatment and opportunities of persons with disabilities shall be governed by the provisions of this chapter and its specific regulations on access to employment, as well as access to self-employment and professional practice, working conditions, including remuneration and dismissal, professional promotion, occupational and continuing vocational training, training for employment, and membership and participation in trade union and business organizations or the incorporation and participation in any organization whose members perform a specific profession.

3. Direct discrimination shall exist when a person with a disability is treated less favorably than another person in a similar situation on the basis of his or her disability.

4. Indirect discrimination shall exist when a legal or regulatory provision, a conventional or contractual clause, an individual agreement or a unilateral decision of the employer, apparently neutral, may cause a particular disadvantage to persons with disabilities with respect to other persons, provided that they do not objectively serve a legitimate purpose and that the means of achieving this purpose are not appropriate and necessary, or unless the employer is obliged to take appropriate measures, according to the needs of each specific situation and in accordance with Article 40, to eliminate the disadvantages caused by the provision, clause, pact or decision.

5. Regulatory precepts, clauses of collective bargaining agreements, individual agreements and unilateral decisions of the employer that give rise to situations of direct or indirect unfavorable discrimination on the grounds of disability, in the areas of employment, remuneration, working hours and other working conditions, shall be considered null and void.

6. Harassment on the grounds of disability, as defined in Article 2, letter f), is in any case considered a discriminatory act.

7. Any order to discriminate against persons on the grounds or because of their disability is also considered discrimination.

Article 36. Equal treatment.

Equal treatment means the absence of any direct or indirect discrimination on the basis of disability or disability in employment, vocational training and promotion, and working conditions.

Article 37. Types of employment of persons with disabilities.

1. The purpose of the employment policy shall be to increase the activity, employment and labor insertion rates of persons with disabilities, as well as to improve the quality of employment and dignify their working conditions, actively combating discrimination against them. To this end, the competent public administrations shall encourage their employment opportunities and professional promotion in the labor market, and shall promote the necessary support for seeking, obtaining, maintaining and returning to employment.

2. Persons with disabilities can exercise their right to work through the following types of employment:

- a) Regular employment, in companies and public administrations, including supported employment services.
- b) Sheltered employment, in special employment centers and labor enclaves.
- c) Self-employment.

3. Access to public employment shall be governed by the provisions of the regulations governing the matter.

Article 38. *Orientation, placement and registration of workers with disabilities for their inclusion/work/.*

1. It is the responsibility of the public employment services, either directly or through collaborating entities, and of the duly authorized placement agencies, to provide guidance and placement on equal terms for people with disabilities who are seeking employment.

2. For the purposes of applying the benefits that this law and its implementing regulations recognize both to workers with disabilities and to the companies that employ them, a reference to their type and degree of disability will be included in the Integrated Public Information System of the Employment Services with the prior consent of said workers, in accordance with the provisions of Organic Law 3/2018, of December 5, on the Protection of Personal Data and guarantee of digital rights, and Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC.

3. In order to guarantee the effective application of the provisions of the two previous sections and to achieve the adequacy between the personal conditions of the person with disability and the characteristics of the job position, the coordination between the public employment services and the duly authorized placement agencies and the multiprofessional teams for the qualification and recognition of the degree of disability provided for in this law shall be established by regulation.

Article 39. *Aid for the generation of employment for persons with disabilities.*

1. The employment of people with disabilities will be promoted through the establishment of aids to facilitate their inclusion in the labor market.

2. This aid may consist of subsidies or loans for hiring, adaptation of jobs, elimination of all types of barriers that hinder access, mobility, communication or understanding in the production centers, the possibility of establishing themselves as self-employed workers, rebates on Social Security contributions and any others considered appropriate to promote the placement of people with disabilities, especially the promotion of cooperatives and other social economy entities.

Section 2. *Regular employment*

Adoption of measures to prevent or compensate for disadvantages caused by disability as a guarantee of full equality at work.

1. In order to ensure full equality at work, the principle of equal treatment shall not prevent the maintenance or adoption of specific measures to prevent or compensate for disadvantages caused by or on account of disability.

2. Employers are obliged to take appropriate measures for the adaptation of the workplace and the accessibility of the company, according to the needs of each specific situation, in order to enable people with disabilities to access employment, perform their work, progress professionally and access training, unless such measures place an undue burden on the employer.

In determining whether a burden is excessive, consideration shall be given to whether it is sufficiently alleviated by public measures, aids or subsidies for persons with disabilities, as well as the financial and other costs that the measures entail and the size and total turnover of the organization or company.

Article 41. *Supported employment services.*

Supported employment services are the set of individualized guidance and accompaniment actions in the workplace, which aim to facilitate the social and labor adaptation of disabled workers with special difficulties of labor inclusion in companies of the ordinary labor market under similar conditions to the rest of the workers who perform equivalent jobs. Supported employment services will be regulated by their own regulations.

Article 42. *Quota of jobs reserved for persons with disabilities.*

1. Public and private companies that employ a number of 50 or more workers shall be obliged to ensure that at least 2% of them are disabled workers. The aforementioned calculation will be made on the total workforce of the corresponding company, regardless of the number of work centers and regardless of the form of employment contract that binds the company's workers. Likewise, it will be understood that disabled workers who are at any given moment rendering services in public or private companies, by virtue of the provision contracts that they have entered into with temporary employment agencies, will be included in said calculation.

Exceptionally, public and private companies may be exempted from this obligation, partially or totally, either through agreements included in the sectoral collective bargaining at state level and, failing that, at a lower level, in accordance with the provisions of Article 83. 2 and 3, of the Revised Text of the Workers' Statute Law, approved by Royal Legislative Decree 2/2015, of October 23, 2015, or by voluntary option of the employer, duly communicated to the labor authority, and provided that in both cases the alternative measures to be determined by regulation are applied.

2. In public employment offers, a quota will be reserved to be filled by people with disabilities, under the terms established in the regulations governing the matter.

Section 3. Sheltered employment

Article 43. *Special employment centers for the inclusion/work/ of persons with disabilities.*

1. Special employment centers are those whose main objective is to carry out a productive activity of goods or services, participating regularly in market operations, and whose purpose is to ensure gainful employment for people with disabilities; at the same time they are a means of inclusion of the largest number of these people in the ordinary employment regime. Likewise, the special employment centers must provide, through the support units, the personal and social adjustment services required by disabled workers, according to their circumstances and in accordance with what is determined by regulation.

2. The staff of the special employment centers will be constituted by the highest number of disabled workers that the nature of the productive process allows and, in any case, by 70 percent of it. To these effects the personnel without disability dedicated to the provision of services of personal and social adjustment will not be contemplated.

Personal and social adjustment services are understood to be those that help overcome barriers, obstacles or difficulties that workers with disabilities in special employment centers have in the process of incorporation to a job, as well as in the permanence and progression in the same. Also included are those aimed at social, cultural and sports inclusion.

3. The employment relationship of workers with disabilities who provide their services in special employment centers is of a special nature, in accordance with Article 2.1.g) of the Revised Text of the Workers' Statute Law, approved by Royal Legislative Decree 2/2015, of October 23, and is governed by its specific regulations.

4. Special Employment Centers of social initiative will be those that, fulfilling the requirements established in paragraphs 1 and 2 of this article, are promoted and participated in more than 50 percent, directly or indirectly, by one or more entities, whether public or private, that are not for profit or have recognized their status as such. In this article, they are promoted and owned by more than 50 percent, directly or indirectly, by one or more entities, whether public or private, that are non-profit or have their social character recognized in their bylaws, whether they are associations, foundations, public law corporations, social initiative cooperatives or other social economy entities, as well as those whose ownership corresponds to commercial companies in which the majority of their capital stock is owned by any of the aforementioned entities, either directly or indirectly through the concept of dominant company regulated in Article 42 of the Code of Commerce, and provided that in all cases in their bylaws or in a social agreement they are obliged to reinvest all their profits for the creation of employment opportunities for people with disabilities and the continuous improvement of their competitiveness and their social economy activity, having in any case the power to choose to reinvest them in the special employment center itself or in other special employment centers of social initiative.

Article 44. *Economic compensation for special employment centers for the inclusion/work/ of persons with disabilities.*

1. In view of the special characteristics that concur in special employment centers and so that they can fulfill the required social function, the public administrations may, in the manner to be determined by regulations, establish economic compensation for the centers, to help their viability, establishing for this purpose, in addition, the control mechanisms deemed pertinent.

2. The criteria for establishing these economic compensations will be that these special employment centers meet the conditions of public utility and indispensability and that they are not for profit.

Creation of special employment centers for the labor inclusion of persons with disabilities.

1. Special employment centers may be created by public and private organizations as well as by companies, always subject to the legal, regulatory and conventional norms that regulate working conditions.

2. The public administrations, within the scope of their competences and through the study of sectorial needs, shall promote the creation and implementation of special employment centers, either directly or in collaboration with other organizations or entities, while encouraging the creation of jobs for people with disabilities through the adoption of the necessary measures to achieve such purposes. Likewise, they will monitor, periodically and rigorously, that people with disabilities are employed under adequate working conditions.

Article 46. *Labor interlocks.*

In order to facilitate the transition to regular employment of disabled workers with special difficulties in accessing it, labor enclaves can be created, whose characteristics and conditions are established by regulation.

Section 2. *Self-employment.*

Article 47. *Self-employment.*

The public authorities, within the scope of their respective competences, shall adopt policies for the promotion of self-employment of persons with disabilities aimed at establishing

and development of economic and professional initiatives on their own account, or through social economy entities, in accordance with the regulations governing the matter.

CHAPTER VII

Right to social protection

Article 48. *Right to social protection.*

People with disabilities and their families have the right to social services and benefits that meet their needs with guarantees of sufficiency and sustainability, aimed at the development of their personality and their inclusion in the community, increasing their quality of life and social welfare.

Article 49. *Criteria for the application of social protection.*

1. Social services for persons with disabilities and their families may be provided by both public administrations and non-profit entities through the necessary human, financial and technical resources.

In any case, the public administrations will develop the necessary actions for the coordination of social and health care, in an effective and efficient manner, in accordance with the provisions of Article 10.

2. The provision of social services will respect to the maximum the permanence of people with disabilities in their family environment and in their geographical environment, taking into account the specific barriers of those living in rural areas.

3. The participation of people with disabilities themselves in the common tasks of coexistence, management and control of social services will be promoted.

Content of the right to social protection.

1. People with disabilities and their families have the right to social services for family support, prevention of impairments and intensification of disabilities, promotion of personal autonomy, information and guidance, home care, residences, support in their environment, residential services, cultural activities, sports, leisure and free time.

2. In addition, and as a complement to the measures specifically provided for in this law, the autonomous legislation may provide for services and economic benefits for persons with disabilities and their families who are in a situation of need and who lack the indispensable resources to cope with it.

Article 51. *Types of social services.*

1. The family support service will aim to provide guidance and information to families, emotional support, training and training to meet the stimulation, maturation and physical, mental and intellectual development of children with disabilities, and people with disabilities and for the adaptation of the family environment and close to the needs of all of them.

2. Guidance and information services should provide people with disabilities and their families with knowledge of the benefits and services available to them, as well as the conditions for accessing them.

3. Services for the prevention of impairments and the intensification of disabilities and the promotion of personal autonomy are aimed at preventing the onset or intensification of disabilities and their consequences, through actions to promote healthy living conditions, support in the environment and specific preventive programs.

4. Home care services will have as their mission the provision of personal and domestic care, as well as habilitative or rehabilitative services, as provided for in Article 14, only for those persons with disabilities whose situations require it.

5. Housing services, whether residential care services, sheltered housing, or other supportive housing for inclusion, aim to promote the autonomy and independent living of people with disabilities through living together, as well as to promote their social inclusion.

Likewise, they must attend to the basic needs of those people with disabilities who are in a situation of special vulnerability, such as in cases where they lack a home or family, or when there are serious problems to ensure adequate family coexistence.

6. Day and night center services offer comprehensive care during the day or night period to people with disabilities, with the aim of improving or maintaining the best possible level of personal autonomy and supporting families.

7. The services of residences, day and night centers, and sheltered housing may be promoted by the public administrations, by the disabled persons themselves and their families, as well as by their representative organizations. In the promotion of residences, day centers and sheltered housing, carried out by the disabled persons themselves and their families, as well as by their representative organizations, these will enjoy priority protection by the public administrations.

The planning of these services will take into account the proximity to the environment in which people with disabilities live.

8. Sports, cultural, leisure and free time activities shall be developed, whenever possible, in accordance with the principle of universal accessibility in the facilities and with the ordinary means placed at the service of citizens. Only when the specificity and the need for support so require, may be established, in a subsidiary or complementary manner, specific services and activities.

9. Without prejudice to the application of the measures generally provided for in this law, when the specificity and the need for support make it necessary, the person with disabilities will have the right to reside or be cared for in a specialized establishment.

Article 52. Occupational centers.

1. The purpose of occupational centers is to provide occupational therapy and personal and social adjustment services to people with disabilities in order to achieve their maximum personal development and, in those cases in which it is possible, to facilitate their training and preparation for access to employment. Likewise, these services will be provided to those workers with disabilities who, having developed a specific labor activity, have not achieved a satisfactory adaptation or have suffered a worsening of their situation that makes their integration in an occupational center advisable.

2. The public administrations, in accordance with their competencies, will dictate the corresponding specific norms, establishing the conditions of all types that occupational centers must meet in order to be authorized to create and operate.

Their creation and maintenance shall be the responsibility of the said public administrations as well as of the private non-profit institutions or legal entities, the latter complying, in all cases, with the rules for their creation and operation issued in accordance with the provisions of the preceding paragraph.

CHAPTER VIII

Right to participate in public affairs

Right to participate in the political life.

Persons with disabilities may exercise their right to participate in political life and in electoral processes under equal conditions as other citizens, in accordance with the regulations in force. To this end, the public administrations shall make available to them the means and resources they require.

Right to participate in public life.

1. Persons with disabilities shall be able to participate fully and effectively in public decision-making that affects them, on an equal footing with other citizens. To this end, public administrations shall make available to them the means and resources they require.

2. Persons with disabilities, including children, and their families, through their representative organizations, shall participate in the preparation, drafting and adoption of decisions and, where appropriate, of the standards and strategies that concern them, and it shall be the obligation of the public administrations, within the sphere of their respective competencies, to promote the conditions to ensure that this participation is real and effective. Likewise, their permanent presence will be promoted in the bodies of public administrations, of a participatory and consultative nature, whose functions are directly related to matters that have an impact on spheres of preferential interest for persons with disabilities and their families.

3. The public administrations shall promote and facilitate the development of associations and other entities in which persons with disabilities and their families are grouped. Likewise, they will offer financial and technical support for the development of their activities and may establish agreements for the development of programs of social interest.

Article 55. National Council on Disability.

The National Council on Disability is the interministerial collegiate body, of a consultative nature, in which the collaboration of the associative movement of persons with disabilities and their families and the General State Administration is institutionalized, for the definition and coordination of public policies that guarantee the rights of persons with disabilities. Its composition and functions will be established by regulation.

In particular, the National Council on Disability shall be responsible for the promotion of equal opportunities and non-discrimination of persons with disabilities.

Article 56. Office of Attention to Disability.

The Office of Attention to Disability is the permanent and specialized body of the National Council on Disability, in charge of promoting equal opportunities, non-discrimination and universal accessibility for people with disabilities.

The Office of Attention to Disability will collaborate with the organizations, entities and associations of public utility most representative of people with disabilities and their families.

CHAPTER IX

Obligations of public authorities Section 1.^

General provisions

Article 57. Provision of services.

1. The public authorities will guarantee prevention, medical and psychological care, adequate support, education, guidance, social and labor inclusion, access to culture and leisure, the guarantee of minimum economic, social and legal protection rights and social security.

2. In order to achieve these objectives, public administrations, social partners, associations and legal-private persons will participate in their corresponding areas of competence.

Article 58. Financing.

The financing of the different benefits, subsidies, care and services contained in this law will be charged to the General State Budget, and to

those of the autonomous communities and local entities, in accordance with the powers corresponding to them respectively. These budgets must include the corresponding allocations in accordance with the legislation in force.

Article 59. *Social awareness.*

1. The public authorities shall develop and promote information activities, awareness campaigns, regulatory actions and any others that may be necessary for the promotion of equal opportunities and non-discrimination, in collaboration with the organizations representing people with disabilities and their families.

2. Specifically, the public authorities will promote the implementation and maintenance of campaigns to raise awareness in society, accessible to people with disabilities, especially in the socio-health, educational and professional fields, promoting recognition and respect for the rights and dignity of people with disabilities, so that it as a whole, collaborate in their full inclusion in social life.

Section 2.^a *Personnel of the various services for the care of persons with disabilities*

Article 60. *Specialized personnel.*

1. The attention and provision of services required by people with disabilities in their personal development and inclusion process must be oriented, directed and carried out by specialized personnel.

2. This process, due to the variety, breadth and complexity of the functions involved, requires the participation of specialists from different fields who should act together as a multiprofessional team.

Article 61. *Training of personnel.*

1. The public administrations will promote the training of professionals and personnel working with people with disabilities to adequately attend to the various services that people with disabilities require, both at the level of detection, diagnosis and assessment as well as educational and social services.

2. The public administrations will establish permanent programs of specialization and updating, of general character and of special application for the different disabilities, as well as on specific modes of care to achieve the maximum personal development, according to the scope of the various professions, in accordance with the different professional competences.

Article 62. *Volunteering.*

1. The public administrations shall promote and encourage the collaboration of volunteers in the care of persons with disabilities and their families, promoting the establishment and operation of non-profit organizations, so that they can collaborate with professionals in such care. Likewise, they will promote and encourage volunteering among people with disabilities, favoring their full inclusion and participation in social life.

2. The regime of volunteer personnel shall be regulated in their specific regulations.

TITLE II
Equal opportunity and non-discrimination

CHAPTER I
Right to equal opportunity

Article 63. *Infringement of the right to equal opportunity.*

It is understood that the right to equal opportunities for people with disabilities, as defined in Article 4.1, is violated when, due to or because of disability, there is direct or indirect discrimination, discrimination by association, harassment, failure to comply with accessibility requirements and to make reasonable adjustments, as well as failure to comply with legally established affirmative action measures.

Article 64. *Guarantees of the right to equal opportunities.*

1. In order to guarantee the right to equal opportunities for people with disabilities, the public authorities shall establish anti-discrimination measures and positive action measures.

2. The defense, arbitration and judicial measures provided for in this law shall be applicable to the situations provided for in Article 63, regardless of the existence of official recognition of the situation of disability or its transitory nature. In any case, the public administrations shall take care to avoid any form of discrimination that affects or may affect them.

3. The guarantees of the right to equal opportunities for people with disabilities provided for in this title shall be supplementary to the provisions of labor legislation.

Article 65. *Measures against discrimination.*

Anti-discrimination measures are considered to be those aimed at preventing or correcting that a person is treated in a less favorable direct or indirect manner than another person who is not, in an analogous or comparable situation, because of or on the basis of disability.

Article 66. *Content of anti-discrimination measures.*

1. Anti-discrimination measures may include prohibition of discriminatory conduct and harassment, accessibility requirements, and requirements to remove barriers and provide reasonable accommodation.

For these purposes, accessibility requirements are understood as the requirements that environments, products and services must meet, as well as the conditions of non-discrimination in standards, criteria and practices, in accordance with the principles of universal accessibility and design for all people.

2. For the purpose of determining whether an accommodation is reasonable, in accordance with the provisions of Article 2.m), the costs of the measure, the discriminatory effects on persons with disabilities of not adopting it, the structure and characteristics of the person, entity or organization that is to implement it and the possibility of obtaining official financing or any other assistance shall be taken into account.

To this end, the competent public administrations may establish a public aid scheme to help defray the costs arising from the obligation to make reasonable adjustments.

Discrepancies between the applicant for reasonable accommodation and the obligor may be resolved through the arbitration system provided for in Article 74, without prejudice to the administrative or judicial protection that may be applicable in each case.

Article 67. Affirmative action measures.

1. The public authorities shall adopt affirmative action measures for the benefit of those persons with disabilities who may be subject to a greater degree of discrimination, including multiple discrimination, or to a lesser degree of equal opportunities, such as women, children, those who require greater support for the exercise of their autonomy or for free decision making and those who suffer a more pronounced social exclusion, as well as persons with disabilities who habitually live in rural areas.

2. Likewise, within the framework of the official family protection policy, the public authorities shall adopt positive action measures with respect to families when one of their members is a person with a disability.

Content of affirmative action measures and equal opportunity measures.

1. Affirmative action measures may consist of complementary supports and more favorable standards, criteria and practices. Equal opportunity measures may include financial aids, technical aids, personal assistance, specialized services and auxiliary aids and services for communication.

These measures will be of a minimum nature, without prejudice to the measures that may be established by the autonomous communities within the scope of their competences.

2. In particular, public administrations shall ensure that public aid and subsidies promote the effectiveness of the right to equal opportunities for persons with disabilities as well as for persons with disabilities who habitually live in rural areas.

CHAPTER II

Promotion and defense measures

Article 69. Promotion and defense measures.

The public administrations, within the scope of their competences, shall promote and facilitate the development of Memento measures and legal protection instruments and mechanisms to carry out a policy of equal opportunities, by adopting the necessary measures to eliminate regulatory provisions and practices contrary to equal opportunities and by establishing measures to prevent any form of discrimination on the grounds of disability.

Section 1.^ Moment Measurements

Article 70. Measures to promote quality.

Public administrations will adapt their quality plans to ensure equal opportunities for citizens with disabilities. To this end, they will include minimum standards of non-discrimination and accessibility, and will develop quality indicators and good practice guides.

Article 71. Measures for innovation and development of technical standards.

1. Public administrations will promote innovation and research applied to the development of environments, products, services and benefits that guarantee the principles of inclusion, universal accessibility, design for all people and independent living for people with disabilities. To this end, they will promote research in areas related to disability in research, development and innovation plans (RDI).

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2. Likewise, they will facilitate and support the development of technical standards, as well as the revision of existing ones, so as to ensure non-discrimination in processes, designs and developments of technologies, products, services and goods, in collaboration with standardization and certification entities and organizations and all the agents involved.

Article 72. *Private initiative.*

1. The State administration, the autonomous communities and local entities will support private non-profit initiatives, collaborating in the development of these activities through technical advice, coordination, planning and economic support. Special attention will be given to non-profit entities, promoted by the people with disabilities themselves, their relatives or their legal representatives.

2. In order to receive such collaboration and aid, private actions must comply with the guidelines and requirements of the sectorial planning established by the public administrations.

3. In centers financed, in whole or in part, with public funds, the control of the origin and application of financial resources shall be carried out, with the participation of the interested parties or, subsidiarily, their legal representatives, the management and personnel in the service of the centers, without prejudice to the powers corresponding to the public authorities.

Article 73. *State Observatory on Disability.*

1. The State Disability Observatory is considered a technical instrument of the General State Administration which, through the General Directorate for the Rights of Persons with Disabilities of the Ministry of Social Rights and Agenda 2030, is responsible for the collection, systematization, updating, generation of information and dissemination related to the field of disability.

2. On an annual basis, the State Disability Observatory will prepare a broad and comprehensive report on the situation and evolution of disability in Spain, based on the statistical data collected, with special attention to gender, which will be submitted to the National Council on Disability for information and debate.

3. The State Disability Observatory is also configured as an instrument for the promotion and orientation of public policies in accordance with the International Convention on the Rights of Persons with Disabilities.

4. The fulfillment of the functions aimed at the development of the general objectives of the State Observatory on Disability will not entail an increase in public expenditure.

Section 2. "Defense measures"

Article 74. *Arbitration.*

1. After hearing the sectors concerned and the organizations representing persons with disabilities and their families, the Government shall establish an arbitration system which, without special formalities, shall hear and resolve, with binding and enforceable character for both parties, the complaints or claims of persons with disabilities in matters of equal opportunities and non-discrimination, provided that there are no reasonable indications of a crime, all without prejudice to the administrative and judicial protection that may be applicable in each case.

2. The submission of the parties to the arbitration system shall be voluntary and must be expressly stated in writing.

3. The arbitration bodies shall be made up of representatives of the sectors concerned, of the organizations representing people with disabilities and their families and of the public administrations within the scope of their competences.

Article 75. *Guardianship and protection against retaliation.*

1. The judicial protection of the right to equal opportunities for persons with disabilities includes the adoption of all measures necessary to put an end to the violation of the right and prevent further violations, as well as to restore the injured party to the full exercise of his or her right.

2. The compensation or reparation to which the corresponding claim may give rise shall not be limited by a maximum ceiling fixed "a priori". Compensation for moral damages shall be payable even when there are no economic damages and shall be assessed according to the circumstances of the infringement and the seriousness of the injury.

3. Necessary measures shall be taken to protect natural or legal persons against any adverse treatment or negative consequences that may occur as a reaction to a complaint or to a procedure aimed at enforcing compliance with the principle of equal opportunity.

Article 76.

Without prejudice to the individual standing of the affected persons, legal entities legally empowered to defend collective rights and legitimate interests may act in a proceeding on behalf of and in the interest of the persons who so authorize, in order to enforce the right to equal opportunities, defending their individual rights, and the effects of such action will be borne by such persons.

Article 77. *Special criteria on the proof of relevant facts.*

1. In those jurisdictional processes in which from the allegations of the plaintiff it can be deduced the existence of well-founded indications of discrimination on the grounds of or because of disability, the defendant shall be responsible for providing an objective and reasonable justification, sufficiently proven, of the conduct and measures adopted and their proportionality.

When a question of discrimination on the grounds of disability has arisen in the jurisdictional process, the Judge or Court, at the request of a party, may request a report or opinion from the competent public bodies.

2. The provisions of the preceding paragraph do not apply to criminal proceedings or to contentious-administrative proceedings brought against sanctioning resolutions.

TITLE III

Infringements and penalties regarding equal opportunities, non-discrimination and universal accessibility for people with disabilities.

CHAPTER I

Common regime of infractions and penalties

Article 78. *Scope.*

The system of infringements and penalties established in this title shall be common throughout the State territory and shall be typified by the autonomous legislator, without prejudice to such other infringements and penalties as it may establish in the exercise of its powers.

The autonomous communities shall establish a system of infractions that guarantees the full protection of persons with disabilities, in accordance with the provisions of this Law.

Article 79. *Subjects.*

1. This Law shall apply to those responsible for the infringement, whether natural or legal persons, who incur in the actions or omissions determined as an infringement in this Law and in the corresponding autonomous legislation.

2. The liability shall be joint and several when there are several responsible parties and it is not possible to determine the degree of participation of each of them in the commission of the infringement.

Private individuals and legal entities shall be jointly and severally liable for failure to comply with the obligations that entail the duty to prevent the administrative infringement committed by others.

Article 80. Object of the infringements.

For the purposes of this law, actions and omissions that cause violations of the right to equal opportunities, non-discrimination and universal accessibility in the areas referred to in Article 5 shall be considered administrative offenses, when there is direct or indirect discrimination, harassment, failure to comply with accessibility requirements and to make reasonable adjustments, as well as failure to comply with legally established affirmative action measures, especially when economic benefits are derived for the offending person.

Article 81. Infringements.

1. Violations shall be classified as minor, serious or very serious.

2. In any case, and without prejudice to what is established in the autonomous legislation, the conducts that incur in any non-compliance affecting merely formal obligations of what is established in this law and in its development norms will be considered as minor infractions.

3. In any case, and without prejudice to what is established in the autonomous legislation, they shall be considered serious infringements:

a) Discriminatory acts or omissions that directly or indirectly involve less favorable treatment of a person with a disability in relation to another person in a similar or comparable situation.

b) Failure to comply with the accessibility requirements, as well as the refusal to adopt the reasonable accommodation measures referred to in Article 66 and its implementing regulations.

c) Failure to comply with a specific administrative requirement formulated by the competent bodies for the exercise of the powers necessary to comply with the provisions of this law.

d) Any form of pressure exerted on the person with a disability or on other natural or legal persons, who have initiated or intend to initiate any kind of legal action.

4. In any case, and without prejudice to what is established in the autonomous legislation, they shall be considered very serious infringements:

a) Any harassing conduct related to disability under the terms of Article 66 and its implementing regulations.

b) Repeated failure to comply with the specific administrative requirements formulated by the competent bodies for the exercise of the powers necessary to comply with the provisions of this law and its implementing regulations.

c) Any form of pressure exerted on the authorities in the exercise of the administrative powers exercised for the execution of the measures provided for in this law, and in its implementing regulations.

Article 82. Prescription of infractions.

Infringements referred to in this Title classified as minor shall expire after one year, those classified as serious after three years and those classified as very serious after four years.

Section 2.ª Penalties

Article 83. Sanctions.

1. Violations will be punishable by fines ranging from a minimum of 301 euros to a maximum of 1,000,000 euros.

2. For minor infringements, the penalty shall in no case exceed 30,000 euros.

3. For serious infringements, the penalty shall in no case exceed 90,000 euros.

Article 84. Criteria for graduation of sanctions.

1. The penalties shall be applied in minimum, medium and maximum degrees according to the following criteria:

- a) Intentionality of the offender.
- b) Negligence of the offending person.
- c) Fraud or collusion.
- d) Failure to comply with previous warnings.
- e) Turnover or income of the company or entity. f) Number of persons affected.
- g) Permanence or transitory nature of the repercussions of the infraction.
- h) Recidivism, for committing more than one infraction of the same nature in a period of one year, when this has been declared by a final resolution.
- i) The social disruption caused by discriminatory and harassing behavior, non-compliance or failure to comply with accessibility requirements and requirements to remove barriers and provide reasonable accommodation.
- j) The economic benefit that would have been generated for the person who committed the infraction.

2. When the injured party is one of the persons included in Article 67.1, the sanction may be imposed in the maximum amount of the corresponding degree.

3. When the commission of one infraction necessarily leads to the commission of another or others, the sanction corresponding to the most serious infraction shall be imposed.

Article 85. Accessory Sanctions.

1. When the infringements are serious or very serious, the competent bodies shall propose, in addition to the appropriate sanction, the prohibition to participate in procedures for the granting of official aid, consisting of subsidies or any other aid in the sector of activity in which the infringement occurs, for a maximum period of one year, in the case of serious infringements, and two years in the case of very serious infringements.

2. When the infringements are very serious, the competent bodies shall also propose the suppression, cancellation or total or partial suspension of official aid, consisting of subsidies and any other aid that the sanctioned person may have been granted in the sector of activity in which the infringement occurs.

3. The commission of a very serious infringement by institutions providing social services may lead to disqualification from the exercise of care activities, both for natural and legal persons, for a maximum period of five years.

Article 86. Consequences of non-compliance in matters of access to goods and services.

Without prejudice to other actions and rights provided for in civil and commercial legislation, the person who, within the scope of application of Article 29, suffers discriminatory conduct on the grounds of or because of disability, shall be entitled to compensation for damages suffered.

Article 87. Prescription of penalties.

Penalties imposed for minor offenses shall expire after one year, those imposed for serious offenses after four years and those imposed for very serious offenses after five years.

Compliance with the obligations established in this law and in the legislation autonómica.

The payment by the responsible party of the fines imposed as a consequence of a sanction established in this law and the corresponding autonomous legislation, shall not exempt him from the

compliance with the obligations set forth in the applicable disability regulations.

Section 3.^a *Guarantees of the sanctioning regime*

Article 89. *Legitimacy.*

1. Persons with disabilities, their families and the representative organizations and associations in which they are integrated, shall be considered as interested parties in these procedures under the terms provided in Article 4 of Law 39/2015, of October 1, of the Common Administrative Procedure of Public Administrations.

2. Against the agreement to file the proceedings or the rejection, express or tacit, of the complaint or bringing to the attention of the administration of possible infringements provided for in this law or in those established by the autonomous communities in the exercise of their powers, the organizations and associations referred to above shall be entitled to file the appeals or, as the case may be, the actions they consider appropriate as representatives of social interests.

3. The active legitimacy granted to the aforementioned organizations and associations shall in no case imply preferential treatment when they are denounced or considered alleged offenders by the competent administration.

Article 90. *Guarantee of accessibility of the procedures.*

The sanctioning procedures that are initiated in accordance with the provisions of this law, must be documented in supports that are accessible to persons with disabilities, being the obligation of the administrative authority to facilitate to persons with disabilities the full exercise of the rights provided for in such procedures.

Article 91. *Instruction.*

1. Infringements may not be sanctioned without prior investigation of the appropriate proceedings, in accordance with the special administrative procedure in this matter established in this law and in the corresponding autonomous legislation.

2. When a public administration, in the course of the investigation phase, considers that the sanctioning power in relation to the alleged infringing conduct corresponds to another public administration, it shall inform the latter together with the corresponding file.

Article 92. *Publicity of the sanctioning resolutions.*

The final administrative resolution of the sanctioning proceedings for serious and very serious misdemeanors shall be made public, when so agreed by the administrative authority that has adopted it, once notified to the interested parties, after resolving, where appropriate, on the confidential aspects of its content and prior dissociation of the personal data referred to in article 3.a) of Organic Law 15/1999, of December 13, on Personal Data Protection, except in what refers to the name of the offenders. To this end, the appropriate report from the Spanish Data Protection Agency or the corresponding autonomous authority shall be obtained beforehand.

Article 93. *Duty of collaboration.*

All natural and legal persons have the duty to facilitate the work of the bodies and authorities for the application of the provisions of this title, providing within a reasonable period of time, and under the conditions established in the legislation in force, the data, documents, reports or clarifications that, being necessary for the clarification of the facts, are requested, and facilitating, with prior notice, access to their premises, unless these coincide with their domicile, in which case their express consent or the corresponding court order must be obtained.

CHAPTER II

Specific rules to be applied by the General State Administration

Competence of the General State Administration.

For the purposes of this Law, the competence for the exercise of the sanctioning power shall correspond to the General State Administration when the infringing conducts are projected in a territorial scope greater than that of an autonomous community.

Section 1. Infringements and penalties

Article 95. Infractions.

1. Without prejudice to the provisions of Article 82, the following infringements are classified as minor, serious and very serious within the scope of competence of the General State Administration.

2. These are minor infractions:

a) Failure to comply with the duties and obligations set forth in Section 1.^a of Chapter V of Title I, and in Title II and its implementing regulations, provided that it is not a serious or very serious infraction.

b) Failure to comply with the provisions imposing the obligation to adopt internal rules in companies, workplaces or public offices, aimed at promoting and encouraging the elimination of disadvantages or general situations of discrimination against persons with disabilities, provided that they do not constitute serious or very serious infringements.

c) Obstructing the action of the inspection services.

3. These are serious infractions:

a) Discriminatory acts or omissions that directly or indirectly involve less favorable treatment of a person with a disability in relation to another person in a similar or comparable situation.

b) The abusive imposition of any form of total or partial waiver of the rights of persons on account of or by reason of their disability, based on a position of advantage.

c) Failure to comply with specific requirements formulated by the authorities.

d) The obstruction or refusal to provide the information requested by the competent authorities or their agents, which is legally required, in order to comply with the functions of information, surveillance, investigation, inspection, processing and enforcement under the terms provided in this Title.

e) Non-compliance by the obligated persons of the rules on accessibility of environments, instruments, equipment and technologies, means of transport, means of communication and of the products and services available to the public, as well as the specific supports and assistance means for each person, which hinders or limits their regular access or use by persons with disabilities.

f) Refusal on the part of the obligated persons to adopt a reasonable adjustment, under the terms established in Article 66.

g) Failure by the obligated persons to comply with the provisions of the third additional provision, with regard to the preparation of special action plans for the implementation of accessibility and non-discrimination requirements in the area in question.

h) The coercion, threat, reprisal exercised on the person with disability or on other natural or legal persons, who have initiated or intend to initiate any kind of legal action, claim, complaint or participate in proceedings already initiated to demand compliance with the principle of equal opportunities, as well as the attempt to exercise such acts.

i) The commission, within a period of three months and three times, of the same minor infringement shall also be considered a serious infringement.

4. These are very serious infractions:

- a) The vexations that people suffer in their fundamental rights because of or by reason of their disability.
- b) Actions that deliberately generate serious economic or professional prejudice to persons with disabilities.
- c) Deliberately violating the dignity of persons with disabilities by imposing humiliating conditions or burdens for access to goods, products and services available to the public.
- d) Deliberately generating situations of risk or serious harm to the physical or psychological integrity or health of persons with disabilities.
- e) Conduct classified as serious when the perpetrators have acted motivated, in addition, by racial or ethnic hatred or contempt, gender, sexual orientation, age, severe disability or inability to represent themselves.
- f) Non-compliance by the obligated persons with the Royal regulations on accessibility in the planning, design and urbanization of the environments, products and services available to the public that prevent free access and regular use by persons with disabilities.
- g) Non-compliance by obligated persons with legal regulations on accessibility that prevents or seriously hinders the exercise of fundamental rights and the enjoyment of public freedoms by persons with disabilities.
- h) The commission of three serious infringements within a period of one year shall also be considered a very serious infringement, as well as those that expressly receive such qualification in the special regulatory provisions applicable in each case.

Article 96. *Sanctions.*

Violations shall be sanctioned as follows:

- a) Minor infringements, in its minimum degree, with fines from 301 to 6,000 euros; in its medium degree, from 6,001 to 18,000 euros; and in its maximum degree, from 18,001 to 30,000 euros.
- b) Serious infringements with fines, in their minimum degree, from 30,001 to 60,000 euros; in their medium degree, from 60,001 to 78,000 euros; and in their maximum degree, from 78,001 to 90,000 euros.
- c) Very serious infringements with fines from 90,001 to 300,000 euros in the minimum range; from 300,001 to 600,000 euros in the medium range; and from 600,001 to 1,000,000 euros in the maximum range.

Article 97. *Computation of the statute of limitations period for infringements.*

1. In the case of infringements derived from a continuous activity, the initial date of the computation shall be that of the end of the activity or that of the last act in which the infringement is consummated.
2. The computation of the statute of limitations period for infringements shall be interrupted on the date of notification of the initiation of proceedings against the alleged infringer, and the computation of the period shall be resumed if the sanctioning proceedings remain paralyzed for six months for reasons not attributable to those against whom they are directed.

Article 98. *Computation of the statute of limitations period for penalties.*

The computation of the statute of limitations period for penalties shall begin to run from the day following the day on which the resolution becomes final, and shall be interrupted on the date of notification to the interested party of the initiation of the enforcement procedure, the computation of the period being resumed if the latter is paralyzed for six months for reasons not attributable to the offender.

Section § Sanctioning procedure

Article 99. *Rules of application.*

Infringements and penalties within the scope of the powers of the General State Administration shall be governed by the provisions of Chapter III of the Preliminary Title of

Law 40/2015, of October I, on the Legal Regime of the Public Sector; in Title IV of Law 40/2015, of October I, on the Legal Regime of the Public Sector; in Title IV of Law 40/2015, of October I, on the Legal Regime of the Public Sector.

39/2015, of October 1, of the Common Administrative Procedure of Public Administrations, and in its development regulations.

Article 100. *Prior actions.*

Prior to the preliminary investigation and as actions prior to the initiation of the corresponding sanctioning proceedings, the body competent to initiate the procedure shall request a report on the content of the complaint, order or petition from the following bodies:

- a) Competent bodies of the autonomous communities in whose territory the conduct or facts that could constitute an infringement have occurred.
- b) The Disability Care Office.

Article 101. *Initiation.*

The procedure shall always be initiated *ex officio*, either on its own initiative or as a result of a superior order, a reasoned request from other bodies or a complaint.

Article 102. *Precautionary measures.*

In the event of very serious infringements involving a serious risk to the physical or mental health or freedom of persons with disabilities, the body with jurisdiction in the matter in question may, as a precautionary measure and for urgent reasons that cannot be postponed, temporarily close the center or establishment or suspend the service, until the deficiencies detected therein are corrected by the owner.

Article 103. *Effectiveness of the sanction.*

1. The authority imposing the sanction shall indicate the term for compliance, which may not be less than fifteen nor more than thirty days.
2. If the penalty is not paid within the term established in the final administrative resolution, the procedure set forth in the General Collection Regulations shall be followed.

Article 104. *Information to other bodies.*

The final resolution, together with the entire file, shall be sent for information purposes to the following bodies:

- a) To the competent bodies of the autonomous communities in whose territory the conduct or omissions likely to constitute an administrative offense were committed.
- b) To the Office of Disability Care.

These actions will be carried out in all cases in accordance with the provisions of the legislation on personal data protection, for which the aforementioned bodies may only process the data under the terms provided in Article 4.2 of Law 15/1999, of December 13.

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Article 105. *Competent authorities.*

1. The competent body to initiate the procedure will be the executive body of the Ministry of Social Rights and Agenda 2030, with the rank of Directorate General, which has been attributed the competences in matters of disability.
2. The exercise of the acts of instruction necessary for the determination, knowledge and verification of the data by virtue of which the sanctioning resolution must be pronounced, corresponds to the management body with the rank of General Sub-Directorate responsible for the functions of promotion of sectorial policies on disability, which will submit the resolution proposal to the competent body to impose the sanction.
3. It shall be the competent body to impose the penalties provided for in Article 96:

a) The body with the rank of Directorate General referred to in section 1, in the case of penalties for the commission of minor infractions.

b) The Secretary of State for Social Rights in the case of sanctions for the commission of serious infractions.

c) The head of the Ministry of Social Rights and Agenda 2030 in the case of penalties for the commission of very serious infringements, although the prior agreement of the Council of Ministers was required when the penalties exceed 300,000 euros.

First additional provision. Guarantee of *respect for the constitutional and statutory distribution of powers in force*.

This law will be applied without prejudice to the exclusive competences recognized to the autonomous communities in matters of social assistance in their respective Statutes of Autonomy.

Second additional provision. *Treatment of information*.

In the actions provided for in this law that are related to the collection and processing of personal data, the provisions of Organic Law 15/1999, of December 13, and its implementing regulations shall apply.

Third additional provision. *Enforceability of the basic conditions of accessibility and non-discrimination*.

1. The assumptions and maximum terms of enforceability of the basic conditions of accessibility and non-discrimination, in any case, are the following:

a) For access to and use of technologies, products and services related to the information society and any means of social communication:

New products and services, including institutional campaigns to be broadcast on audiovisual media: December 4, 2009.

Products and services existing on December 4, 2009, that are subject to reasonable adjustment: December 4, 2013.

b) For access to and use of urbanized public spaces and buildings: New spaces and buildings: December 4, 2010.

Spaces and buildings existing on December 4, 2010, which are susceptible to reasonable accommodation: December 4, 2017.

c) For access to and use of means of transport: New infrastructure and transport equipment: December 4, 2010.

Transportation infrastructure and equipment existing on December 4, 2010, that are susceptible to reasonable adjustments: December 4, 2017.

d) Those to be met by public offices, devices and services for citizen attention and those for participation in public affairs, including those related to the Administration of Justice and participation in political life and electoral processes:

New environments, products and services: December 4, 2008.

Correction of any discriminatory provision, criterion or administrative practice: December 4, 2008.

Environments, products and services existing on December 4, 2008, and any provisions, criteria or practices: December 4, 2017.

2. The assumptions and maximum terms of enforceability of the basic conditions of accessibility and non-discrimination for the access and use of goods and services available to the public by persons with disabilities, in any case, are the following:

New goods and services that are publicly owned: From the entry into force of the Royal Decree regulating the basic conditions of accessibility and non-discrimination for access and use of goods and services available to the public.

New goods and services that are privately owned or provided by public administrations: From the entry into force of the Royal Decree regulating the basic conditions of accessibility and non-discrimination for access and use of goods and services available to the public.

New goods and services that are privately owned and not contracted or provided by public administrations: December 4, 2015.

Goods and services existing on December 4, 2010, that are susceptible to reasonable adjustment, when they are publicly owned goods and services: December 4, 2015.

Goods and services existing on December 4, 2012, that are susceptible to reasonable adjustments, when they are privately owned goods and services contracted or supplied by public administrations: December 4, 2015.

Goods and services existing on December 4, 2015, that are susceptible to reasonable adjustments, when they are privately owned goods and services that are not contracted or supplied by public administrations: December 4, 2017.

Fourth additional provision. *Accessibility and non-discrimination plans and programs.*

1. The General State Administration shall promote, in collaboration with other public administrations and with the organizations representing persons with disabilities and their families, the elaboration, development and execution of plans and programs on accessibility and non-discrimination.

2. The Government, within one year of the entry into force of this law, will approve a national accessibility plan for a period of nine years. The plan will be developed through three-year action phases. In its design, application and monitoring will participate the most representative public utility associations in the state area of people with disabilities and their families.

Fifth additional provision. *Report on accessibility in state-owned infrastructures.*

Projects on transport infrastructures of general interest, such as roads, railroads, airports and posts promoted by the General State Administration, shall incorporate an accessibility report that examines the alternatives and determines the technical solutions necessary to guarantee universal accessibility and non-discrimination for all citizens with disabilities.

Without prejudice to what is indicated in the previous paragraph, when in view of the characteristics of the project, it does not affect accessibility, said report shall not be necessary, a circumstance that shall be accredited by means of a certificate from the contracting body.

Sixth additional provision. *Prevention of deficiencies and intensification of disabilities.*

Without prejudice to the competencies that may correspond to other public administrations, the Government, within the scope of its respective competencies, shall draw up a national plan for the prevention of deficiencies and the intensification of disabilities every four years, in the terms provided for in Article 11. The plan shall be submitted to the Cortes Generales for their knowledge, and they shall be informed annually of its development and degree of compliance.

Seventh Additional Provision. *Infringements and penalties in the social order.*

Infringements and penalties in the social order regarding equal opportunities, non-discrimination and universal accessibility of persons with disabilities shall continue to be governed by the Consolidated Text of the Law on Infringements and Penalties in the Social Order, approved by Royal Legislative Decree 5/2000, of August 4, 2000.

Eighth additional provision. *Infringements in matters of accessibility and reasonable accommodation.*

The application of the provisions of articles 81.3.b, 95.2.a, 95.3.e, 95.3.f, 95.3.g, 95.4.f and 95.4.g, insofar as it derives from the non-compliance with the accessibility requirements or refusal to adopt a reasonable accommodation, shall be subject to the provisions of articles 24, 25, 27, 28 and 29 and their corresponding regulatory developments.

Ninth additional provision. *Revision of the amount of penalties.*

The amounts of the penalties established in Articles 83 and 96 may be revised and updated periodically by the Government by Royal Decree, following a report from the Autonomous Communities and the National Council on Disability, taking into account the variation in the Consumer Price Index.

Tenth additional provision. *Information to the Cortes Generales on the system of infractions and sanctions.*

The Government, during the first year following the entry into force of this law, shall submit to the Cortes Generales a report on the application of the system of infringements and penalties provided for in this law, in which it shall report, at least, on:

1. The actions carried out for the application of the law.
2. The economic cost of such actions.
3. The actions programmed for successive years, with an indication of the expected cost.
4. The infractions committed and the penalties imposed in application of the present law, specifying the economic yield produced by them.

Eleventh additional provision. *Office of Attention to Disability.*

References in the legal system to the Permanent Specialized Office shall be understood as references to the Office for Attention to Disability.

Twelfth additional provision. *Access to Spanish nationality under equal conditions.*

Persons with disabilities shall have equal access to Spanish nationality. Any rule that causes discrimination, directly or indirectly, in the access of persons to the nationality by residence because of their disability shall be null and void. In the procedures for acquiring Spanish nationality, persons with disabilities who require it will have the support and reasonable adjustments that allow the effective exercise of this guarantee of equality.

Thirteenth additional provision. *Non-discrimination of persons with disabilities in public shows and recreational activities.*

1. Persons with disabilities shall participate in public entertainment and recreational activities, including bullfighting, without discrimination or exclusion that would prejudice their right to be fully included in the community.

2. Shows or recreational activities in which persons with disabilities or this circumstance is used to provoke public mockery, derision or derision in a manner contrary to the respect due to human dignity shall be prohibited.

3. The public administrations, within the scope of their respective competencies, shall promote policies, strategies and public actions, in cooperation with the organizations representing this social sector, so that persons with disabilities who have been employed in shows and activities referred to in paragraph 2 of this provision may transition and enter regular occupations.

Sole transitory provision. *Effectiveness of the recognition of the current situations of minimum income guarantee subsidy and third person assistance.*

1. The beneficiaries of the minimum income guarantee subsidy, and for third party assistance, will continue to be entitled to receive it, provided that they continue to meet the regulatory requirements for its granting and do not opt to receive a non-contributory Social Security pension or economic allowance for a dependent child.

2. The amount of these subsidies will be fixed annually in the General State Budget Law.

3. In the cases of hiring as an employee or self-employment of the beneficiaries of the minimum income guarantee subsidy, the suspension of the right to said subsidy will be declared, and the right will be automatically recovered when the employment contract is terminated or the beneficiaries cease to work. For the purposes of this recovery, the amount of the economic resources received by virtue of their self-employed or employed activity will not be taken into account.

First final provision. *Competent title.*

1. This law is issued under the exclusive competence of the State to regulate the basic conditions that guarantee the equality of all Spaniards in the exercise of constitutional rights and the fulfillment of constitutional duties, in accordance with Article 149.1.1.^a of the Constitution.

2. Section 2.^a of Chapter II of Title II is also dictated under the protection of the State's competence in procedural legislation, in accordance with Article 149.1.6.^a of the Constitution.

3. Chapter II of Title III shall only apply to the General State Administration.

Second final provision. *Training in universal design or design for all people.*

Training in "design for all people" will be included in the design of vocational training degrees and in the development of the corresponding curricula.

Likewise, in the case of university education, the Government will encourage universities to include similar measures in the design of their degree programs.

Third final provision. *Regulatory development.*

1. The Government, after consulting the National Council on Disability and the Autonomous Communities, shall issue such provisions as may be necessary for the development and execution of this law.

2. Within two years of the entry into force of this law, the Government shall approve basic conditions of accessibility and non-discrimination, as provided for in Article 29, for access to and use of goods and services available to the public by persons with disabilities.