



Royal Decree 589/2005, of May 20, on the Restructuring of Collegial Bodies in Charge of E-Government

E-Government is one of the main lines of action of the National Government, since the development of the Information Society in the field of Public Administration and its translation into citizen services is of utmost importance to the public sphere, as both an example and a driving force.

Consequently, a mechanism needs to be established to deepen and extend the Information Society in the National Government, transforming through the intensive use of information technologies in working methods and internal relationships, as well as in the provision of public services.

Information technologies have been used mainly to support Governments' administration tasks and internal operations, reaching a high level of development, specialisation, and efficiency. In the process, the High Council of Informatics, established by Royal Decree 2291/1983, of July 28, on the bodies developing the Government's information technology Policy, whose name will be High Council of E-Government when this Royal Decree comes into force, has looked after the development and follow-up of the Government's information technology policy, advanced the global compatibility of information systems, and encouraged the use of shared resources.

According to most international experts, "information technologies" refers to the collection, storage, processing, and distribution of data in digital formats (informatics), as well as to the transfer of data through networks (communications or telecommunications). With the current state of development of information technologies, it is not possible to think of information without transmission, without intercommunication between computers or other electronic devices. Therefore, when the concept of information technologies is used in this Royal Decree to define the contents of strategic plans, guiding plans, or system plans, or to inform strategic decisions, it must be understood in its broader sense, encompassing the use of communications to ensure that Government interoperability requirements are met. On the other hand, when this Royal Decree refers to the regulation of special issues in connection with the public procurement of information technologies, such regulation is to be understood as referring to the legal categories explicitly mentioned in the contracts, which means communications are not included.

The changes experienced over the past few years have made it necessary to adjust the structure, the function, and the means for the development of e-government. Today, technology resources are required that can be oriented towards citizens and companies in the development of public e-services that make administrative relations simpler and easier. This makes it absolutely necessary to update the collegial bodies that are competent in information technologies, adapting them to the new needs and improving them for the full development of e-government in the National Government.

Moreover, the rising demand for information technology solutions in the field of Public Administration, alongside globalisation and the fast development of this industry, makes it necessary to strengthen information technology planning and standardising efforts in the public sector, to rationalise the use of information technologies, and to enhance the effectiveness of investment and associated expenses, as well as of the procurement tasks this involves. In line with this, it is appropriate to delegate in the procurement bodies certain competencies of the Directorate-General of State Assets.

For these measures to become effective, this Royal Decree does not only apply to the National Government, its autonomous bodies, and the administrative agencies and shared services of Social Security, but also to other public agencies whose field of action could be related to the provision of public e-services or the development of e-government.

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This Royal Decree has been informed by the Administrative Procurement Board.

By virtue of this, at the suggestion of the Ministers of Public Administration and Economy, and after deliberation by the Council of Ministers at the meeting on May 20, 2005,

I HEREBY STATE:

CHAPTER I

Purpose and Scope

Article 1: Purpose

It is the purpose of this Royal Decree to set forth strategic lines within the Government's policy in the field of information technologies and to promote and coordinate the development of e-government at the national level, taking the necessary measures for its orderly implementation. To this end, it promotes the restructuring in terms of organisation and competencies of the collegial bodies that are competent in e-government and leads to the adoption of information technology planning and procurement measures.

Article 2: Scope

1. This Royal Decree affects the National Government, its autonomous bodies, and the administrative agencies and shared services of Social Security.

2. Likewise, by a decree from the Ministry of the Presidency, at the suggestion of the relevant Minister and the Minister of Public Administration, other Departments shall be able to include more government agencies within the scope of this Royal Decree, informing the High Council of E-Government before the approval of the corresponding order.

CHAPTER II

Collegial Bodies That Are Competent in E-Government

Article 3: High Council of E-Government

1. When this Royal Decree comes into force, the High Council of Informatics and for the Development of E-Government shall change its name to High Council of E-Government.

2. The High Council of E-Government is the collegial body attached to the Ministry of Public Administration that drafts, develops, and implements the Government's information technology strategies and policies. It also promotes the implementation of e-government by the National Government.

3. The High Council of E-Government shall have a full assembly and a standing committee.

Article 4: Functions of the Full Assembly of the High Council of E-Government

1. The full assembly of the High Council of E-Government shall have the following functions:

a) Setting forth the strategic lines of action in the field of information technologies, in accordance with the Government's policies, and coordinating e-government at the national level.

b) Establishing the information technology guidelines to be used by the Ministries in the development of their Departments' strategic plans, as envisaged in Article 9, reports, follow-ups, and controls.

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c) Reporting on bills and general provision projects proposed by bodies and regulating information technology resources, projects, or systems, applicable at the national level or related to the development of strategic lines or the implementation of e-government.

d) Designating as projects of priority interest those projects sent by Ministries, autonomous bodies, Social Security administrative agencies and shared services, and other public agencies within the scope envisaged in Article 2.2, which, due to their special characteristics, are considered to be fundamental to the improvement of citizen services. The General Secretariat for Public Administration shall have budget funds to finance those projects the High Council considers to be of priority, especially those aimed at cooperation with Autonomous Communities and Local Governments in the field of e-government or the integration of Public Administration in the European Union. The designation "of priority interest" shall translate into a recommendation to the Ministry of Economy and the Spending Policy Committee for inclusion in the national budget.

e) Planning conferences and other activities to share technology-related experiences and projects, in particular, the Information Technology Conference for the Modernisation of Public Administration (Tecnimap).

f) Promoting cooperation with Autonomous Communities and Local Governments for the implementation of cross-level public services. The High Council shall be in contact with the especially created cooperation bodies between different levels of government, especially with the Sector Conference on Public Administration, which is to lay down the basic guidelines and favour the sharing of ideas, standards, technologies and projects that ensure interoperability and improve effectiveness and efficiency in the provision of public services. The High Council is to appoint the representatives of the National Government at the information technology or e-government committees or groups created by the Sector Conference on Public Administration.

g) Encouraging cooperation activities between the National Government and the European Union, international organisations and, in particular, Latin American institutions in the fields of information technologies and e-government, in collaboration with the Ministry of Foreign Affairs and Cooperation.

h) Working with the relevant bodies of the Ministry of Public Administration in the development of recommendations and proposals of human resource management or organisational aspects that may have an impact in the area of information technologies.

i) Working with the relevant bodies of the Ministry of Economy, on the basis of the strategic lines approved by the High Council, in the development of budget recommendations for the procurement of information technologies.

j) Acting as an Observatory of e-government to understand its present situation and evolution and suggest corrective measures when necessary.

k) Working with the National Cryptography Centre at the National Intelligence Centre for the development of information and communication technology security measures, the coordinated procurement of encryption products, and the training of staff specialising in information security.

2. The President of the full assembly of the High Council of E-Government shall send an annual report to the Council of Ministers, describing the progress made in the implementation of e-government at the national level.

Article 5: Members of the Full Assembly of the High Council of E-Government

1. The full assembly of the High Council of E-Government is to be attended by the following members:

a) President: The Minister of Public Administration. He can be replaced by the Vice Presidents, in the order mentioned below.

b) First Vice President: The General Secretary for Public Administration.

c) Second Vice President: The State Secretary for Telecommunications and the Information Society.

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d) Third Vice President: The State Secretary of the Treasury and Budget.

e) Ordinary members:

1. The Undersecretaries or Heads of the relevant Ministries and High Bodies.
2. The Secretary General of the National Intelligence Centre.
3. The General Administrator of the National Government.
4. The Director of the National Statistics Institute.
5. The Director General of State Assets.
6. The Director General of the Royal Mint.
7. The Director General for the Development of the Information Society.
8. The Director General for the Modernisation of Public Administration.
9. The Director General for Service Quality Inspection and Assessment.
10. A director general-level representative of the State Secretary of Social Security.
11. The Director General of Security Infrastructure and Material.
12. The Head of the Tax Information System Department at the National Tax Agency.

f) Secretary: The General Undersecretary for Technology Resource Coordination of the National Government.

2. The full assembly of the High Council shall be held twice a year.

3. The President shall be able to invite the representatives of other public or private organisations to attend the meetings. They shall have a voice but no vote.

4. Assistance and support to the High Council of E-Government shall be provided by the Directorate-General for the Modernisation of Public Administration via the General Undersecretariat for Technology Resource Coordination of the National Government.

5. By agreement of its members, the High Council of E-Government shall be able to set up the task groups required to perform its functions.

Article 6: Standing Committee of the High Council of E-Government

1. The Standing Committee of the High Council of e-Government shall replace the Inter-Ministry Committee for the Procurement of Computer Products and Services and become the technical support body at the full assembly of the High Council of E-Government.

2. In so doing, the Standing Committee of the High Council of E-Government shall have the following functions:

a) Conducting analyses or technical studies that can be used by the High Council to make decisions within the scope of its competencies as described in Article 4.

b) Sending for discussion at the full assembly of the High Council those initiatives it considers to be adequate for the coordinated development of public e-services, especially those concerning global strategic plans with an impact on the National Administration.

c) Writing reports on Departments' strategic plans to be discussed at the full assembly before they are approved by the corresponding Minister, as well as follow-up reports on the implementation of such plans for discussion at the full assembly of the High Council.

d) Developing and implementing the agreements adopted at the full assembly of the High Council.

e) Indicating the Consultative Public Administration Procurement Board how to redesign the procurement procedures for computer and telecommunication products and services by the intensive use of information technologies by the National Government.

f) Following up projects of priority interest and informing the members of the full assembly of the factors that might affect their implementation.

g) Performing the tasks described in Article 10 before the beginning of expenditure procedures for information technology procurement files.

h) In connection with the competencies of the High Council as E-Government Observatory:

1. Gathering information on technology, human, economic, and procurement resources associated with information technologies without affecting the legal competencies of the Public Register of Contracts, as well as on other aspects concerning information technologies except for command and control systems, political consultations, crisis situations, and national security.

2. Gathering information on public e-services and their indicators, especially the directory mentioned in Article 10.3 of Royal Decree 263/1996, of February 16, regulating the use of electronic, computer, and digital techniques by the National Administration.

3. Identifying the necessary data collection procedures for the Observatory, the frequency they should be updated, and the methods to handle and use them, regulated through an order from the Minister of Public Administration.

All this information will be put together with the data contributed by the Autonomous Communities at the Sector Conference on Public Administration in order to produce global annual reports.

i) Other functions assigned at the full assembly of the High Council of E-Government.

Article 7: Members of the Standing Committee of the High Council of E-Government

1. The Standing Committee of the High Council of E-Government shall be made up of the following members:

a) President: The Director General for the Modernisation of Public Administration.

b) Vice President: The General Undersecretary for Technology Resource Coordination of the National Government.

c) Ordinary members:

1. A General Undersecretary of Information Technologies from each of the Ministries appointed by the Undersecretary of the Department.

2. The General Undersecretary of Procurement at the Directorate-General of State Assets.

3. The General Undersecretary of Budget.

4. The General Undersecretary of Public Administration Data Processing.

5. The General Undersecretary of the National Cryptography Centre.

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6. The Information System Director at the Royal Mint.

7. A representative of the National Tax Agency, a representative of the National Statistics Institute, and a representative of the Public Employment Service, appointed by the corresponding General Directors.

8. A representative of the General Administration of the National Government, a representative of the Directorate-General for the Development of the Information Society, and a representative of the Secretariat of Social Security, appointed by the heads of the corresponding bodies.

9. The General Undersecretary of Security Information Systems and Communications.

10. A representative of the public business organisation Red.es.

d) Secretary: An official at the General Undersecretariat for Technology Resource Coordination of the National Government, appointed by the President of the Standing Committee.

2. The President of the High Council Standing Committee shall be able to invite the representatives of other Departments at the National Administration, as well as other public or private agencies, who shall have a voice but no vote.

3. The High Council Standing Committee shall guide and coordinate the activities of the task groups set up at the full assembly of the High Council, as stipulated in Article 5.5.

4. The meetings of the Standing Committee shall be held on a monthly basis.

Article 8: E-Government Ministerial Committees

1. The E-Government Ministerial Committees, which are to replace the former Ministerial Committees of Informatics irrespective of their names are the instruments for internal coordination at the department level of information technology and e-Government issues.

2. The e-Government Ministerial Committees shall be headed by the Ministry Undersecretary and made up according to each Department's specific regulations.

3. They shall have the following functions:

a) Developing Departments' strategic plans based on the proposal of the various public agencies and bodies involved and send them through their President to the full assembly of the High Council of E-Government for reporting purposes, in accordance with Article 4.1.b.

b) Checking compliance with the guidelines agreed upon at the full assembly of the High Council of E-Government at the department level.

c) Writing the reports they are entrusted with in accordance with Article 10 in relation to information technology procurement files.

d) Coordinating the gathering and putting together of the information for the Observatory of E-Government, following the procedures established by the Standing Committee of the High Council, and checking the accuracy and truthfulness of the data belonging to their Department.

e) Other functions established by their own regulations, depending on the specific needs of each Department, that are complementary to those stipulated in this Royal Decree.

CHAPTER III

Departments' Information Technology and E-Government Strategic Plans

Article 9: Departments' Information Technology and E-Government Strategic Plans

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1. In order to harmonise the various actions taken in connection with information technologies and e-government, each Ministry shall produce a strategic plan following the general guidelines and the strategic lines established by the High Council. The strategic plans shall describe all the services to be provided by each Ministry, especially those for citizens and companies, and they shall contain a schedule and a description of the human and financial resources required, as well as the contracts that need to be signed. Within the scope of this Royal Decree, strategic plans must be understood in their broader sense as encompassing all the information systems needed to meet Departments' strategic goals and, as such, they shall include the so-called guiding plans and systems plans.

2. Departments' strategic plans shall have a duration of at least two years.

3. If substantial changes were to be introduced in the action taken by Ministerial Departments or the action envisaged in their strategic plans, the High Council of E-Government may request at its full assembly their adjustment to the initial schedule or the update of the schedule itself.

4. The paragraphs above do not apply to the plans relating to the systems pertaining to national defence, political consultations, crisis situations, and national security.

CHAPTER IV

Information Technology Procurement Action

Article 10: Competencies for Information Technology Procurement Technical Specifications and Reports

1. The Standing Committee of the High Council of E-Government shall write the compulsory technical reports on the procurement technical specifications for the following computer products and services:

a) Information administration programmes and equipment, in accordance with Articles 172.1.b and 172.3 of the amended text of the Public Administration Contract Law, approved by the Legislative Royal Decree 2/2000, of June 16, worth over €1,000,000, VAT included. In the case of leasing contracts, this limit must be understood as the annual average of the contract amount.

b) Service contracts, in accordance with Article 196.3 of the amended text of the Public Administration Contract Law, approved by the Legislative Royal Decree 2/2000, of June 16, worth over €1,000,000, VAT included.

c) Consulting and assistance contracts, in accordance with Article 196.2 of the amended text of the Public Administration Contract Law, approved by the Legislative Royal Decree 2/2000, of June 16, worth over €1,000,000, VAT included.

d) Type adoption tenders, under Articles 183.1 and 199 of the amended text of the Public Administration Contract Law.

2. The paragraph above on the technical reports by the Standing Committee of the High Council does not apply to:

a) The contracts signed by those public agencies falling within the scope of this Royal Decree, in accordance with Article 2.2., which shall abide by special legislation.

b) The centralised procurement contracts of information technology products and services under the Public Administration Contract Law.

c) Secret or classified contracts, or those concerning national defence, political consultations, crisis situations, and national security, as well as those cases in which the protection of fundamental interests of national security, in accordance with Articles 182.h and 201.g of the amended text of the Public Administration Contract Law.

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d) The contracts falling within the competencies of the E-Government Ministerial Committees in accordance with the paragraph below.

3. The regulations on the functions of the E-Government Ministerial Committees shall envisage the following procedures and reports within their scope of application:

a) The processing and submission to the Standing Committee of the High Council of E-Government to the files subject to compulsory report for reporting purposes, in compliance with Paragraphs 1.a, 1.b, and 1.c.

b) The technical reports on the procurement technical specifications of those information technology contracts that are not subject to compulsory report of the Standing Committee of the High Council.

c) The technical reports on the technical specifications for centralised procurement contracts of information technology products and services under the Public Administration Contract Law.

d) The technical reports on the technical specifications for maintenance, preservation, repair, and update service contracts of hardware and software included in Departments' strategic plans and informed at the full assemblies of the High Council of E-Government.

4. The regulations on the functions of the E-Government Ministerial Committees shall include within their scope of application the creation of preliminary reports to the awarding of the following contracts:

a) Information technology supply, consulting, or assistance service contracts.

b) Consulting or assistance service contracts for training in information technologies.

5. The E-Government Ministerial Committees shall check the conformity of their technical reports to the guidelines established at the full assembly of the High Council of E-Government. Such technical reports shall cover both the reports and the administrative and technical specifications for procurement files, as well as the complementary technical documents and reports.

6. The E-Government Ministerial Committees shall send all the information on the procurement files within their scope to the Observatory of E-Government, in accordance with Article 6.2.h.

Article 11: E-Processing of Reports on Technical Specifications and Reports by the Standing Committee of the High Council of E-Government

1. Digital media shall be used in the processing of the technical reports by the Standing Committee of the High Council of E-Government at all stages. For this purpose, the High Council shall develop the necessary technical infrastructure.

2. The processing of technical reports shall follow the principles of simplicity, urgency, and efficiency. Administrative procedures shall be rationalised for maximum simplicity and functionality.

3. The technical reports by the Standing Committee of the High Council of E-Government shall be processed within seven working days. If a report is not processed within this period, it will be understood that the processing has been positive. The Secretary of the Standing Committee shall certify this.

Article 12: Contents of the Technical Reports by the Standing Committee of the High Council of E-Government and the E-Government Ministerial Committees on Information Technology Technical Specifications and Reports

1. The technical reports on information technology technical specifications and reports shall focus on their adequacy to the Departments' strategic plans informed by the High Council of E-Government and the guidelines established by this collegial body, as well as on the purpose and technological adequacy of the service to be hired.

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2. The technical reports shall only take into account those elements in the technical specifications and reports containing relevant information from the standpoint of technology.

Article 13: Disposal of Information Technology Equipment

The disposal of information technology equipment shall follow the procedures established by Law 33/2003, of November 3, on Public Administration Assets, or, if relevant, by the specific regulations of Social Security.

Article 14: Decentralisation of Competencies in Supply Contracts

Without affecting the competencies allocated by virtue of the Third Additional Provision.2 of the amended text of the Public Administration Contract Law, approved by the Legislative Royal Decree 2/2000, of June 16, the competencies described in Article 183.2 of said Law shall be delegated to the procurement bodies of the Ministerial Departments and the autonomous bodies for the procurement and lease of information processing systems and equipment, their programmes and devices, and the transfer of rights of use for as much as €1,000,000, VAT included.

The paragraph above does not include the supply contracts signed by multiple Ministerial Departments.

First Additional Provision: Dissolution of Bodies

When this Royal Decree comes into force, the National Committee for Public Administration Cooperation in the Fields of Information Technologies and Systems and the Government Telecommunication User Group shall be dissolved.

Second Additional Provision: Change in References

1. All the references to the High Council of Informatics and the Inter-Ministry Committee for the Procurement of Computer Products and Services in the laws and regulations in force shall be understood as references to the full assemblies of the High Council of E-Government and the Standing Committee of the High Council of E-Government, respectively.

2. Likewise, all the references to the Ministerial Committees of Informatics, irrespective of their names, shall be understood as references to the E-Government Ministerial Committees.

3. All the technical committees, task groups, and special presentations set up by agreement of the members of the High Council of Informatics and the Inter-Ministry Committee for the Procurement of Computer Products and Services for the fulfilment of their functions shall be considered to be attached to the full assemblies of the High Council of E-Government and the Standing Committee of the High Council of E-Government, respectively.

Third Additional Provision: Legal System of Collegial Bodies

The collegial bodies regulated in this Royal Decree shall abide by the provisions on collegial bodies in Chapter II, Title II of Law 30/1992, of November 26, on the Legal System of Public Administration and Common Administrative Procedures, and Law 6/1997, of April 14, on the Organisation and Functioning of the National Administration.

The full assembly and Standing Committee of the High Council of E-Government shall be able to pass their own internal regulations for the better fulfilment of their functions.

Fourth Additional Provision: Royal Mint

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The provision of e-certification and e-signature services by the Royal Mint in the public sphere shall comply with the applicable regulations and shall be considered a project of priority interest for the purposes of Article 4.1.d.

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Fifth Additional Provision: E-Government Committee of the Ministry of Defence

Notwithstanding the provisions in Article 8.2 of this Royal Decree, the E-Government Committee of the Ministry of Defence can be headed by a higher body in this Department, in accordance with the distribution of competencies envisaged in the Royal Decrees on its organic structure and development.

Added by virtue of the sole article of Royal Decree 305/2010, of March 15. [Ref. BOE-A-2010-4979](#)

Update published 03/26/2010, in force since 04/15/2010

First Temporary Provision: Procurement Files at Report Stage

The files opened and the contracts awarded before the enforcement of this Royal Decree shall abide by the previous regulations. For this purpose, it shall be understood that the files are opened when they are sent to the Inter-Ministry Committee for the Procurement of Computer Products and Services for compulsory report.

Second Temporary Provision: Regulation of E-Government Ministerial Committees

Within six months following the enforcement of this Royal Decree, the ministerial orders shall be passed regulating the E-Government Ministerial Committees. Meanwhile, the Ministerial Committees of Informatics shall continue to exist with their current structure, performing the functions described in Article 8 for the E-Government Ministerial Committees.

Third Temporary Provision: Information Resource Data Collection

Until the order mentioned in Article 6.2.h, the procedure regulated by the Order of June 9, 1988 shall be used. The said Order approves the creation of a National Administration computer resource information and initial data collection system.

Fourth Temporary Provision: Report on the Adequacy of Telecommunication Guiding Plans

The Report on the Adequacy of Telecommunication Guiding Plans mentioned in Article 13 of Royal Decree 541/2001, of May 18, establishing a series of special requirements for the procurement of telecommunication services, shall be made by the High Council of E-Government in accordance with the Second Additional Provision of said Royal Decree.

Fifth Temporary Provision: Development and Publication of the Directory of Bodies and Agencies

The Directory of Bodies and Agencies mentioned in Article 10 of Royal Decree 263/1996, of 16 February, shall be developed and published by the High Council of E-Government in accordance with Paragraph 3 of said Article.

Sixth Temporary Provision: Unification of Common-Use Applications

The unification of common-use applications mentioned in Article 11 of Royal Decree 263/1996, of 16 February, shall be made by the High Council of E-Government in accordance with the provisions in said Article.

Seventh Temporary Provision: General Security, Standardisation, and Maintenance Criteria

The High Council of E-Government shall approve and publish a series of general criteria for the security, standardisation, and maintenance of the applications mentioned in Article 5 of Royal Decree 263/1996, of February 16.

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Sole Derogatory Provision: Repeal of Previous Regulations

1. The following regulations are hereby repealed:

a) Royal Decree 2291/1983, of July 28, on the Bodies Making and Developing the Government's Information Technology Policy.

b) Order of February 19, 1990, creating the High Council of Informatics and the National Committee for Public Administration Cooperation in the Fields of Information Technologies and Systems, and regulating their structure and functions.

c) Order of September 28, 1993, creating the High Council of Informatics acting as a National Committee and the Government Telecommunication User Group, and regulating their structure and functions.

d) Royal Decree 533/1992, of May 22, ascribing powers in the procurement procedures for information technology products and service.

e) Third Additional Provision of Royal Decree 209/2003, of July 21, regulating e-registers and e-notices, as well as the use of electronic means to replace the submission of citizens' certificates.

2. Likewise, all the acts of equal or lower level conflicting with the provisions in this Royal Decree are hereby repealed.

First Final Provision: Development Powers

The Ministers of Public Administration and Economy are hereby authorised to take the necessary measures within their competencies for the development and implementation of this Royal Decree.

Second Final Provision: Coming Into Force

This Royal Decree shall come into force on the day after it is published in the Official State Gazette.

Madrid, May 20, 2005

JUAN CARLOS R.

First Vice President and Minister of the Presidency of the Government of Spain
MARÍA TERESA FERNÁNDEZ DE LA VEGA SANZ