

# ROYAL DECREE 203/2021, OF 30 MARCH, APPROVING THE REGULATION ON THE PERFORMANCE AND FUNCTIONING OF THE PUBLIC SECTOR BY ELECTRONIC MEANS



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# Royal Decree 203/2021, of 30 March, approving the Regulation on the Performance and Functioning of the Public Sector by Electronic Means

## Royal Decree 203/2021, of 30 March

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## CONSOLIDATED TEXT

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Law 39/2015, of 1 October, on Common Administrative Procedure of Public Administrations, and Law 40/2015, of 1 October, on the Legal Regime of the Public Sector, enshrine the right of individuals to interact electronically with Public Administrations, simplifying access to them, and reinforce the use of Information and Communication Technologies (ICT) in Public Administrations, both to improve the efficiency of their management and to enhance and promote collaborative and cooperative relations between them.

Both laws include the elements that make up the legal framework for the electronic operation of Public Administrations, introducing a new paradigm going beyond the concept that inspired Law 11/2007, of 22 June, on public electronic access to public services and its partial regulatory and its partial regulatory development in the General State Administration and its related or dependent public bodies through Royal Decree 1671/2009, of 6 November, according to which electronic processing was merely a form of procedural management.

In this regard, Law 11/2007, of 22 June, in response to the new realities, demands and experiences that had become apparent, the development of the information society itself and the change in technological and social circumstances, among other factors, recognised the right of citizens to interact electronically with the Public Administrations, and not only the possibility as provided for in Law 30/1992, of 26 November, on the Legal System of the Public Administrations and Common Administrative Procedure. Law 11/2007, of 22 June, even admitted that, by means of regulations, the obligation to communicate with Public Administrations by electronic means could be established when the interested parties were legal persons or groups of natural persons who, due to their economic or technical capacity, professional dedication or other accredited reasons, had guaranteed access to and availability of the necessary technological means.

In this context, Law 39/2015, of 1 October, and Law 40/2015, of 1 October, have responded to the current demand that the electronic processing of procedures should constitute the usual action of Public Administrations, and not only be a special form of managing them. Consequently, it is envisaged that relations between Administrations and with their organisations, public bodies and related or dependent entities will be carried out by electronic means, and it is established that it is compulsory for legal persons, entities without legal personality and, in some cases, for natural persons, to relate electronically with the Administration, without prejudice to the possibility of extending this obligation to other groups, by means of regulations.

Against this background, it was necessary to develop and specify the legal provisions in order, among other aspects, to facilitate the effective use of technological media by the agents involved, while clarifying and specifying those matters regulated in these laws that allow a margin for regulatory action.

The satisfaction of the interested party, therefore, in the use of digital public services is essential to adequately guarantee their rights and the fulfilment of their obligations in their relationship with Public Administrations. Having easily usable and accessible digital services is therefore a priority so that the relationship between the interested party and the Administration through the electronic channel is easy, intuitive, effective, efficient and non-discriminatory.



Moreover, over the last two decades, successive Spanish governments have adopted programmes for digital progress in line with European digital agendas, all of which have included the improvement of e-government. As a result of these programmes, Spain is in a very favourable position to tackle the next phase of the digital transformation process in our country and, as far as e-government is concerned, it is among the most advanced countries in the European Union. This has been achieved thanks to the continued efforts of Public Administrations to adapt their electronic services in order to offer increasingly better services, more adapted to the demands of citizens and businesses, and more efficient. To this end, Spain's strategy has been based on the promotion of the foundations that allow complete electronic processing, and on the development of services that can be used freely by all Public Administrations, and which are aligned with European interoperability frameworks.

The changes that are taking place with the maturation of disruptive technologies and their use in information management and the execution of public policies, the new models of citizen and business relations with the Administrations and the efficient reuse of information are major challenges that, in order to be faced successfully and to contribute to Digital Transformation, require a suitable regulatory framework, both laws and regulations, that guarantees legal certainty for all those involved and serves the objectives of improving administrative efficiency to make a fully electronic and interconnected Administration effective, increase the transparency of administrative action and the participation of people in e-government, and guarantee easily usable digital services.

In this regard, the Digital Spain Agenda 2025 contains a specific strategic axis on the Digital Transformation of the Public Sector, which is embodied in the fulfilment of a set of measures including the improvement of the digital administration regulatory framework and specifically in the approval of this royal decree. The ten structural reform leverage policies for sustainable and inclusive growth in the Recovery, Transformation and Resilience Plan (Spain Can) include achieving a modernised Administration through its digitalisation, both at transversal level and in strategic areas, which acts as a driver of technological change. The latest milestone in the transformation strategy is the Public Administration Digitalisation Plan 2021-2025, which represents a decisive leap forward in improving the effectiveness and efficiency of the Public Administration, in transparency and the elimination of administrative obstacles through management automation, in a greater focus on the personalisation of services and user experience, all of which acts as a catalyst for technological innovation in our country from the public sphere.

In short, the Regulation approved by this Royal Decree pursues the four main objectives mentioned above: improving administrative efficiency, increasing transparency and participation, guaranteeing user-friendly digital services and improving legal certainty.

Firstly, it aims to improve administrative efficiency in order to make a fully electronic and interconnected administration effective. Thus, it develops and specifies the use of the electronic means established in Laws 39/2015, of 1 October, and 40/2015, of 1 October, to guarantee, on the one hand, that administrative procedures are processed electronically by the Administration and, on the other, that citizens can interact with it by these means when established on a mandatory basis or when they decide to do so voluntarily.

A second objective is to increase the transparency of administrative initiatives and people's participation in e-government. Thus, the operation of the Electronic General Access Point (PAGe) and the Citizen's Folder in the State Public Sector is developed. It regulates the content and minimum services to be provided by

Electronic Office Websites and associated Electronic Office Websites and the operation of electronic registries.

Thirdly, the Regulation aims to ensure user-friendly digital services so that the interested party's relationship with the administration can be made easy, intuitive and effective when using the electronic channel.

Finally, it seeks to improve legal certainty. Thus, the overlapping of different legal regimes is eliminated, the regulation that still remained in force of Royal Decree 1671/2009, of 6 November, is adapted and integrated into the Regulation approved by this Royal Decree, thus proceeding to its definitive repeal, and the regulation is adapted to the new framework of Law 39/2015, of 1 October and Law 40/2015, of 1 October.

The Royal Decree consists of a single article approving the Regulation on the performance and functioning of the public sector by electronic means, two transitional provisions, a derogatory provision and five final provisions.

The five final provisions include two that modify existing regulations and the remaining three regulate the powers, regulatory empowerment for the development and execution of the royal decree, and entry into force. With regard to the amending provisions, these affect Royal Decree 4/2010, of 8 January, regulating the National Interoperability Framework in the area of e-Government and Royal Decree 931/2017, of 27 October, which regulates the Regulatory Impact Analysis Report. Firstly, with regard to Royal Decree 4/2010, of 8 January, Article 29 establishes that the National Interoperability Framework will be developed and perfected over time in parallel with the progress of e-government services, technological evolution and as the infrastructures that support it are consolidated. Therefore, the rapid evolution of technologies, the experience derived from the application of the National Interoperability Framework since its approval 10 years ago, the provisions of Law 39/2015, of 1 October, and Law 40/2015, of 1 October, relating to interoperability between Public Administrations and their bodies, public bodies and related or dependent public law entities, plus the need to adapt to the provisions of Regulation No. 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No. 1673/2006/EC of the European Parliament and of the Council, determine the need to amend certain aspects of their current wording. Articles 9, 11, 14, 16, 17, 18, as well as the first additional provision and the glossary annex are amended accordingly, while Article 19 and the third and fourth additional provisions are deleted.

Secondly, Royal Decree 931/2017, of 27 October, is amended to include in the Regulatory Impact Analysis Report the analysis of the impact on expenditure on digital administration resources or services within the budgetary impact of projects and, on the other hand, to include in the "Other impacts" section the impact that the development or use of digital administration resources and services entailed by applying the planned regulation will have on the persons to whom the regulation is addressed and on the organisation and operation of the Administration.

For its part, the Regulation on the performance and functioning of the public sector by electronic means, which the royal decree approves, consists of 65 articles distributed in four titles, ten additional provisions and an annex of definitions.

The preliminary title of the Regulation includes the general provisions regulating the purpose and scope of the regulation (which refers to the scope of Article 2 of both Law 39/2015, of 1 October, and Law 40/2015, of 1 October) and the general principles that the public sector must respect in its electronic actions and relations. These principles include the principle of technological neutrality and adaptability to the progress of electronic communications technologies and systems, to guarantee both independence in the choice of the technological alternatives needed to interact with Public Administrations by the persons concerned and by the public sector itself, and the freedom to develop and implement technological advances in a free market environment; the principle of accessibility, to promote that the design of electronic services guarantees equality and non-discrimination in access for users, in particular the disabled and the elderly; the principle of user-friendliness, which determines that the design of electronic services should be centred on users in order to minimise the degree of technological knowledge needed to use the service; the principle of interoperability, understood as the capacity of electronic services to guarantee equality and non-discrimination in access for users, particularly the disabled and the elderly; the principle of proportionality, so that the security measures and guarantees required are appropriate to the nature and circumstances of the different electronic procedures and actions and, finally, the principle of personalisation and proactivity, understood as the capacity of Public Administrations to provide pre-completed services based on the knowledge acquired of the end user of the service and to anticipate their possible needs.

Likewise, the preliminary title regulates the right and obligation to interact electronically with Public Administrations under Article 14 of Law 39/2015, of 1 October, and the channels through which Public Administrations will provide the necessary assistance to facilitate the access of interested persons to the electronic services provided in their area.

Title I regulates Internet portals, PAgE, Electronic Office Websites and associated Electronic Office Websites (characteristics, creation and deletion, content and services, and responsibility) and the personalised area through which each interested party can access their information, track administrative procedures that affect them and notifications and communications within the scope of the competent Public Administration, which in the state sphere is called the "Citizen's Folder".

Title II is subdivided into three chapters and regulates the administrative procedure by electronic means. Thus, Chapter I on "General Provisions" deals with automated administrative processing and the system for corrections. Chapter II regulates the identification and authentication of Public Administrations and interested parties and is subdivided into four sections: Section 1 deals with common provisions on identification and authentication and interoperability conditions (including the electronic certificate verification platform and other identification systems); Section 2 regulates the "Electronic identification of Public Administrations and the authentication of the exercise of their powers", which includes the identification of Electronic Office Websites and associated Electronic Office Websites, identification by electronic seal based on a qualified electronic certificate, electronic signature systems for automated administrative actions, the identification and signature of Public Administration staff (including public employee certificates with professional identification numbers) and the authentication and identification of issuing and recipient Public Administrations in the exchange of data via closed communication environments. Section 3 develops the regulation of interested party identification and signatures. Finally, section 4 regulates the accreditation of interested party representation (regulating, among other matters, the electronic registry of powers of attorney to act before the Administration).

Title II closes with Chapter III, which features two sections that regulate electronic registries, electronic notifications and other electronic communications. Section 1 regulates electronic registries (among other aspects, the General Electronic Registry of each Administration and the presentation and processing of documents in the registry or the competences of the General State Administration's Registry Assistance Offices) and Section 2 regulates administrative communications to interested parties by electronic means (electronic communications to interested parties other than notifications or publications) and electronic notifications (including the general rules for issuing electronic notifications, notification availability notices, notification through the Single Point for Notification (DEHu) and electronic notification on the Electronic Office Website or associated Electronic Office Website).

Title III regulates the electronic file and is divided into two chapters. Chapter I regulates the electronic administrative document and the requirements and issuing of certified copies of public administrative documents or private documents, which are originals or certified copies of originals; the formation of the electronic administrative file and the exercise of access to it as well as obtaining copies and destruction of documents. Chapter II regulates the retention of electronic documents and the definition of a single electronic archive.

Finally, Title IV is divided into two chapters and regulates relations and collaboration between Public Administrations for the electronic functioning of the public sector. Chapter I deals with collaboration between Public Administrations for administrative action by electronic means and includes obligatory inter-administrative and inter-organic relations by electronic means in the exercise of their competences, communications in the General State Administration, the possibility of joining Electronic Office Websites and associated Electronic Office Websites and the regulation of the Interconnection Registry System (SIR), mandatory for interconnections between Public Administration Registries, which must be interoperable with each other and as a new feature, in the case of the General State Administration, also with file management systems.

Chapter I of Title IV also regulates the data transfers referred to in Article 155 of Law 40/2015, of 1 October, the data intermediation platforms (with special mention of the state-wide platform), the electronic transfer of administrative files in the field of Public Administrations by making available, through an interoperability node, the electronic address or locator that gives access to the complete electronic file and, finally, the provisions for the automatic exchange of data or documents at European level provided for in Regulation (EU) No 2018/1724 of the European Parliament and of the Council of 2 October 2018 on the creation of a single digital gateway for access to information, procedures and assistance and problem-solving services and amending Regulation (EU) No. 1024/2012.

Title IV ends with Chapter II, which regulates the transfer and shared use of technologies between Public Administrations, addressing, on the one hand, the reuse of Public Administration systems and applications and, on the other hand, adherence to the platforms, registries or electronic services of the General State Administration.

The final part of the Regulation consists of ten additional provisions and an annex of definitions. The first regulate the obligatory use of electronic means in selection processes for access to public employment in the scope of the General State Administration; the promotion of training for staff at the service of the General State Administration to guarantee the right of interested persons to be assisted in the use of electronic means in their relations with the Public Administration; the creation of the interoperability node for

electronic identification of the Kingdom of Spain for the mutual recognition of electronic identities between European Union Member States; the adherence of private law entities related to or dependent on the General State Administration, in the exercise of administrative powers, to the Electronic Office Websites and associated Electronic Office Websites and the applicable electronic signature and notification system; the adherence of constitutional bodies to the use of the platforms, registries or electronic services of the General State Administration; the situation of the Electronic Office Websites and electronic office sub-sites at state level existing at the entry into force of this Royal Decree; the interoperability of the electronic registries of powers of attorney to act before the Administration; supplementary nature in the Civil Registry; the authorisation of the identification systems provided for in Article 9(2)(c) and of the signature systems provided for in Article 10(2)(c) of Law 39/2015, of 1 October and, lastly, the specialities due to subject matter.

The Regulation concludes with a terminological annex that takes up the good practice included in Law 11/2007, of 22 June, on Public Electronic Access to Public Services, in a matter of particular complexity due to the overlapping of legal categories and technological concepts that are constantly evolving.

The Royal Decree complies with the principles of good regulation contained in Article 129 of Law 39/2015, of 1 October (principles of necessity, effectiveness, proportionality, legal certainty, transparency and efficiency), insofar as it pursues a general interest by specifying certain aspects of Law 39/2015, of 1 October and Law 40/2015, of 1 October, which will facilitate the effective use of the Administration's electronic means, and the necessary development of the aforementioned laws. The regulation is in line with the principle of proportionality as it contains the regulation that is essential to achieve the aforementioned objectives. It also complies with the principle of legal certainty, being consistent with the rest of the legal system, establishing a stable, integrated and clear regulatory framework. Likewise, during the procedure for drafting the regulation, the procedures for prior public consultation and public information, as established by the Law in compliance with the principle of transparency, have been formalised, and the objectives pursued by this royal decree are also justified in the preamble. Finally, according to the principle of efficiency, the regulation does not introduce any variation, in terms of administrative burdens, with respect to the laws that this regulation implements.

The draft has also been subject to a report by the Spanish Data Protection Agency and has been submitted for consultation to the Autonomous Communities and the Spanish Federation of Municipalities and Provinces through the Sectorial Commission on e-Government and to reports from the different ministries.

The Royal Decree is issued in exercise of the regulatory powers contained in the sixth final provision of Law 39/2015, of 1 October, and in the fifteenth final provision of Law 40/2015, of 1 October, to carry out its regulatory development with regard to the electronic management of procedures and the electronic operation of the public sector and thus guarantee the effective application and implementation of the provisions established by both laws, all of this under the provisions of Article 149(1)(18) of the Constitution. Articles 15, 16, 23, 26, 28(2), 28(3) and 29(4) and the third additional provision of the Regulation, in terms of their relationship with cybersecurity and its impact on the security of networks and information systems, are also issued in accordance with the provisions of Articles 149(1)(21) and 149(1)(29) of the Constitution, which give the State exclusive competence over telecommunications and public security, respectively.



By virtue thereof, at the proposal of the Minister for Economic Affairs and Digital Transformation and the Minister of Territorial Policy and Public Function, in agreement with the Council of State and following deliberation by the Council of Ministers at its meeting of 30 March 2021,

I ORDER THE FOLLOWING:

## **Sole Article. Approval of the Regulation on the Performance and Functioning of the Public Sector by Electronic Means.**

The Regulation on the Performance and Functioning of the Public Sector by Electronic Means, the text of which is set out below, is hereby approved.

### **First transitional provision. Destruction of non-electronic documents.**

1. Two years after the entry into force of this Royal Decree, documents on non-electronic means in the registry assistance offices and of which an authentic electronic copy has been obtained in accordance with the requirements established by the National Interoperability Framework and its complementary technical regulations, for their registration and incorporation into the corresponding electronic file, may be eliminated under the same conditions established by this Royal Decree.

This will require prior notification to the corresponding qualifying authority, which will be accompanied by a risk analysis, specifying electronic copy conservation guarantees and compliance with the security conditions established by the National Security Framework, regulations on transparency, access to public information and good governance, legislation on archives and historical and cultural heritage, and specific regulations that may be applicable in relation to the conservation and archiving of electronic documents.

2. Likewise, two years after the entry into force of this Royal Decree, paper copies of the documents provided for in Article 49 of the Regulation in the registry offices and for which the corresponding electronic copy has been obtained at the time may be destroyed.

### **Second transitional provision. Existing Internet portals and specific applications at state level.**

1. The suppression of Internet portals created at state level prior to the entry into force of this Royal Decree shall be governed by the rules applicable at the time of their creation.

2. Within six months of the entry into force of this Royal Decree, each ministry shall analyse the appropriateness of maintaining its existing Internet portals and those of its respective public bodies or related or dependent public law entities, as well as promotional websites ("micro sites"). For this analysis, the same criteria as foreseen in Article 6 for the creation of new portals will be applied and a decision will be taken on whether to maintain or delete them.

In the event that they are to be deleted, whether or not to incorporate information contained on these portals until their deletion into the General State Administration PAGE will be assessed.

3. Once the process envisaged in the previous section has been completed, within a maximum period of one year from the entry into force of this Royal Decree, a Resolution of the Secretary General for Public Administration will be published in the General State Administration PAGE, which will contain the list of

active internet portals of the General State Administration and of the public bodies or public law entities related to or dependent on it.

4. Within a maximum period of one year from the entry into force of this Royal Decree, and based on information provided by the ministries, the Secretariat-General for Digital Administration will draw up a census of specific applications designed for mobile devices ("apps") for use in General State Administration procedures.

5. In the sphere of the General State Administration, Internet portals that are highly recognised and identifiable by users, created before the entry into force of this Royal Decree, will be governed by the rules applicable at the time of their creation in terms of nomenclature, without the need to modify the second level domain name.

### **Single derogatory provision. Repeal of legislation.**

Any provisions of equal or lower rank that oppose the provisions of this Royal Decree and, specifically, Royal Decree 1671/2009, of 6 November, partially implementing Law 11/2007, of 22 June, on public electronic access to public services, are hereby repealed.

### **First final provision. Jurisdictional titles.**

1. This Royal Decree is issued under the provisions of Article 149(1) (18) of the Spanish Constitution, which grants the State exclusive jurisdiction in matters of common administrative procedure and to dictate the bases of the legal system of Public Administrations.

2. Articles 15, 16, 23, 26, 28(2), 28(3) and 29(4) and the third additional provision of the Regulation approving this Royal Decree, in terms of their relationship with cybersecurity and its impact on the security of networks and information systems, are also issued in accordance with the provisions of Articles 149(1) (21) and 149(1) (29) of the Constitution, which grant the State exclusive competence in telecommunications and public security, respectively.

3. It is not of a basic nature and only the provisions of the following shall be applicable at state level:

a) Second transitional provision and third final provision of this Royal Decree.

b) Subparagraph two of Article 3(3), Articles 6, 7(4), 8, 10(3), 10(4), 13(2), 17, 18(2), 19(3), 19(4), 21(4), 23(2), 24, 25(4), 28(3), 30(2), 31, 33, 36, 38(1), subparagraph two of Article 39(4), Articles 40, 42(5), 48, 53(5), 55(2), 57, 60(3), 62(2) and the first, second, fourth, fifth and sixth additional provisions, section two of the seventh additional provision of the Regulation approving this Royal Decree.

### **Second final provision. Amendment to Royal Decree 4/2010, of 8 January, which regulates the National Interoperability Framework within the e-Government scope.**

Royal Decree 4/2010, of 8 January, which regulates the National Interoperability Framework within the e-government scope is amended as follows:

One. Article 9 shall read as follows:

**"Article 9.** Administrative information inventories.

1. Each Public Administration shall keep all its administrative information inventories up to date, which shall include, at least:

a) List of administrative procedures and services provided in a classified and structured manner. Public administrations shall electronically connect their inventories with the Administrative Information System managed by the Ministry of Territorial Policy and Public Function in collaboration with the Ministry of Economic Affairs and Digital Transformation.

b) List of its administrative bodies and public offices and their relations with each other. This inventory will be electronically connected to the Common Directory of Organic Units and Offices, managed by the Ministry of Economic Affairs and Digital Transformation, in collaboration with the Ministry of Territorial Policy and Public Function, which will provide a unique coding.

2. Each Public Administration shall regulate the creation and maintenance of these two inventories, under the conditions determined, in general terms, by the corresponding technical standards for interoperability; where appropriate, Public Administrations may make use of the aforementioned Administrative Information System and Common Directory of Organic Units and Offices for the creation and maintenance of their own inventories. For the description and modelling of administrative procedures and their supporting processes, the provisions on standards set out in Article 11 shall apply."

Two. Paragraph (a) of Article 11(3) shall read as follows:

"(a) The use of ICT technical specifications in public procurement together with the definitions of standard and technical specification set out in Regulation No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation."

Three. Article 14 is amended as follows:

**"Article 14. Administration Addressing Plan.**

Public Administrations shall apply the Plan for Network Addressing and Interconnection in the Administration, developed by the corresponding interoperability technical standard, for interconnection through communication networks."

Four. Article 16 is amended as follows:

**"Article 16. Applicable licensing conditions.**

1. Licensing conditions for computer applications, associated documentation and any other information object whose intellectual property rights are owned by a Public Administration and can be made available to other administrations and citizens shall take into account the following aspects:

a) The aim is the use and reuse of public resources.

b) Complete protection against exclusive or partial appropriation by third parties.

c) The transferor's exemption from liability for possible misuse by the transferee.

- d) The non-obligation of technical assistance or maintenance by the transferor.
  - e) The total absence of any liability on the part of the transferor vis-à-vis the transferee in the event of errors or malfunctioning of the application.
  - f) Licensing shall be by default without consideration and without the need to enter into any agreement. Partial pass-on of the acquisition or development costs of the transferred applications may only be agreed when this payment has a direct impact on increasing the functionalities of the transferred asset, includes specific adaptations for its use in the transferee body, or involves the provision of assistance or support services for its reuse in the transferee body.
2. For computer applications, associated documentation, and any other information object declared as open source, Public Administrations shall use those licences that ensure that the programs, data or information comply with the following requirements:
- a) They can be implemented for any purpose.
  - b) They allow their source code to be known.
  - c) They can be modified or improved.
  - d) They may be redistributed to other users with or without changes as long as the derivative work retains these four guarantees.
3. For this purpose, the European Union Public Licence application shall be procured, without prejudice to other licences guaranteeing the same rights as set out in paragraphs 1 and 2.
4. In order to facilitate the establishment of licensing conditions, Public Administrations shall include the following aspects in the technical specifications of contracts for the development of new computer applications:
- a) That the contracting administration acquires full intellectual property rights to the applications and any other information objects to be developed as part of the contract.
  - b) That in the case of re-using previously existing assets, the contracting administration receives a product that it can offer for subsequent reuse to other Public Administrations. In addition, in the case of open source products, it should be possible to declare the future developed application as open source."

Five. Article 17 is amended as follows:

**"Article 17.** Reusable application directories.

- 1. The General State Administration shall maintain the General Directory of applications for free reuse, in accordance with article 158 of Law 40/2015, of 1 October, by the use of the Technology Transfer Centre. This directory may be used by other Public Administrations. If the Public Administration has its own directory, it must ensure that the applications available in this directory can also be consulted through the Technology Transfer Centre.
- 2. Public Administrations shall connect directories of applications for free reuse with each other; and with equivalent instruments at European Union level.

3. Public Administrations shall publish reusable applications, in product or service mode, in the directories of applications for free reuse, with at least the following content:

- a) Source code of the finalised applications, in case they are reusable in product mode and have been declared as open source.
- b) Associated documentation.
- c) Licensing conditions for all assets, if reusable in product mode, or level of service offered, if reusable in service mode.
- d) Costs associated with their reuse, if any.

4. Administrations shall endeavour to incorporate into the original application any modifications or adaptations made to any application that has been obtained from a directory of reusable applications."

Six. Article 18 is amended as follows:

**"Article 18.** Interoperability in electronic signature and certificate policy.

1. The General State Administration will define an electronic signature and certificate policy that will serve as a general interoperability framework for the mutual recognition of electronic signatures based on administrative document certificates in Public Administrations.

All public law bodies and entities of the General State Administration shall apply the electronic signature and certificate policy referred to in the previous paragraph. Failure to apply this policy must be justified by the competent body or agency and authorised by the Secretariat-General for Digital Administration.

2. Other Public Administrations may make use of the electronic signature and certificate policy referred to in the previous section.

3. Notwithstanding the previous section, Public Administrations may approve other electronic signature policies within their respective spheres of competence.

The electronic signature policies approved by the Public Administrations shall be based on the technical standard established for this purpose in the first additional provision, on existing technical standards, and shall be interoperable with the electronic signature framework policy mentioned in Section 1, in particular, with its implementation files. The Public Administration proposing a particular electronic signature policy shall guarantee its interoperability with the aforementioned electronic signature framework policy and with its corresponding implementation files in accordance with the conditions established in the technical standard for interoperability set out for this purpose in the first additional provision.

4. In order to guarantee the interoperability of electronic signatures issued in accordance with the established policies, electronic signature policies approved by Public Administrations must be communicated, together with their corresponding implementation files, to the Secretariat-General for Digital Administration of the Ministry of Economic Affairs and Digital Transformation.



5. Public Administrations receiving signed electronic documents, provided that they have previously accepted the signature policy of the issuer, shall allow the validation of electronic signatures according to the signature policy indicated in the signature of the electronic document.

6. The common profiles of the certificate fields defined by the electronic signature and certificate policy will enable interoperability between user applications, so that both the identification and the electronic signature generated from these common profiles can be recognised by the applications of the different Public Administrations without any type of technical, semantic or organisational restriction.

7. The procedures in which electronic signature certificates are used shall comply with the electronic signature and certificate policy applicable in their field, particularly in the application of mandatory and optional data, rules for the creation and validation of electronic signatures, algorithms to be used and minimum key lengths applicable."

Seven. Article 19. (Repealed).

Eight. First additional provision is amended as follows:

**"First additional provision.** Development of the National Interoperability Framework.

1. The following technical standards for interoperability will be developed and will be mandatory for Public Administrations:

a) Technical Standard for Catalogue of Standards: this shall establish a set of standards that satisfy the provisions of Article 11 in a structured manner and indicating the selection and life cycle criteria applied.

b) Technical Standard for the Electronic Document: this shall address the mandatory minimum metadata, the association of signature or time-stamped data and metadata, as well as other associated complementary metadata; and document formats.

c) Technical Standard for the Digitisation of Documents: this shall address the applicable formats and standards, quality levels, technical conditions and metadata associated with the digitisation process.

d) Technical Standard for the Electronic File: this shall address the structure and format of the electronic file, as well as the specifications for provision and availability services.

e) Technical Standard for the Administration's electronic signature and certificate policy: this shall address, among other matters that are included in its definition in the annex, those affecting interoperability, including signature formats, algorithms to be used and minimum key lengths, rules for the creation and validation of electronic signatures, management of signature policies, use of time references and time stamps, as well as the standardisation of the presentation of electronic signatures on screen and on paper for the citizen and in relations between Public Administrations.

f) Technical Standard for Data Brokerage Protocols: this shall address specifications for data brokerage protocols that facilitate the integration and reuse of services in Public Administrations and that shall be applicable to service providers and consumers.

- g) Technical Standard for the List of data models that are common in the Administration and those that refer to matters subject to information exchange with citizens and other Administrations.
- h) Technical Standard for Electronic Document Management Policy: this shall include guidelines for the assignment of responsibilities, both managerial and professional, and the definition of the programmes, processes and controls for document management and administration of electronic repositories, and the related documentation thereof, to be developed by Public Administrations and by the public bodies and public law entities linked to or dependent on them.
- i) Technical Standard for Requirements on connection to the Spanish Public Administration communications network.
- j) Technical Standard for Procedures for Authentic Copying and Conversion between electronic documents, as well as from paper or other physical media to electronic formats.
- k) Technical Standard for Data Model for the exchange of entries between Registry Entities: this shall deal with functional and technical aspects for the exchange of registry entries, management of errors and exceptions, management of annexes, technological requirements and format transformations.
- l) Technical Standard for Reuse of Information Resources: this shall address common standards on the location, description and unique identification of information resources made available to the public by electronic means for reuse.
- m) Technical Standard for Interoperability of Inventory and Coding of Administrative Objects: this shall address the rules related to the coding of administrative objects, as well as the connection between the corresponding inventories, including, on the one hand, organisational units and offices of the Administration, and, on the other hand, administrative information of procedures and services.
- n) Technical Standard for Interoperability of Transfer and Entry of electronic documents and files: this shall address the requirements and conditions relating to the transfer of electronic documentary clusters, electronic documents and files, together with associated metadata, between electronic document management systems and electronic archiving systems.
- ñ) Technical Standard for Interoperability for the Assessment and Disposal of electronic documents and files: this shall address the conditions and requirements relating to the assessment of electronic documents and files for the establishment of retention, transfer and access periods or, where appropriate, total or partial disposal.
- o) Technical Standard for Interoperability for the preservation of electronic documents: this shall address the conditions and requirements relating to the preservation of electronic documents to ensure their authenticity, integrity, confidentiality, availability and traceability, as well as the protection, retrieval and physical and logical preservation of documents and their context.
- p) Technical Standard for Interoperability for the processing and preservation of databases: this shall address the conditions and requirements relating to the preservation of databases to ensure their authenticity, integrity, confidentiality, availability and traceability, and enabling the protection, recovery and physical and logical preservation of data and their context.

- q) Technical Standard for Interoperability for the Addressing Plan: this shall address rules applicable to IP addressing allocation and requirements to guarantee the correct administration of the Spanish Public Administrations' communications network and to avoid the use of duplicate addresses.
- r) Technical Standard for Interoperability for the reuse of assets in product and service mode: this shall address the requirements and conditions to facilitate the reuse of assets in both product and service mode by Spanish Public Administrations.
- s) Technical Standard for Interoperability of the data model and interoperability conditions for registries of authorised public officers: this shall address the functional and technical aspects for full interoperability of authorised public officer registries belonging to the Administrations, as well as the interconnection of these to Electronic Office Websites.
- t) Technical Standard for Interoperability of the data model and interoperability conditions for electronic registries of powers of attorney to act before the Administration: this shall address the functional and technical aspects for full interoperability of electronic registries of powers of attorney to act before the Administration belonging to the Administrations, as well as the interconnection of these to Electronic Office Websites, to commercial and property registries, and to notarial records.
- u) Technical Standard for Interoperability of Document Reference System and Trusted Repositories: this shall address the technical requirements to be met by document references when they are exchanged, so as to avoid unnecessary transfer of documentation.
- v) Technical Standard for electronic signature and certificate policy at state level: this shall address the technical guidelines and standards applicable to the use of certificates and electronic signatures within its scope of application, organised around the concepts of signature generation and validation and shall include the interoperable profiles of Public Administrations' identification media provided by Law 40/2015, of 1 October.

2. The Ministry of Economic Affairs and Digital Transformation, at the proposal of the Sectorial Commission on e-Government provided by the ninth additional provision of Law 40/2015, of 1 October, on the Legal Regime of the Public Sector, shall approve the interoperability technical standards for interoperability and publish them by means of a Resolution of the Secretary of State for Digitalisation and Artificial Intelligence.

3. Corresponding working groups shall be set up in the collegiate bodies with competences in the field of e-Government for drafting and updating the technical standards for interoperability indicated in Section 1 and any future standards that may be approved by the Ministry of Economic Affairs and Digital Transformation necessary to guarantee the appropriate level of interoperability as a result of the level of technological development, international commitments or the applicable regulatory framework.

In order to guarantee due interoperability in terms of cybersecurity and cryptography, in relation to the application of Royal Decree 4/2010, of 8 January, regulating the National Interoperability Framework in the area of e-Government, the competent body shall be the National Cryptologic Centre, attached to the National Intelligence Centre.

4. The following instruments for interoperability will be developed:

- a) Administrative Information System: Inventory of administrative procedures, provided services and other administrative actions that generate public documentation, with information about them classified by

functions and indicating their level of digitisation, as well as information about interfaces to favour the interaction or, where appropriate, the integration of processes.

b) Semantic Interoperability Centre of the Administration: It shall store, publish and disseminate the data models for interoperability services between Public Administrations and between Public Administrations and citizens, both common and sectoral, as well as for common infrastructures and services, and the related semantic specifications and code lists. Its purpose is to facilitate the semantic understanding of government data exchange services and to maximise the reuse of semantic assets in the construction of these services. It shall connect with other equivalent instruments of Public Administrations and at European Union level.

c) Centre of Technology Transfer: Directory of applications for free reuse that shall contain the list of applications for free reuse, including, at least, descriptive data relating to the name of the application, brief description of its functionalities, use and characteristics, licence, main open standards applied, and state of development.

d) Common Directory of Organic Units and Offices of Public Administrations: A tool that shall allow the synchronisation of information systems dealing with inventory, coding and evolution of organic units and offices in different modes of integration to ensure flexibility in both the consumption and provision of related information".

Nine. Third additional provision is deleted.

Ten. Fourth additional provision is deleted.

Eleven. The annex is amended as follows:

1. The term "Family" is deleted.
2. After the term "Electronic Index", the existing term

"Common infrastructure and services" is replaced by the term "Common infrastructure or service" and worded as follows:

"Common infrastructure or service: organisational and technical capacity that meets common user needs in various areas of government, together with its supporting operational governance, which may be horizontal or sectoral in nature, with various modes of provision, as a service or as a product, or integration as a platform, to facilitate interoperability, security, economies of scale, rationalisation and simplification of the administrative action".

3. The term "Signature Policy Implementation Files" is inserted after the term "Open Standard" and worded as follows:

"Signature policy implementation files: These are the representations in formal language (XML or ASN.1) of the conditions set out in the signature policy, according to the technical standards established by standardisation bodies".

### **Third final provision. Amendment of Royal Decree 931/2017, of 27 October, regulating the Regulatory Impact Analysis Report.**

Paragraph two of letter d) and letter g) of Article 2(1) of Royal Decree 931/2017, of 27 October, regulating the Regulatory Impact Analysis Report, are amended and shall read as follows:

"The budgetary impact shall include, at least, a reference to the effects on public revenue and expenditure and shall include the impact on staff costs, allocations or remuneration, expenditure on digital administration resources or services or any other expenditure at the service of the public sector.

"(g) Other impacts: The regulatory impact analysis report shall include any other aspects that may be relevant at the discretion of the proposing body, paying special attention to social and environmental impacts, impact on equal opportunities, non-discrimination and universal accessibility of persons with disabilities, and the impact that the development or use of the media and services of the digital administration entailed by the regulation will have for citizens and for the Administration".

### **Fourth final provision. Regulatory empowerment.**

The head of the Ministry of Territorial Policy and Public Function and the head of the Ministry of Economic Affairs and Digital Transformation are empowered, within the scope of their competences, to issue the provisions and adopt the measures necessary for the development and execution of this Royal Decree and the Regulation it approves, as well as to amend the annex thereto.

### **Fifth final provision. Entry into force**

This Royal Decree will enter into force on 2 April 2021.

In Madrid, on 30 March 2021.

FELIPE R.

The First Vice-President of the Government and Minister of the Presidency, Relations with Parliament and Democratic Memory,

CARMEN CALVO POYATO



## **REGULATION ON THE PERFORMANCE AND FUNCTIONING OF THE PUBLIC SECTOR BY ELECTRONIC MEANS.**

### **PRELIMINARY TITLE. General provisions**

#### **Article 1. Purpose and scope.**

1. The purpose of this Regulation is the development of Law 39/2015, of 1 October, on Common Administrative procedure of Public Administrations, and Law 40/2015, of 1 October, on the Legal Regime of the Public Sector, with regard to the electronic performance and functioning of the public sector.
2. The subjective scope of application is that established in Article 2 of Law 39/2015, of 1 October, and Article 2 of Law 40/2015, of 1 October.

#### **Article 2. General principles.**

The public sector shall respect the following principles in its electronic actions and relations:

a) The principles of technological neutrality and adaptability to the progress of electronic communications technologies and systems, in order to guarantee both independence in the choice of the technological alternatives needed to interact with Public Administrations by interested parties and by the public sector itself, and the freedom to develop and implement technological advances in a free market environment. For this purpose, the public sector shall use open standards, as well as, where appropriate and complementary, standards that are in general use.

The tools and devices to be used for communication by electronic means, as well as their technical characteristics, shall be non-discriminatory, generally available and compatible with commonly used IT products.

- b) The principle of accessibility, understood as the set of principles and techniques to be respected when designing, constructing, maintaining and updating electronic services to ensure equality and non-discrimination in access for users, in particular people with disabilities and the elderly.
- c) The principle of user-friendliness, which determines that the design of e-services should be user-centred, so as to minimise the level of knowledge required to use the service.
- d) The principle of interoperability, understood as the ability of information systems, and hence of the procedures they support, to share data and enable the exchange of information between them.
- e) The principle of proportionality, whereby only safeguards and security measures appropriate to the nature and circumstances of the various electronic procedures and actions shall be required.
- f) The principle of personalisation and proactivity, understood as the ability of Public Administrations, based on the knowledge acquired of the end user of the service, to provide precompleted services and to anticipate their possible needs.

#### **Article 3. Right and obligation to interact electronically with Public Administrations.**

1. At least the parties referred to in Article 14(2) of Law 39/2015, of 1 October, shall be obliged to interact electronically with Public Administrations in order to carry out any administrative procedure.

2. Natural persons who are not obliged to interact with Public Administrations by electronic means may exercise their right to interact electronically with the Public Administration in question at the start of the procedure and, to this end, they shall notify the body responsible for processing the procedure in such a way that the latter may be aware of this decision. The wish to relate electronically or, as the case may be, to cease to do so when this had already been chosen previously, may be made at a later stage of the procedure, although it must be communicated to that body in such a way as to be recorded. In both cases, the effects of the communication shall take effect from the fifth working day following the day on which the body responsible for processing the procedure has taken note of it.

3. In accordance with the provisions of Section 3 of Article 14 of Law 39/2015, of 1 October, the obligation to interact electronically may be established by regulation by Public Administrations for certain procedures and for certain groups of individuals who, due to their economic or technical capacity, professional dedication or other reasons, can demonstrate that they have access to and availability of the necessary electronic means.

To this end, at state level, the aforementioned obligation to interact by electronic means with its bodies, agencies and public law entities may be established by Royal Decree agreed by the Council of Ministers or by order of the head of the competent Department with respect to the procedures in question that affect the scope of competence of one or several Ministries whose regulation does not require a Royal Decree. It will also be published in the Electronic General Access Point (PAGe) of the General State Administration and in the corresponding Electronic Office Website or associated office website.

#### **Article 4. Support channels for access to e-services.**

Public administrations shall provide the necessary assistance to facilitate the access of interested persons to the electronic services provided in their sphere of competence through one or more of the following channels:

- a) In person, through the assistance offices to be determined.
- b) Internet portals and Electronic Office Websites.
- c) Social networks.
- d) Telephone.
- e) E-mail.
- f) Any other channel that may be established in accordance with the provisions of Article 12 of Law 39/2015, of 1 October.

### **TITLE I. Internet portals, Electronic General Access Point and Electronic Office Websites**

#### **Article 5. Public Administration internet portals.**

1. In accordance with the provisions of Article 39 of Law 40/2015, of 1 October, an internet portal is understood to be the electronic access point owned by a Public Administration, public body or public law entity that allows access via the internet to the information and, where appropriate, to the corresponding Electronic Office Website or associated Electronic Office Website.

2. Each Administration may determine the minimum contents and channels of attention to interested persons and of dissemination and provision of services that their portals must have, as well as mandatory criteria for institutional image. In any case, the contents, formats and functionalities established as compulsory for websites in the regulations on reuse, accessibility and transparency must be taken into account.
3. Internet portals shall have systems that allow security measures to be established in accordance with the provisions of Royal Decree 3/2010, of 8 January, regulating the National Security Framework in the area of e-Government.

### **Article 6. Creation and elimination of internet portals at state level.**

1. At state level, portals shall be created or eliminated by order of the head of the corresponding ministry or by resolution of the head of the highest body, in the case of the General State Administration, and by resolution of the head of the Presidency or of the Directorate in the case of its public bodies and related or dependent public law entities.

Creation will require a favourable report from the respective Ministerial Commission for Digital Administration and subsequent communication to the Ministry of Territorial Policy and Public Function and the Ministry of Economic Affairs and Digital Transformation. In order to obtain this favourable report, the proposal for the creation of the new portal must be justified in terms of efficiency in the allocation and use of public resources and priority interest for the implementation of a public policy or the application of European Union or national regulations, and to this end the body promoting the creation of the new portal shall submit a justification and economic report.

The removal of portals shall require prior notification to the Ministry of Territorial Policy and Public Function and to the Ministry of Economic Affairs and Digital Transformation.

2. The document or resolution creating a new portal provided for in the previous section shall contain, at least, the identification of its electronic address, which shall include the second level domain name ".gob.es", its functional and, where appropriate, organic scope and the purpose for which it is created. In order to facilitate their identification, they shall follow the general provisions established for the institutional image of the General State Administration.
3. At state level, the Internet portals referred to in this article must be referenced in the PAGE of the General State Administration.

### **Article 7. Electronic General Access Point.**

1. Public administrations will have an Electronic General Access Point (PAGE).
2. The PAGE of each Public Administration will facilitate access to the services, procedures and information of the bodies, public bodies and entities related to or dependent on the corresponding Public Administration.
3. PAGE will have an Electronic Office Website, through which it will be possible to access all the Electronic Office Websites and associated Electronic Office Websites of the corresponding Public Administration.

In addition, this site may include a personalised area through which each interested party, by means of secure procedures that guarantee the integrity and confidentiality of their personal data, may access their

information, track administrative procedures that affect them and notifications and communications within the scope of the competent Public Administration.

4. The PAGE of the General State Administration and its Electronic Office Website will be managed by the Ministry of Territorial Policy and Public Function in collaboration with the Secretariat-General for Digital Administration of the Ministry of Economic Affairs and Digital Transformation.

This Electronic Office Website hosts the Single Point for Notification referred to in Article 43 of Law 39/2015, of 1 October.

The PAGE of the General State Administration, through its site, will allow verification of the authenticity and integrity of the documents provided by the state public sector using a Secure Verification Code or any other signature or seal system based on a qualified electronic certificate that has been used to generate them. It will also allow, where appropriate, for their recovery.

5. The PAGE of the General State Administration will be able to interoperate with official European Union web portals.

### **Article 8. Citizens' Folder for the state public sector.**

1. The Citizens' Folder is the personalised area for interested parties referred to in Article 7(3) in their relationship with the state public sector. In addition to the interested party, the Citizen's Folder can be accessed by:

- a) Their legal representatives.
- b) Whoever holds a general power of attorney provided for in article 6(4)(a) of Law 39/2015, of 1 October, granted by the interested party and registered in the Electronic Registry of Powers of Attorney to act before the Administration.

2. The Citizen Folder will be accessible through the General State Administration PAGE Electronic Office Website and will be able to offer, among others, the following functionalities for the interested party or their representatives:

- a) Tracking the status of the procedures involving the interested party, in accordance with the provisions of article 53(1)(a) of Law 39/2015, of 1 October.
- b) Access to their communications and notifications.
- c) Find out which of their data is held by the state public sector, without prejudice to the limitations established by the regulations in force.
- d) Facilitate obtaining administrative certifications required by the corresponding regulations.

3. The interested party will access the Citizens' Folder by means of the identification systems referred to in Article 9(2) of Law 39/2015, of 1 October.

4. The interested party must ensure the proper use of the identification systems and ensure that access to their Citizen folder is only granted to themselves or to authorised third parties.

## **Article 9. Electronic Office Websites of Public Administrations.**

1. In accordance with the provisions of Article 38 of Law 40/2015, of 1 October, an Electronic Office Website is an electronic address available to citizens via telecommunications networks. All actions and formalities relating to procedures or services that require the identification of the Public Administration and, where appropriate, the identification or electronic signature of the interested parties shall be carried out through this Electronic Office Website.
2. The Electronic Office Website belongs to a Public Administration, or to one or more public bodies or public law entities within the scope of their competences.

## **Article 10. Creation and deletion of Electronic Office Websites and associated Electronic Office Websites.**

1. One or more Electronic Office Websites associated with an Electronic Office Website may be created for technical and organisational reasons. The associated Electronic Office Website shall be considered as an Electronic Office Website for all purposes.
2. The document or resolution creating or eliminating an Electronic Office Website or associated Electronic Office Website will be published in the corresponding official gazette depending on which Public Administration owns the office website or associated office website and also in the directory of the corresponding Electronic General Access Point. In the case of local entities, the official gazette shall be that of the province to which the entity belongs.

The document or resolution of creation shall determine at least:

- a) The scope of application of the Electronic Office Website or associated Electronic Office Website.
- b) Identification of the reference electronic address of the Electronic Office Website or associated Electronic Office Website to be created, as well as the electronic addresses of the Electronic Office Websites that are already associated with it from the moment of its creation. Electronic Office Websites associated after publication of the instrument of creation will be referenced in the aforementioned electronic address.
- c) Identification of the holder.
- d) Identification of the body or bodies responsible for management and of the services provided.

3. At State level, an Electronic Office Website associated with the General State Administration PAGE Electronic Office Website and Electronic Office Websites or associated Electronic Office Websites of the public bodies and related or dependent public law entities shall be created or removed by order of the head of the competent Department or by resolution of the head of the Presidency or of the Directorate of the competent body or public law entity, with the prior favourable report of the Ministry of Territorial Policy and Public Function and of the Ministry of Economic Affairs and Digital Transformation.

4. In order to obtain the prior favourable reports referred to in the previous section, the proposal for the creation of the new Electronic Office Website or, where appropriate, associated Electronic Office Website must be justified in terms of efficiency in the allocation and use of public resources. To this end, the body promoting the creation of the Electronic Office Website shall submit a justification and economic report explaining the volume of procedures to be managed through it, the budgetary and economic effects of its



establishment, its impact on reducing the time taken to resolve procedures and administrative burdens for the persons concerned and any other reason of general interest justifying its creation.

## **Article 11. Content and services of Electronic Office Websites and associated Office Websites.**

1. Each Electronic Office Website or associated Electronic Office Website shall have the following minimum content available to interested persons:

- a) Identification of the Electronic Office Website or associated Electronic Office Website, as well as the body or organisation that owns it and the competent bodies for the management of available information, services, procedures and formalities.
- b) Identification of the document or provision of creation and access to it, either directly or through a link to its publication in the corresponding Official Gazette.
- c) The information necessary for the correct use of the Electronic Office Website, including its map or equivalent information, specifying the navigation structure and the different sections available, as well as information on intellectual property, personal data protection and accessibility.
- d) The list of identification and electronic signature systems accepted or used on the site.
- e) The regulations governing the Registry accessed through the Electronic Office Website.
- f) The official date and time, as well as the calendar of non-working days for the purposes of calculating deadlines applicable to the Administration in which the body, public body or public law entity that owns the Electronic Office Website or associated Electronic Office Website is integrated.
- g) Information on any technical incident that occurs and makes the ordinary operation of the corresponding system or application impossible, as well as the extension of the unexpired deadline that, if applicable, has been agreed by the competent body due to that circumstance.
- h) Updated list of available services, procedures and formalities
- i) Updated list of automated administrative actions related to the services, procedures and formalities described in the previous point. Each will be accompanied by a description of its design and operation, accountability and transparency mechanisms, as well as the data used in its configuration and learning.

2. Electronic Office Websites and associated Electronic Office Websites shall have at least the following services available to interested parties:

- a) Access to the services and procedures available at the Electronic Office Website or associated Electronic Office Website, with an indication of the maximum duration of the procedures, excluding any possible extensions or suspensions that may be agreed by the competent body.
- b) A link for the formulation of suggestions and complaints to the competent bodies in each case.
- c) The communication mechanisms and complaints procedure in place regarding the accessibility requirements of public sector websites and mobile applications.

- d) A system for verifying the certificates of the Electronic Office Website.
  - e) A system for verifying the electronic seals of the bodies, public bodies or public law entities that covers the Electronic Office Website or associated Electronic Office Website.
  - f) A service for checking the authenticity and integrity of the documents issued by the bodies, public bodies or public law entities included in the scope of the Electronic Office Website, which have been signed by any of the signature systems in accordance with Law 40/2015, 1 October, and for which a secure verification code has been generated.
  - g) Access to the forms and mass submission systems, for voluntary use, which allow interested parties to submit several applications simultaneously in the manner established, where appropriate, by each Administration, public body or public law entity that owns the Electronic Office Website or associated Electronic Office Website.
  - h) Access to the standard application forms established, where applicable, by each Administration or public body or public law entity that owns the Electronic Office Website or associated Electronic Office Website.
  - i) A service to consult the geographical directory of registry assistance offices, enabling the interested party to identify the office nearest to his or her address.
3. In accordance with the provisions of Article 66(1) of Law 39/2015, of 1 October, Public Administrations must maintain and update a list of the current identification codes of their administrative bodies, centres or units in the corresponding Electronic Office Website.

## **Article 12. Responsibility for the Electronic Office Website or associated Electronic Office Website.**

1. The owner of the Electronic Office Website and, where appropriate, of the associated Electronic Office Website, shall be responsible for the integrity, veracity and updating of the information and services within its competence that may be accessed through it.
2. In the event that the Electronic Office Website or associated Electronic Office Website contains a link to another office website or associated office website, the owner of the latter shall be responsible for the integrity, veracity and updating of the information or procedures contained therein, without prejudice to the due diligence of the owner of the former with regard to incorporating content.
3. In the event that an Electronic Office Website or associated Electronic Office Website contains procedures, services or both, for which another administrative body, public body or related or dependent public law entity is responsible, whether of the same or of a different Administration, the competent body shall be responsible for the integrity, veracity and updating of what is related to those procedures, services or both, without prejudice to the due diligence of the holder of the Electronic Office Website or associated Electronic Office Website with regard to incorporating content.

## **TITLE II. Administrative procedure by electronic means**

### **CHAPTER I. General provisions**

#### **Article 13. Automated administrative action.**

1. An administrative action may be processed electronically, among other ways, in an automated manner in accordance with the provisions of Article 41 of Law 40/2015, of 1 October.
2. At state level, establishing that an administrative action is automated shall be authorised by resolution of the head of the competent administrative body by reason of the subject matter or of the competent executive body of the body or public law entity, as appropriate, and shall be published on the Electronic Office Website or associated Electronic Office Website. The decision shall specify the appeals that may be lodged against the action, the administrative or judicial body, where applicable, before which they are to be lodged and the time limit for lodging them, without prejudice to the interested parties being able to exercise any other remedy they deem appropriate, and shall establish appropriate measures to safeguard the rights, freedoms and legitimate interests of the persons concerned.
3. In the sphere of Local Entities, in the case of automated administrative actions, the provisions of the eighth additional provision of Royal Decree 128/2018, of 16 March, which regulates the legal regime of Local Administration civil servants with national powers, shall apply.

#### **Article 14. Correction system.**

1. If the interested party is obliged to communicate by electronic means and has not used them, the competent administrative body in the area of action will request the corresponding correction, warning the interested party, or where applicable their representative, that if the request is not complied with within ten days, they will be considered to have withdrawn their application or may be declared in default of their right to the corresponding procedure, following a decision that must be issued under the terms provided in Article 21 of Law 39/2015, of 1 October.

This correction system will also be applicable to natural persons who are not obliged to interact electronically with Public Administrations and who, in accordance with the provisions of Article 3(2), have exercised their right to interact electronically with the Public Administration in question.

In the case of a request for initiation by the interested party, the date of the correction shall be considered for these purposes as the date of submission of the request in accordance with Article 68(4) of the aforementioned law.

2. In accordance with the provisions of Article 39(1) of this Regulation, in the event that Public Administrations have determined the formats and standards to which the documents submitted by the interested party must conform, if the interested party fails to comply with this requirement, they will be required to rectify the defect within a period of ten days, under the terms established in Articles 68(1), in the case of a request for initiation, and 73(2), in the case of another act, both of Law 39/2015, of 1 October, with the indication that, if this is not done and following a resolution that must be issued under the terms established in Article 21 of said law, they will be considered to have abandoned their request or may be declared to have lost their right to the corresponding procedure, respectively.

3. In the event that the letter or application submitted suffers from any other rectifiable defect, due to lack of compliance with the requirements demanded in Articles 66, 67 and 73 of Law 39/2015, of 1 October, or due to lack of other requirements demanded by the specific applicable legislation, it will be required to be rectified within ten days, in accordance with the terms of Articles 68(1) and 73(1) of the aforementioned law. This period may be extended by up to five days, at the request of the interested party or at the initiative of the body, when the provision of the required documents, where appropriate, presents special difficulties, provided that these are not selective or competitive procedures.

## **CHAPTER II. Identification and authentication of Public Administrations and interested parties**

### **Section 1. Common provisions for identification and authentication and interoperability conditions**

#### **Article 15. Identification, signature and verification systems.**

1. In their electronic interactions, Public Administrations shall accept electronic signature systems that comply with the provisions of current legislation on electronic signatures and are suitable for guaranteeing the identification of the parties concerned and, where appropriate, the authenticity and integrity of the electronic documents.

2. Public Administrations may use the following systems for electronic identification and to guarantee the origin and integrity of electronic documents:

- a) Identification systems for Electronic Office Websites and associated Electronic Office Websites.
- b) Electronic seal based on a qualified electronic certificate and meeting the requirements of electronic signature legislation.
- c) Electronic signature systems for automated administrative action.
- d) Electronic signature of staff at the service of Public Administrations.
- e) Electronic data exchange in closed communication environments, as specifically agreed between the parties.

3. Interested parties may use the following identification and signature systems in their electronic interactions with Public Administrations:

a) In accordance with the provisions of Article 9(2) of Law 39/2015, of 1 October, interested parties may identify themselves electronically to Public Administrations using the systems described in letters (a), (b) and (c) of the aforementioned article. In the latter case, the systems must be authorised in advance by the Secretariat-General for Digital Administration of the Ministry of Economic Affairs and Digital Transformation, which may only be denied for reasons of public security, following a binding report by the Secretariat of State for Security of the Ministry of the Interior.

b) Likewise, the systems provided for in letters (a), (b) and (c) of Article 10(2) of Law 39/2015, of 1 October, shall be considered valid for the purposes of providing an electronic signature for Public Administrations.

c) In accordance with the provisions of Article 10(4) of Law 39/2015, of 1 October, when expressly provided for in the applicable regulatory regulations, Public Administrations may accept the identification systems provided for in that law as a signature system when the authenticity of the will and consent of the interested parties can be accredited.

4. The Administration shall not be liable for third parties using personal identification and electronic signature of the interested party, unless the requirements established in Article 32 of Law 40/2015, of 1 October, for the claim for financial liability are met.

## **Article 16. Verification platforms for electronic certificates and other identification systems.**

1. The General State Administration shall have a platform for verifying the validity and content of the qualified certificates accepted in the public sector. The system shall allow free verification for the public sector.

The Secretariat-General for Digital Administration will be the body responsible for this platform, which will be available to the entire public sector upon formalisation of the corresponding adherence document.

2. This platform shall have a validation practice statement detailing the obligations that both the platform and platform users undertake to fulfil in relation to the verification services. This declaration shall be available to the public electronically and free of charge.

3. Qualified Trust Service Providers must provide this platform with free electronic access to verify the validity of the electronic certificates issued by them by virtue of their qualification in accordance with applicable legislation on electronic trust services.

## **Article 17. Electronic signature and certificate policy at state level.**

1. The electronic signature and certificate policy at state level consists of the guidelines and technical standards applicable to the use of certificates and electronic signatures.

2. Without prejudice to the obligations of trust service providers provided for in Law 6/2020, of 11 November, regulating certain aspects of electronic trust services and other regulations in force, the electronic signature and certificate policy must contain:

a) The definition of its scope.

b) Requirements for electronic signatures presented before the bodies of the General State Administration and its public bodies and related or dependent public law entities.

c) Technical and operational specifications for the definition and provision of trust services associated with the new forms of identification and authentication of the General State Administration and its public bodies and related or dependent entities included in this Regulation.

3. The electronic signature and certificate policy at state level shall be approved by Resolution of the Secretary of State for Digitalisation and Artificial Intelligence and shall be published in the "Official State Gazette" and on the General State Administration PAGE Electronic Office Website.

## **Section 2. Electronic identification of Public Administrations and authentication of the exercise of their authority**

### **Article 18. Identification of Electronic Office Websites and associated Electronic Office Websites.**

1. In accordance with the provisions of Article 38 of Law 40/2015, of 1 October, Electronic Office Websites and associated Electronic Office Websites shall use qualified website authentication certificates or equivalent means to identify themselves and guarantee secure communication with them. These electronic certificates shall comply with the provisions of Royal Decree 4/2010, of 8 January, which regulates the National Interoperability Framework, and current regulations on electronic identity and signature.
2. At state level, Electronic Office Websites and associated Electronic Office Websites shall be identified by means of qualified website authentication certificates.

In addition, and for their immediate identification, citizens will have the obligatory general information that must be included in them in accordance with the provisions of this Regulation. Electronic addresses that have the status of an Electronic Office Website or associated Electronic Office Website must be visibly and unequivocally stated. In order to facilitate their identification, they will follow the general provisions established for the institutional image of the General State Administration and their electronic address will include the domain name "gob.es".

### **Article 19. Identification by means of an electronic seal based on a qualified electronic certificate meeting the requirements of electronic signature legislation.**

1. In accordance with the provisions of Article 40 of Law 40/2015, of 1 October, Public Administrations may identify themselves by using an electronic seal based on a qualified electronic certificate that meets the requirements of electronic signature legislation. These electronic certificates shall include the tax identification number and the corresponding denomination, as well as, where applicable, the identity of the holder in the case of the electronic seals of administrative bodies.
2. The list of electronic seals used by each Public Administration, including the characteristics of the electronic certificates and the providers that issue them, must be public and accessible by electronic means, being published on the Electronic Office Website or associated office website or in the corresponding Internet portal. In addition, each Public Administration shall adopt the appropriate measures to facilitate the verification of its electronic seals.
3. At State level, electronic seals shall be created by means of a resolution of the Under-secretary of the Ministry or of the person holding the Presidency or of the Directorate of the public body or related or dependent public law entity, which shall be published on the corresponding Electronic Office Website or associated Electronic Office Website. The decision shall state:
  - a) The body, public body or related or dependent public law entity, which will be responsible for its use, indicating the Ministry it is assigned or related to, or dependent on.
  - b) General technical characteristics of the signature system and applicable certificate.
  - c) Validation service for certificate verification.



- d) Proceedings and procedures in which it may be used.
- 4. Electronic seal certificates at state level shall have, at least, the following contents:
  - a) Description of the type of certificate, with the designation "electronic seal".
  - b) Subscriber's name.
  - c) Subscriber's tax identification number.

#### **Article 20. Electronic signature systems for automated administrative action.**

1. In accordance with the provisions of Article 42 of Law 40/2015, of 1 October, in the automated administrative processing of procedures, each Public Administration may determine the cases in which the following electronic signature systems may be used:

- a) Electronic seal of a Public Administration, body, public body or public law entity, as referred to in Article 19 of this Regulation, based on a qualified electronic certificate that meets the requirements of electronic signature legislation.
- b) Secure verification code linked to the Public Administration, body, public body or public law entity, under the terms and conditions established, allowing in any case verification of the integrity of the document by accessing the corresponding Electronic Office Website.

2. Each Administration shall determine the means accepted for electronic signatures in related or dependent private law entities when they process procedures in an automated manner in the exercise of administrative powers.

#### **Article 21. Signature systems based on a secure verification code for automated administrative action.**

1. In accordance with the provisions of Article 42(b) of Law 40/2015, of 1 October, Public Administrations may use secure code systems for the verification of documents in the development of automated actions.

This code shall bind the body, public body or public law entity and, where appropriate, the person signing the document, allowing in any case verification of the integrity of the document on the corresponding Electronic Office Website or associated Electronic Office Website by means of a direct verification procedure free of charge for the persons concerned.

- 2. The secure verification code system shall, in any case, guarantee:
  - a) The origin and integrity of documents by accessing the corresponding Electronic Office Website or associated Electronic Office Website.
  - b) The uniqueness of the code generated for each document.
  - c) Its link to the document generated and, where applicable, to the signatory. The secure verification code and the electronic address for accessing the Electronic Office Website or associated Electronic Office Website should preferably be integrated on all pages of the document signed with this code. Any modification of the generated document will result in a new document with a different secure verification code.

d) The possibility of verifying the document on the Electronic Office Website or associated Electronic Office Website, at least for the period of time established in the resolution authorising the use of this procedure. Once the document is no longer available on the Electronic Office Website or associated Electronic Office Website, its availability through other channels shall be governed by the provisions of the retention strategy implemented by each Public Administration through its document management policy.

e) Restricted access to the document to those in possession of the secure verification code, without prejudice to any additional safeguards that may be put in place.

3. In communications of electronic documents to other bodies, agencies or entities and when so determined by the parties involved, interoperability shall be guaranteed by superimposing an electronic seal of the kind provided for in Article 42 of Law 40/2015, of 1 October, on the secure verification code, as a mechanism for automatic verification of the origin and integrity of electronic documents under the terms established by the Technical Standard for Interoperability of Electronic Documents.

4. At State level, the use of this system shall require a resolution from the Under-secretary of the Ministry or the head of the Presidency or the Directorate of the public body or public law entity related to or dependent on it, following a report from the National Cryptologic Centre and the Secretariat-General for Digital Administration.

The order or resolution of creation shall include:

a) Actions to which the system applies.

b) Bodies responsible for the implementation of the system.

c) Provisions applicable to the action.

d) Electronic Office Website or associated Electronic Office Website that can be accessed by interested parties to verify the content of the action or document.

e) Period of availability for verification of the secure verification code applied to a document on the Electronic Office Website or associated Electronic Office Website. This period shall be at least five years, unless the special rules governing the matter provide for a longer period. Once this time has elapsed, it must be requested from the Public Administration body, public body or public law entity that issued the document. In this case, when electronic means are used, verification shall be certified by means of the electronic signature of the head of the competent body or of the public employee who has been assigned the action by that body.

## **Article 22. Electronic signature of the staff at the service of Public Administrations.**

1. In accordance with the provisions of Article 43 of Law 40/2015, of 1 October, without prejudice to the provisions of Articles 18, 19 and 20 of this Regulation, the actions of a Public Administration, public body or public law entity, when using electronic means, shall be carried out by means of the electronic signature of the head of the competent body or the public employee through whom competence is exercised.

2. Each Public Administration shall determine the electronic signature systems to be used by its personnel. These systems may jointly identify the holder of the post or position and the administration or body in which he/she provides his/her services.

3. Electronic certificates of public employees shall be qualified and shall comply with the National Interoperability Framework and current legislation on electronic identity and signature.

4. Each Administration shall determine the means accepted for electronic signatures in the private law entities related to or dependent on it when processing procedures in the exercise of administrative powers.

### **Article 23. Electronic public employee certificates with professional identification number.**

1. Notwithstanding the provisions of Article 22(3) of this Regulation, in accordance with the provisions of Article 43(2) of Law 40/2015, of 1 October, qualified trust service providers may include a professional identification number on the electronic public employee certificate, at the request of the Administration in which the employee in question works, if the certificate is to be used in actions that affect classified information, public security, national defence or other actions for the performance of which anonymity is legally justified. These certificates shall be referred to as "electronic public employee certificates with professional identification number".

2. At State level, the Under-secretary of the Ministry or the person holding the Presidency or the Directorate of the public body or public law entity in which the public employee provides services shall be responsible for requesting the assignment of a professional identification number for the public employee.

3. The Administration requesting the certificate shall keep the documentation accrediting the identity of the holder.

4. Electronic public employee certificates with professional identification numbers shall be qualified and shall comply with the provisions of the National Interoperability Framework and current legislation on electronic identity and signature and shall have the same use, capacity and functionality as the electronic public employee certificate, although limited to the actions that justified their issuance.

5. The competent public authorities and judicial bodies, in the exercise of their functions and in accordance with the regulations in force, may request disclosure of the identity of the holder of a public employee certificate with a professional identification number by means of a formal request addressed to the administration responsible for its custody.

### **Article 24. Electronic identification and signature systems for staff at the service of the General State Administration and its public bodies and related or dependent public law entities.**

1. Staff at the service of the General State Administration and its public bodies and related or dependent public law entities may identify themselves with those systems that, among those provided for in Law 39/2015, of 1 October, are established according to the level of security corresponding to the procedure in question in accordance with the National Security Framework.

2. Staff may sign using electronic signature systems based on qualified electronic certificates specifically provided to employees. These systems may be used by them in the effective performance of their job, for the procedures and actions they carry out for this reason, or to interact with the Public Administrations when accepted.

3. Staff identification systems based on public employee repositories may be available to allow the relationship of public employees with services and applications necessary for the exercise of their functions, which in any case guarantee the provisions of the National Security Framework.
4. General State Administration staff registries may collect data for the electronic identification of public employees, as well as their transfer to personnel identification systems based on public employee identity repositories.

### **Article 25. Electronic data exchanged in closed communication environments.**

1. In accordance with the provisions of Article 44 of Law 40/2015, of 1 October, electronic documents transmitted in closed communication environments established between Public Administrations, bodies, public bodies and public law entities, shall be considered valid for the purposes of authentication and identification of the issuers and receivers under the conditions established in this article.
2. When the participants in the communications belong to the same Public Administration, it will determine the governing conditions and guarantees that will, at least, include the list of authorised issuers and receivers and the nature of the data to be exchanged.
3. When the participants belong to different Public Administrations, the conditions and guarantees mentioned in the previous section will be established by means of an agreement signed between them.
4. At State level, the conditions and guarantees referred to in paragraph 2 shall be established by the Secretariat-General for Digital Administration.
5. In any case, the security of the closed communications environment and the protection of the data being transmitted must be guaranteed in accordance with the requirements set out in the National Security Framework

### **Section 3. Identification and signature of interested parties**

#### **Article 26. Systems for identifying parties involved in the procedure.**

1. In accordance with the provisions of Law 39/2015, of 1 October, interested parties may identify themselves electronically to the Public Administrations through any system with prior registration as a user that guarantees their identity.
2. In particular, in accordance with the provisions of Article 9(2) of Law 39/2015, of 1 October, the following electronic identification systems will be accepted:
  - a) Systems based on qualified electronic signature certificates issued by providers included in the "Trusted List of Qualified Trusted Service Providers".
  - b) Systems based on qualified electronic seal certificates issued by providers included in the "Trusted List of Qualified Trusted Service Providers".
  - c) Password authenticated key (PAK) systems and any other system, which the Public Administrations consider valid under the terms and conditions to be established, provided that they have prior registration as a user which guarantees their identity, after authorisation by the Secretariat-General for Digital Administration of the Ministry of Territorial Policy and Public Function, which may only be denied for reasons

of public security, following a binding report by the Secretariat of State for Security of the Ministry of the Interior.

Public Administrations shall ensure that the use of one of the systems established in points (a) and (b) is possible for all procedures, even if one of the systems provided for in point (c) is allowed for the same procedure.

### **Article 27. Minimum attributes of electronic certificates when they are used for the identification of interested parties before Public Administrations.**

1. Systems based on qualified electronic signature certificates accepted by Public Administrations for the electronic identification of natural persons referred to in Article 9(2)(a) of Law 39/2015, of 1 October, issued under Law 6/2020, of 11 November, must contain as attributes, at least, their name and surname and their National Identity Card number, Foreigner Identification Number or Tax Identification Number that is unequivocally recorded as such. The identity and other details of applicants for the certificate shall be verified in accordance with the provisions of Article 7 of Law 6/2020 of 11 November.
2. Qualified electronic certificates of a representative of a legal person shall contain, at least, the name and Tax Identification Number of the legal person and the name and surname and National Identity Card number, or Foreigner Identification Number or Tax Identification Number of the person acting as representative.
3. Systems based on qualified electronic seal certificates accepted by Public Administrations for the electronic identification of legal persons referred to in Article 9(2)(b) of Law 39/2015, of 1 October, issued under Law 6/2020, of 11 November, must contain, at least, their name and Tax Identification Number.

### **Article 28. Password authenticated key systems and other systems for the identification of interested parties.**

1. Password authenticated key systems or any other system considered valid by Public Administrations, accepted for the electronic identification of natural persons in accordance with article 9(2)(c) of Law 39/2015, of 1 October, must comply with the provisions of the National Security Framework and contain, at least, the name and surname and the number of the National Identity Card, Foreigner Identification Number, Tax Identification Number and, where established in the definition of the system, passport number.
2. The identification systems referred to in the previous section must be authorised in advance by the Secretariat-General for Digital Administration of the Ministry of Economic Affairs and Digital Transformation, which may only be denied for reasons of public security, following a binding report by the Secretariat of State for Security of the Ministry of the Interior.
3. At State level, the creation of the new identification systems shall be approved by order of the Minister or, where appropriate, by resolution of the person holding the Presidency or the Directorate of the public body or related or dependent public law entity by reason of the material scope in which it is to be used, following authorisation by the Secretariat-General for Digital Administration referred to in the previous section.

When the new system refers to the entire General State Administration, an Agreement of the Council of Ministers will be required at the proposal of the Minister of Economic Affairs and Digital Transformation. In

this case, this system must be accessible through the Common Platform of the State Public Administrative Sector for identification, authentication and electronic signature by using password authenticated keys.

### **Article 29. Interested party electronic signature systems accepted by Public Administrations and system of use.**

1. In accordance with the provisions of Article 10(2) of Law 39/2015, of 1 October, should interested parties choose to relate with the Public Administrations by electronic means, the following will be considered valid for signature purposes:

- a) Recognised or qualified and advanced electronic signature systems based on qualified electronic certificates for electronic signatures issued by providers included in the "Trusted List of Qualified Trust Service Providers".
- b) Qualified electronic seal and advanced electronic seal systems based on qualified electronic certificates for electronic seals included in the "Trusted List of Qualified Trust Service Providers".
- c) Any other system that Public Administrations consider valid, under the terms and conditions established, as long as they have previously registered as a user to guarantee their identity.

Public Administrations shall ensure that the use of one of the systems provided for in points (a) and (b) is possible for all procedures in all their stages, even if one of the systems provided for in point (c) is also permitted.

2. The use of electronic signatures does not exclude the obligation to include in the document or electronic communication the identification data of the interested party and, where appropriate, of the representative, which are necessary in accordance with applicable legislation.

3. The electronic signature systems used by the interested parties will enable Public Administrations to verify the data entered in the signature, so that their identity can be linked to the act of signing.

4. The electronic signature systems provided for in paragraph 1(c) must have the prior authorisation of the Secretariat-General for Digital Administration of the Ministry of Economic Affairs and Digital Transformation, which may only be denied for reasons of public security, subject to a binding report from the Secretariat of State for Security of the Ministry of the Interior. They must also comply with the provisions of Royal Decree 3/2010 of 8 January.

5. In accordance with the provisions of Article 10(4) of Law 39/2015, of 1 October, when expressly provided for in the applicable regulatory regulations, Public Administrations may accept the identification systems provided for in that law as a signature system when the authenticity of the will and consent of the interested parties can be accredited.

### **Article 30. Identification or electronic signature of interested parties by authorised public officers.**

1. In accordance with the provisions of the second paragraph of Article 12(2) of Law 39/2015 of 1 October, if any interested party not included in sections 2 and 3 of Article 14 of the law does not have the electronic means necessary for their identification or electronic signature in the administrative procedure, these may be validly carried out by authorised public officers using the electronic signature system with which they are equipped for this purpose. In this case, the interested party must identify himself/herself to the officer and



give his/her express consent to this action, which must be recorded in writing in the event of any discrepancy or dispute.

The authorised public officer will provide the interested party with all the documentation accrediting the procedure carried out, as well as a copy of the express consent document completed and signed, the form for which will be available at the Electronic General Access Point of the respective Administration.

2. At State level, the identification and electronic signature of the interested party in accordance with the procedure described in the previous section must be carried out by a public officer registered for this purpose in the General State Administration Registry of Authorised Public Officers.

Identification or electronic signature in the procedure by authorised public officers shall only be valid for the formalities and actions previously determined by each ministry, public body or related or dependent public law entity and in the terms specified by joint order of the Ministry of Territorial Policy and Public Function and the Ministry of Economic Affairs and Digital Transformation. A permanently updated public list of these procedures and actions shall be kept on the General State Administration PAGE, on the associated Electronic Office Websites of each ministry or on the Electronic Office Website or associated office website of the public body or public law entity in its area of competence.

### **Article 31. General State Administration Registry of Authorised Public Officers.**

1. The Registry of Authorised Public Officers in the sphere of the General State Administration and its public bodies and related or dependent public law entities is created, which shall features registers for:

- a) Public officers authorised for the identification and electronic signature of interested parties in the formalities and procedures determined by the ministry, body or entity responsible for their processing.
- b) Public officers authorised to issue certified copies. This authorisation shall be conferred by the bodies responsible for the issue of original documents, their custody, the archiving of documents or which have made provision for this in their rules of competence.
- c) Authorised public officers who work in the General State Administration's registry assistance offices, who will be authorised to identify and electronically sign interested parties in the formalities and procedures determined and to issue authentic electronic copies of any document that they submit to be sent from the Office to the competent unit for inclusion in an administrative file.

2. The Registry of Authorised Public Officers will be managed by the Secretariat of State for Territorial Policy and Public Function of the Ministry of Territorial Policy and Public Function, in collaboration with the Secretariat-General for Digital Administration of the Ministry of Economic Affairs and Digital Transformation. This Registry will be interoperable with existing equivalent systems in the sphere of the General State Administration and its public bodies and related or dependent public law entities.

3. This Registry must be fully interoperable with the registries or other equivalent systems created by the Autonomous Communities and local authorities for the purposes of checking the validity of the aforementioned authorisations.

4. Operation of the Registry of Authorised Public Officers shall be regulated by joint order of the Ministry of Territorial Policy and Public Function and the Ministry of Economic Affairs and Digital Transformation.

#### Section 4. Accreditation of the representation of interested parties

##### Article 32. Accreditation when acting through a representative.

1. In accordance with the provisions of Article 5 of Law 39/2015, of 1 October, interested persons with capacity to act may act before Public Administrations through a representative, either a natural person with capacity to act or a legal person when this is provided for in its Articles of Association.
2. The representatives of interested parties obliged to interact electronically with Public Administrations are obliged to interact electronically in the exercise of said representation, in accordance with Article 14(2) of Law 39/2015, of 1 October.
3. Representation may be accredited by any legally valid means that provides reliable proof of its existence, among others:
  - a) By power of attorney to act before the Administration *apud acta* issued in person at the registry assistance offices or electronically at the corresponding Electronic Office Website or associated Electronic Office Website.
  - b) By accreditation of registration in the electronic registry of powers of attorney to act before the Administration of the competent Public Administration or in their particular registries of powers of attorney to act before the Administration.
  - c) By means of a qualified electronic representative certificate.
  - d) By means of a public document whose original is on file in a notarial archive or an entry in a commercial registry.
4. In the case of actions on behalf of a legal entity, power of representation may also be accredited by means of a qualified electronic representative certificate; in this case it is understood that the power of representation covers any action before any Public Administration.
5. Likewise, in accordance with the provisions of Article 5(7) of Law 39/2015, of 1 October, Public Administrations may authorise, in general or specifically, authorised natural or legal persons to carry out certain transactions electronically on behalf of interested parties. The Electronic Office Website or associated Electronic Office Website of each of the Public Administrations shall publish the electronic procedures that may be carried out with this representation.

##### Article 33. General State Administration Electronic Registry of Powers of Attorney to act before the Administration.

1. For the purposes set out in the previous article and in accordance with Article 6 of Law 39/2015, of 1 October, the General State Administration Electronic Registry of Powers of Attorney to act before the Administration shall record the general powers of attorney to act before the Administration provided for in Article 6(4)(a) of the aforementioned law granted "*apud acta*" in favour of a representative, in person or electronically, by anyone holding the status of interested party in an administrative procedure to act on their behalf before Public Administrations.

Likewise, the powers provided for in Article 6(4)(b) of the Law may be registered to act before the General State Administration or before a public body or public law entity related to or dependent on it that does not have a private electronic registry of powers of attorney to act before the Administration. Lastly, the powers

provided for in Article 6(4)(c) of the law, granted to carry out certain formalities and actions specified in the power of attorney to act before General State Administration bodies or before a public body or public law entity related to or dependent on that Administration that does not have the aforementioned special register, may be registered.

The power of attorney shall be certified in the registry by the corresponding legal services, without prejudice to the specific assessment of its sufficiency in the action, formality or procedure in which it is used.

2. The General State Administration Electronic Registry of Powers of Attorney to act before the Administration will be managed by the Ministry of Territorial Policy and Public Function with the collaboration of the Ministry of Economic Affairs and Digital Transformation, and will be accessible from the General State Administration PAGE Electronic Office Website as well as from the sites and associated Electronic Office Websites of the General State Administration and of public bodies or related or dependent public law entities.

3. Without prejudice to this general registry of powers of attorney to act before the Administration, each public body or public law entity related to or dependent on the General State Administration may have a specific registry of powers of attorney to act before the Administration in which the powers of attorney granted by the person holding the status of interested party to carry out the specific procedures within their competence are recorded; the body or entity itself shall be responsible for its management.

The powers of attorney provided for in Article 6(4)(a) of Law 39/2015, of 1 October, may not be registered in these specific registries.

4. The Electronic Registry of Powers of Attorney to act before the Administration and the specific registries must be interoperable and are not public, so that the interested party may only access the information on the powers of attorney to act before the Administration for which he/she is the principal or representative.

5. The requirements and operating conditions of the General State Administration Electronic Registry of Powers of Attorney to act before the Administration shall be regulated by joint order of the Ministry of Territorial Policy and Public Function and the Ministry of Economic Affairs and Digital Transformation.

### **Article 34. Proof of representation by means of a qualified electronic certificate of representation.**

1. Representation may be accredited before the Administration with a qualified electronic representative certificate of a legal person that is in accordance with the provisions of Article 28 and Annex I of Regulation (EU) 910/2014 of the European Parliament and of the Council, of 23 July 2014, on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (hereinafter, eIDAS Regulation) and the framework policy for electronic signatures and certificates referred to in the National Interoperability Framework and, in addition, has been issued to the person who has a general power of attorney to act before the Administration to carry out any administrative action and before any Administration.

2. Acceptance of qualified electronic representative certificates of a legal person with no general scope shall be subject to the eIDAS Regulation, to the Electronic Signature and Certificate Framework Policy referred to in the National Interoperability Framework and, in addition, to the requirements established by each Administration.

## **Article 35. Accreditation and verification of representations resulting from a notarial public document or certification from a Commercial Registry.**

1. Where the alleged representation is based on a notarial public document, or on a certificate issued by a commercial registry, the interested party must provide the corresponding electronic registry certificate or at least express the secure code or other system for accessing and verifying the electronic document.
2. Public Administrations shall verify the authenticity and integrity of the transfer to paper and access to the metadata necessary for the automated processing of the electronic registry certification, by means of electronic access, free of charge, to the electronic address that the General Council of Notaries or the Association of Registrars, respectively, shall have set up for this purpose.
3. Likewise, when Public Administrations need to check the validity, revocation or cessation of representatives registered in the Commercial Registry, they shall consult the Commercial Registry electronically and free of charge.

## **Article 36. Third party representative authorisation by the General State Administration and its public bodies and related or dependent public law entities.**

1. The General State Administration and its public bodies and related or dependent public law entities, in accordance with the provisions of Article 5(7) of Law 39/2015, of 1 October, may authorise, on a general or specific basis, authorised natural or legal persons to carry out certain electronic transactions on behalf of interested parties.
2. Authorisation shall require the prior signing of an agreement between the competent Ministry, public body or related or dependent public law entity and the organisation or corporation in question, in accordance with the provisions of Chapter VI of the Preliminary Title of Law 40/2015, of 1 October. The agreement shall specify, at least, the procedures and formalities subject to authorisation, and the conditions and obligations applicable both to the entity signing the agreement and to the natural or legal persons authorised, and shall determine the presumption of validity of the representation.

For these purposes, a standard agreement form may be agreed upon to support this authorisation under the terms and conditions agreed by the parties, in accordance with the provisions of Law 40/2015, of 1 October, and which includes as an annex the individualised form of adherence to the agreement which, expressly providing for the acceptance of its full content, must be signed by the natural or legal persons who are members of the signatory organisations or corporations that adhere to it.

3. In accordance with the provisions of Article 32(5), in the sphere of the General State Administration and its public bodies and related or dependent public law entities, the electronic procedures that may be carried out with this representation shall be published on the General State Administration PAgE Electronic Office Website and on the respective Electronic Office Websites or associated Electronic Office Websites.

## **CHAPTER III. Electronic registries, communications and notifications**

### **Section 1. Electronic registries**

#### **Article 37. Electronic Registry.**

1. The Public Administrations shall have electronic registries for the receipt and submission of applications, documents and communications, which must be fully interoperable in such a way as to guarantee their

computer compatibility and interconnection under the terms provided for in Article 16 of Law 39/2015 of 1 October and Article 60 of this Regulation.

2. Each Administration will have a General Electronic Registry, in which the corresponding entry will be made of all documents presented or received by any administrative body, public body or related or dependent public law entity. Public bodies and public law entities related to or dependent on each Administration may have their own electronic registry that is fully interoperable and interconnected with the General Electronic Registry of the Administration to which they are related or on which they depend.

3. Electronic registries shall support:

a) Standardised electronic documents corresponding to the services, procedures and formalities specified in accordance with the provisions of the rule creating the registry, completed in accordance with pre-established formats.

b) Any request, letter or communication other than those mentioned in the previous paragraph addressed to any Public Administration.

4. In accordance with Article 16(8) of Law 39/2015, of 1 October, documents and information whose special regime establishes another form of presentation will not be considered to be submitted in the registry. In such cases, the administrative body responsible for processing the procedure shall inform the interested party of this circumstance and shall inform them of the requirements of the specific legislation applicable.

### **Article 38. General Electronic Registry of the General State Administration.**

1. The General Electronic Registry of the General State Administration will be managed by the Ministry of Territorial Policy and Public Function in collaboration with the Ministry of Economic Affairs and Digital Transformation and is configured as the aggregate set of:

a) Entries made using the applications available to the units making entries in the registry.

b) Entries made in any application providing support to specific procedures.

c) Entries made by means of the electronic service for the submission of applications, documents and communications that do not have standard forms for submission, regardless of the Public Administrations, public bodies or related or dependent public law entities to which they are addressed. This electronic service will be accessible from the General State Administration PAGE Electronic Office Website.

2. Entries in the General Registry of the General State Administration shall be fully effective and valid for all Public Administrations.

### **Article 39. Presentation and processing of documents at the registry.**

1. Public Administrations may determine the formats and standards to which documents submitted by interested parties to the registry must conform, provided that they comply with the provisions of the National Interoperability Framework and the corresponding regulations.

2. In the event that malicious code liable to affect the integrity or security of the system is detected in documents that have already been registered, the interested party who provided them shall be required to correct them in accordance with the provisions of Article 14(3) of this Regulation.

3. Non-electronic documents shall be submitted through the registry assistance office. When original documents or authentic copies are submitted in non-electronic format, from the moment they are digitised in accordance with the provisions of the corresponding technical standards for interoperability, they will be considered authentic electronic copies of documents in paper format with the same validity for processing as the documents submitted in paper format, in accordance with the provisions of Article 27 of Law 39/2015, of 1 October.

4. When the size of the registered documents exceeds the capacity determined for the Interconnection Registry System (SIR), their transmission to the Administration and body to which they are addressed may be replaced by making the documents available, previously deposited in a file exchange repository.

Within the scope of the General State Administration, this file exchange repository shall be publicly owned and both the documents deposited and the data they contain may not be used for purposes other than those provided for in the regulations governing the procedure for which they have been registered.

5. Documents submitted to registry assistance offices shall be returned to interested parties immediately after scanning or, if not, the provisions of Article 53 of this Regulation shall apply to them.

6. The archiving of documents exchanged by registry shall be the responsibility of the body responsible for processing the procedure, in accordance with the time limit laid down in its regulations.

#### **Article 40. Registry assistance offices within the scope of the General State Administration.**

1. Registry assistance offices are an administrative body in accordance with the provisions of Article 5 of Law 40/2015, of 1 October.

The creation of new Offices, as well as the modification or suppression of existing ones, shall be carried out in accordance with the provisions of Article 59(2) of Law 40/2015, of 1 October.

2. The General State Administration will have a geographical directory of registry assistance offices, which will be managed by the Ministry of Territorial Policy and Public Function. To this end, the body to which the corresponding assistance office reports shall immediately notify the aforementioned Ministry of the approval of the regulation creating, modifying or suppressing that office, in accordance with the provisions of the National Interoperability Framework, guaranteeing its permanent updating.

3. Registry assistance offices shall perform the following functions:

a) The digitisation of paper applications, documents and communications submitted or received at the Office and addressed to any body, public body or public law entity of any Public Administration, as well as their entry in the General Electronic Registry or Electronic Registry of each body or entity, as appropriate.

b) The annotation, where applicable, of dispatch entries made in accordance with the provisions of Article 16 of Law 39/2015, of 1 October.

c) The issue of the corresponding receipt accrediting the date and time of submission of applications, communications and documents presented by interested parties.

d) The issuing of certified electronic copies following the digitisation of any original document or certified copy submitted by interested parties and to be included in an administrative file through the office in the corresponding electronic registry.



- e) Information on electronic identification and signature, for the submission of applications, documents and communications by electronic means in the formalities and procedures for which authorisation has been granted.
- f) The identification or electronic signature of the interested party, in the case of a person who is not obliged to have an electronic relationship with the Administration, in administrative procedures for which authorisation has been granted.
- g) Issuing notifications, within the scope of action of that Office, when the interested party or representative appears spontaneously at the Office and requests personal communication or notification at that time.
- h) Communication to interested parties of the identification code of the body, public body or entity to which the request, document or communication is addressed.
- i) Initiation of the processing of the in-person power of attorney to act before the Administration *apud acta* under the terms provided for in Article 6 of Law 39/2015, of 1 October.
- j) Any other functions attributed to them by law or regulation.

## Section 2. Electronic communications and notifications

### Article 41. Administrative communications to interested parties by electronic means.

When, in accordance with the provisions of Article 14 of Law 39/2015, of 1 October, the relationship between interested parties and Public Administrations must be carried out by electronic means, the interested party shall be electronically notified, at least:

- a) The date and, where applicable, the effective start time of the calculation of the deadlines to be met by the Administration after the document or documents have been submitted to the electronic registry, in accordance with the provisions of Article 31(2)(c) of Law 39/2015, of 1 October.
- b) The date on which the application was received by the competent body, the maximum period for resolving the procedure and for the notification of the actions that terminate it, as well as the effects of administrative silence, in accordance with the provisions of Article 21(4) of Law 39/2015, of 1 October.
- c) The request for a prior and mandatory pronouncement to a European Union body and the notification of the pronouncement of that European Union body to the investigating Administration in accordance with the provisions of article 22(1)(b) of Law 39/2015, of 1 October.
- d) The existence, as soon as it is known, of an unfinished procedure at European Union level that directly conditions the content of the decision, as well as the completion of that procedure in accordance with the provisions of Article 22(1)(c) of Law 39/2015, of 1 October.
- e) The request for a mandatory report from a body of the same or different Administration and the receipt, if applicable, of that report, in accordance with the provisions of Article 22(1)(d) of Law 39/2015, of 1 October.

- f) The request for a prior pronouncement from a court, when this is essential for the resolution of the procedure, as well as the content of the pronouncement when the acting Administration has proof of it in accordance with the provisions of Article 22(1)(g) of Law 39/2015, of 1 October.
- g) The execution of the request for annulment or review of actions between administrations provided for in Article 22(2)(a) of Law 39/2015, of 1 October, as well as its compliance or, where appropriate, the resolution of the corresponding contentious-administrative appeal.

## **Article 42. Electronic notifications.**

1. In accordance with the provisions of Article 43(1) of Law 39/2015, of 1 October, notifications by electronic means shall be made by means of an appearance at the Electronic Office Website or associated Electronic Office Website of the acting Administration, public body or related or dependent public law entity, through the Single Point for Notification or through both systems, as provided by each Administration, public body or related or dependent public law entity, and the date and time of access to the content of the notification, or rejection of the notification, must be recorded.

In the event that the acting Administration, body or entity makes notifications available through both systems, the date and time of access to the content or rejection of the notification by the interested party or their representative in the system in which it occurred first will be taken as the date and time of the notification for the calculation of deadlines and all other legal effects. To this end, the necessary electronic means must be available to automatically synchronise information on the status of the notification in both systems in order to guarantee efficiency and legal certainty in the processing of the procedure.

2. Regardless of whether an interested party is not obliged to interact electronically with Public Administrations or has not communicated that notifications should be sent by electronic means, his/her voluntary appearance or that of his/her representative to the Electronic Office Website or associated office website of an Administration, public body or related or dependent public law entity or through the Single Point for Notification, and subsequent access to the content of the notification or the express rejection of this will have full legal effects.

3. Notification by means of an appearance at the Electronic Office Website or associated Electronic Office Website and through the Single Point for Notification entails providing the interested party with acknowledgement of receipt that makes it possible to justify either access to the content of the notification or the refusal of the interested party to receive it.

The acknowledgement shall contain at least the identification of the notified action and the person to whom it is addressed, the date and time it was made available and the date and time of access to its contents or of refusal.

4. In cases of succession of natural or legal persons, *inter vivos* or *mortis causa*, the person or entity succeeding the interested party shall communicate the succession to the body responsible for processing the procedure of which it is aware. This notification must be made after the succession has taken effect or after the registration of the death in the Civil Register, in the case of the death of a natural person.

The body responsible for the processing shall proceed, where appropriate, in proceedings that have not been completed, to authorise the successor individual or entity to access electronic notifications already made since the date of the event giving rise to the succession and to make any subsequent electronic

notifications to the successor individual or entity. In the event that the successor natural person is not obliged to relate electronically with the Administration and does not opt for this channel, subsequent notifications must be made on paper, without prejudice to the guarantee of access to the complete file.

The person or entity that succeeds the interested party in a procedure of which they are aware must communicate, in accordance with the provisions of the previous paragraphs, the succession to the Public Administration responsible for processing the procedure, within 15 working days, from the day after the succession takes effect or from the registration of the death in the Civil Register, in the case of the death of a natural person. If the successor individual or entity sends notification after the aforementioned deadline, the defects in the practice of notifications arising from this non-compliance, which may have occurred prior to that notification, shall be attributable to the interested party; the obligation to make the electronic notification available at the Electronic Office Website or associated Electronic Office Website, through the Single Point for Notification or both, as appropriate, to the legal person or natural person whose succession the interested party has not asserted, shall be considered fulfilled by the Administration, to all effects and purposes.

5. All notifications whose issuer belongs to the state sphere referred to in the Article 1. 2 of this Regulation shall be made available to the interested party through the Single Point for Notification, including the case provided for in Article 42(1) of Law 39/2015, of 1 October. Likewise, issuers at state level may notify on their Electronic Office Website or associated Electronic Office Website in addition to making the notification available in the Single Point for Notification.

### **Article 43. Notification availability notice.**

1. In accordance with the provisions of Article 41(6) of Law 39/2015, of 1 October, irrespective of whether the notification is made on paper or by electronic means, Public Administrations, public bodies or related or dependent public law entities shall send the interested party or, where appropriate, their representative, a notice informing them of the availability of the notification either at the Single Point for Notification, or at the Electronic Office Website or associated Electronic Office Website of the Administration, or Body or Entity or, where appropriate, at both.

Failure to carry out this notice, which is purely informative in nature, will not prevent the notification from being considered fully valid.

The notice will be sent to the electronic device or email address that the interested party has voluntarily communicated for this purpose, or to both, in accordance with the provisions of Article 41(1) of Law 39/2015, of 1 October.

The interested party is responsible for notifying the Administration, public body or related or dependent public law entity that he/she has access to the designated device or e-mail address. In the event that they are no longer operational or access to them is no longer possible, the data subject is obliged to inform the Administration that the notice should not be sent on these media. Failure by the interested party to comply with this obligation shall not entail any liability for the Administration for notices sent to these non-operational media.

The notice provided for in this paragraph shall only be given if the interested party or his/her representative has provided the Administration with an electronic device or e-mail address for this purpose.

2. When the interested party is a subject obliged to interact by electronic means and the Administration issuing the notification does not have electronic contact details to provide the availability notice, in procedures initiated ex officio, the first notification sent by the Administration, body or entity shall be on paper in the manner determined by Article 42(2) of Law 39/2015, of 1 October, warning the interested party in that first notification that subsequent notifications will be sent in electronic form by means of an appearance at the corresponding Electronic Office Website or associated Electronic Office Website or, where applicable, through the Single Point for Notification as provided for its notifications by the respective Administration, body or entity, and informing them that, in accordance with the provisions of Article 41(1) of Law 39/2015, of 1 October, they may identify an electronic device, email address or both for subsequent notification availability notices.
3. Administrations may set up electronic contact databases for sending notification availability notices in their respective areas.

#### **Article 44. Notification through the Single Point for Notification.**

1. The Single Point for Notification is the information system for electronic notification managed by the Ministry of Economic Affairs and Digital Transformation in collaboration with the Ministry of Territorial Policy and Public Function.
2. In accordance with the provisions of Article 7(4), the Single Point for Notification is hosted on the General State Administration PAGE Electronic Office Website.
3. Accession to the Single Point for Notification shall be carried out in accordance with the terms set out in Article 65.

All Public Administrations and their public bodies and related or dependent public law entities shall collaborate to establish interoperable systems that allow natural and legal persons to access all their notifications through the Single Point for Notification, as established in Article 43 of Law 39/2015, of 1 October.

This provision shall apply irrespective of which administration issues the notification and irrespective of whether the notifications have been issued on paper or by electronic means.

4. When a technical incident makes normal operation of the Single Point for Notification impossible, once this incident has been communicated to the issuing bodies, agencies or entities that use it as a means of notification, they may determine an extension of the unexpired deadline for appearing and accessing the notifications issued. If they also make notifications available on their Electronic Office Website or associated Electronic Office Website, they must also publish both the technical incident that has occurred in the Single Point for Notification and the specific extension, if any, of the unexpired deadline on that site.
5. Prior to accessing the content of the notification made available to the interested party at the Single Point for Notification, the interested party will be informed that in accordance with the provisions of Articles 41 and 43 of Law 39/2015, of 1 October, access to the content, express rejection of the notification or the presumption of rejection due to the period of ten calendar days having elapsed since the notification was made available without accessing its content, the notification process will be deemed to have been completed and the procedure will continue.

6. In order for the notification procedure to be considered to have been carried out for legal purposes, the Single Point for Notification must record, indicating date and time, the moment the content of the notification is accessed, express rejection or expiry of the period provided for in Article 43(2) of Law 39/2015, of 1 October.

The status of the notification procedure in the Single Point for Notification will be automatically synchronised with the Electronic Office Website or associated Electronic Office Website, if any, on which the notification has also been made available to the interested party.

### **Article 45. Electronic notification at the Electronic Office Website or associated Electronic Office Website.**

1. Prior to accessing the content of the notification made available to the interested party at the Electronic Office Website or associated Electronic Office Website of the issuer, the interested party will be informed that in accordance with the provisions of Articles 41 and 43 of Law 39/2015, of 1 October, appearance and access to the content, express rejection of the notification or the presumption of rejection due to the period of ten calendar days having elapsed since the notification was made available without accessing its content, the notification process will be deemed to have been completed and the procedure will continue.

2. In order for the notification process to be considered to have been carried out for legal purposes, the Electronic Office Website or associated Electronic Office Website must record, indicating date and time, the moment the content of the notification is accessed, express rejection or the expiry of the period provided for in Article 43(2) of Law 39/2015, of 1 October.

The status of the notification procedure on the Electronic Office Website or associated Electronic Office Website will be automatically synchronised with the Single Point for Notification if the notification has also been made available to the interested party there.

3. Pursuant to Article 43(3) of Law 39/2015, of 1 October, the obligation to notify in due time by the Administration, referred to in Article 40(4) of the aforementioned law, shall be deemed to have been fulfilled when the notification is made available at the Electronic Office Website or at the Single Point for Notification.

## **TITLE III. Electronic administrative file**

### **CHAPTER I. Electronic administrative document and copies**

#### **Article 46. Electronic administrative document.**

1. An electronic administrative document is understood to be information of any nature in electronic form, filed in an electronic medium, according to a specific format and capable of identification and differentiated processing accepted in the National Interoperability Framework and corresponding regulations, and which has been generated, received or incorporated by Public Administrations in the exercise of their functions subject to administrative law.

2. Where, in the context of an administrative procedure conducted by electronic means, the administrative body is obliged to provide the interested party with a copy of an electronic administrative

document, this document may be replaced by the provision of the data necessary for access by appropriate electronic means.

### **Article 47. Requirements for the validity and effectiveness of certified copies of documents.**

1. In accordance with the provisions of Article 27(2) of Law 39/2015, of 1 October, a certified copy of an original public administrative or private document or of another certified copy shall be considered to be that made, whatever its medium, by the competent Public Administrations bodies in which the identity of the body that has made the copy and its content is guaranteed.
2. Certified copies shall always be made from an original or another certified copy and shall have the same validity and effectiveness as the original documents.

### **Article 48. Bodies empowered to issue certified copies of documents at State level.**

1. At State level, the following bodies may issue certified copies of public administrative documents or private documents, which are original documents or certified copies of original documents:
  - a) The bodies responsible for issuing the original documents.
  - b) The bodies responsible for the custody and archiving of documents.
  - c) The bodies that have provided for their rules of competence.
  - d) The registry assistance offices, regarding original documents or certified copies submitted by interested parties to be forwarded from the Office to the competent unit for inclusion in an administrative file.
2. Certified copies of public administrative documents or private documents, which are original documents or certified copies of original documents, may be issued by means of automated administrative action or by authorised public officer registered in the General State Administration Registry of Authorised Public Officers referred to in Article 31 of this Regulation.
3. The heads of the bodies listed in paragraphs (a), (b), (c) and (d) of Section 1 of this article shall designate the public officers authorised to issue certified electronic copies according to the corresponding digitisation process.

### **Article 49. Issue of copies of documents provided on paper by the interested party.**

When the interested party submits a paper copy of a public administrative document or a private document for inclusion in an administrative file, the digitisation process by the Public Administration will generate an electronic copy that will have the same value as the copy submitted on paper.

### **Article 50. Time reference of electronic administrative documents.**

1. All electronic administrative documents shall be associated with one of the following time reference modalities, as determined by the rules governing the respective procedures:



- a) Time stamping, meaning the assignment by electronic means of the date and, where appropriate, the time to an electronic document.
  - b) Qualified electronic time seal, meaning the assignment by electronic means of a date and time to an electronic document with the intervention of a qualified trust service provider ensuring the accuracy and integrity of the document's time stamp. Unqualified electronic time stamps shall be assimilated to time stamps for all purposes.
2. The time stamp shall be used in all cases where the regulatory rules do not provide for the use of a qualified electronic time seal.

The information relating to qualified electronic time stamps and time stamps shall be associated with electronic documents in the manner determined by the National Interoperability Framework and the corresponding regulations.

3. The list of qualified trust service providers providing time-stamping services in the public sector must be included in the "Trusted List of Qualified Trust Service Providers".

### **Article 51. Configuration of the electronic administrative file.**

1. Electronic administrative files shall be numbered by means of an authenticated electronic index that will guarantee the integrity of the file and allow its retrieval whenever necessary.
2. The same electronic document may form part of different administrative files.
3. The authenticated electronic index shall be signed by the head of the body that compiles the file for its processing or it may be electronically stamped in the case of electronic files that are created automatically, by means of a system that guarantees its integrity.

### **Article 52. Exercising the right of access to the electronic file and obtaining copies of electronic documents.**

In accordance with the provisions of Article 53(1)(a) of Law 39/2015, of 1 October, the right of access of interested parties who interact electronically with Public Administrations to the electronic file and, where appropriate, to obtain a total or partial copy of the file, shall be understood to be satisfied by making the file available at the electronic General Access Point of the competent Administration or at the corresponding Electronic Office Website or associated Electronic Office Website.

To this end, the Administration to which the request is addressed shall send the interested party or, where appropriate, his/her representative, the electronic address or locator that provides access to the electronic file made available, guaranteeing access for the time determined by the corresponding electronic document management policy, always in accordance with the assessment report issued by the corresponding qualifying authority, and compliance with the applicable regulations on personal data protection, transparency and access to public information and documentary, historical and cultural heritage.

### **Article 53. Document retention and destruction time.**

1. Documents submitted by the interested party in paper format that for whatever reason cannot be returned at the time of submission, once digitised, will be kept at their disposal for six months so that they can be collected, regardless of the administrative procedure to which they are included or the Public

Administration to which they are addressed, unless the corresponding Administration establishes a longer period of time by regulation.

2. Documents submitted by the interested party in electronic format in a device, which for whatever reason cannot be returned to him/her at the time of submission, once they are included in the file, shall be kept at their disposal for six months so that they can be collected, regardless of the administrative procedure in which they are included or the Public Administration to which they are addressed, unless the corresponding Administration establishes a longer period of time by regulation.

3. Once the period foreseen in the previous sections has elapsed, documents shall be destroyed in accordance with the powers of the Ministry of Culture and Sport or the competent body of the Autonomous Community, and provided that they are not documents with historical, artistic or other relevant value or documents in which the signature or other handwritten or mechanical expressions confer a special value on the document.

4. When certified electronic copies are generated from original documents or certified copies of documents in non-electronic format that are kept as part of their corresponding files and documentary series in any of the offices, archives or departments of any body of the Public Administrations, these original documents or certified copies of documents in non-electronic format shall be returned to their offices, archives or departments of origin, where the specific regulations on archives and conservation of documentary heritage in their respective areas shall apply to them and following the provisions established by the corresponding qualifying authorities.

5. At state level, the provisions of Royal Decree 1164/2002, of 8 November, which regulates the conservation of documentary heritage with historical value, control of the elimination of other documents of the General State Administration and its public bodies and public law entities and the conservation of administrative documents in a medium other than the original, shall apply.

## **CHAPTER II. Electronic archive of documents**

### **Article 54. Electronic document retention.**

1. In accordance with the provisions of Article 46 of Law 40/2015, of 1 October, Public Administrations, as well as their public bodies and related or dependent public law entities, must keep all documents included in an administrative file and all documents with evidentiary value created outside an administrative procedure in electronic format.

The certified electronic copy generated in accordance with the provisions of Article 27 of Law 39/2015, of 1 October, is considered documentary heritage for the purposes of applying Law 16/1985, of 25 June, on Spanish Historical Heritage or the corresponding regional regulations, with the conservation period of the documents being that established by the corresponding qualifying authorities.

2. Each Public Administration shall regulate the minimum retention periods for electronic documents included in the file of a procedure whose processing has concluded, in accordance with its specific regulations on archives and documentary heritage.

When the Public Administration, body or entity is aware of the existence of legal proceedings that affect or may affect electronic documents, these must be kept at the disposal of the courts, until there is evidence of the termination of the corresponding legal proceedings in the successive instances, as a result of a decision that is not subject to appeal or proceedings before national or international jurisdictional bodies.

3. Electronic documents shall be retained in a manner that allows access to them and covers, as a minimum, their identification, content, metadata, signature, structure and format.

Their information may also be included in databases provided that, in the latter case, the criteria for the reconstruction of the electronic forms or models from which the documents originate, as well as for the verification of the identification or electronic signature of such data, are specified.

The retention periods for this information are subject to the same time limits established for the corresponding electronic documents.

4. In order to ensure the conservation, access and consultation of archived electronic documents regardless of the time elapsed since they were issued, the data may be transferred to other formats and media that guarantee access from different applications, in accordance with the provisions of Article 27 of Law 39/2015, of 1 October and the specific regulations on archives and documentary, historical and cultural heritage.

Likewise, digital preservation actions will be planned to ensure the long-term preservation of digital documents and thus enable compliance with the provisions of the previous paragraph.

5. In any case, under the supervision of those responsible for security and those responsible for the custody and management of the electronic archive and those responsible for the units producing the documentation, plans shall be established and technological means shall be made available for the migration of the data to other formats and media that guarantee the authenticity, integrity, availability, conservation and access to the document when the its format is no longer accepted by the National Interoperability Framework and the corresponding regulations.

### **Article 55. Single electronic archive.**

1. The single electronic archive of each Administration is the set of systems and services that support the management, custody and retrieval of electronic documents and files as well as other documentary or information groupings once the corresponding administrative procedures or actions have been completed.

2. In the single electronic archive of the General State Administration, all electronic documents and files of the state public sector will be accessible once the procedures have been completed and within the periods determined by the High Commission for the Classification of Administrative Documents in accordance with the regulations.

Management of the single electronic archive shall guarantee the authenticity, conservation, integrity, confidentiality, availability and chain of custody of the files and documents stored, as well as their access, under the conditions required by the National Interoperability Framework and the National Security Framework, by regulations on transparency, access to public information and good governance, by legislation on archives and historical and cultural heritage and by the specific regulations that may be applicable, in accordance with the regulations.

## **TITLE IV. Relations and collaboration between Public Administrations for the functioning of the public sector by electronic means**

### **CHAPTER I. Collaboration between Public Administrations for administrative action by electronic means**

#### **Article 56. Inter-administrative and inter-organisational relations by electronic means.**

In accordance with the provisions of Article 3(2) of Law 40/2015, of 1 October, Public Administrations, in the exercise of their powers, shall be obliged to interact by electronic means with each other and with their bodies, public bodies and related or dependent entities.

The same obligation shall apply to private law entities related to or dependent on Public Administrations when they act in the exercise of administrative powers.

#### **Article 57. Communications in the General State Administration.**

The bodies of the General State Administration and the public bodies and public law entities related to or dependent on it must use electronic means to communicate with each other.

Communications shall be made through the General State Administration General Electronic Registry or the registry of the public body or public law entity in question, or by any other electronic means that provides a record of receipt.

The same obligation shall apply to private law entities related to or dependent on Public Administrations when they act in the exercise of administrative powers.

#### **Article 58. Adherence to Electronic Office Websites and associated Electronic Office Websites.**

Public Administrations and public bodies and related or dependent public law entities may voluntarily adhere, by formalising the corresponding adherence instrument, to the available Electronic Office Websites or associated office websites owned by that Administration or another Public Administration, without constituting an associated Electronic Office Website.

#### **Article 59. Adherence to the Citizens' Folder for the state public sector.**

Public Administrations may integrate their respective personalised areas or Citizens' Folders referred to in paragraph two of Article 7(3) of this Regulation, if any, or certain functionalities thereof, with the Citizens' Folder provided for in Article 8 of this Regulation, so that the interested party may access its contents or functionalities through secure procedures that guarantee the integrity and confidentiality of his or her personal data, regardless of the point of access.

#### **Article 60. Interconnection Registry System.**

1. Applications or information systems for processing the General Electronic Registry of each Administration, as well as the electronic registry of each public body or related or dependent public law entity, must be interoperable.

2. Public Administration Registries must be interconnected through the Interconnection Registry System (SIR) managed by the Ministry of Economic Affairs and Digital Transformation in collaboration with the Ministry of Territorial Policy and Public Function in accordance with the provisions of the National Interoperability Framework and the corresponding Technical Standard.

3. In the sphere of the General State Administration and its public bodies and related or dependent public law entities, applications or information systems for processing the General Electronic Registry of the General State Administration, as well as the electronic registry of each public body or related or dependent public law entity, must allow interoperability with the file management systems of the corresponding processing units.

### **Article 61. Data transmissions.**

1. The data transmissions referred to in Article 155 of Law 40/2015, of 1 October, carried out through Public Administration corporate networks for sending documents drawn up by any Administration, by means of consulting data intermediation platforms or other electronic systems authorised for this purpose, are considered to be administrative certificates necessary for the administrative procedure or action.

2. When interested parties do not provide data and/or documents that are already in the possession of the Public Administrations, in accordance with the provisions of Law 39/2015, of 1 October, the following rules will be followed:

a) If the administrative body in charge of processing the procedure can electronically access the necessary data, documents or certificates by consulting data intermediation platforms or other electronic systems enabled for this purpose, it shall incorporate them into the corresponding administrative procedure. Access to the data or documents by the transferring body, public body or public law entity shall be recorded in the files of the transferor body, public body or public law entity.

b) Exceptionally, in the event that data cannot be accessed electronically by means of the consultation referred to in the previous point, it may be requested by other means provided for this purpose, and the documentation accrediting the circumstance that made electronic access impossible shall be kept and included in the file.

3. Any of data shall be transmitted at the request of the processing body or entity, identifying the data required and their owners, as well as the purpose for which they are required. In addition, if a public employee is involved in the request for data, his or her identification shall be included in the request.

4. The transferee body, office, agency or public law entity shall be responsible for the correct electronic access to and use of data held by another body, office, agency or public law entity, in particular where the data accessed are subject to a special protection regime. Furthermore, where the consent of the data subject is required for such access, the transferee shall be responsible for requesting consent.

5. The transfer of data as part of an administrative action may be carried out, *inter alia*, in an automated manner, this being understood as a consultation carried out entirely digitally in which a public employee has not been directly involved.

6. Transmissions of data under Article 14 of Regulation (EU) No 2018/1724 of the European Parliament and of the Council of 2 October 2018 on a single digital gateway for access to information, procedures and

helpdesk services and amending Regulation (EU) No 1024/2012 shall not require a preview of the data by the requesting user in order to be used by the processing body or entity.

### **Article 62. Data intermediation platforms.**

1. Data intermediation platforms shall record the date and time at which the transmission took place, as well as the administrative procedure, process or action to which the query relates. Public sector intermediation platforms, or equivalent electronic system, shall be interoperable with the Intermediation Platform of the General State Administration and its public bodies and related or dependent public law entities and with each other.

Adherence to data intermediation platforms shall require ensuring that the security conditions required by the data transferors for the processing of data are met by the platform in charge of processing the data and by the data transferees.

2. At state level, there will be an Intermediation Platform for the General State Administration and its public bodies and related or dependent public law entities referred to in Law 39/2015, of 1 October. This Platform will be managed by the Secretariat-General for Digital Administration and will act as a point through which any body, public body or public law entity may consult the data or documents associated with the procedure in question, regardless of whether submission of data or documents is mandatory or optional in the procedure in question.

3. The Intermediation Platform of the General State Administration will act as a connection point with the technical system regulated by Regulation (EU) No 2018/1724 of the European Parliament and of the Council of 2 October 2018 for the automatic exchange of data or documents at European level.

### **Article 63. Electronic transmission of administrative files in the field of Public Administrations by means of making them available.**

1. When a Public Administration requests an electronic file from another Public Administration, the latter's transmission, through an interoperability node, of the electronic address or locator that provides access to the electronic file made available to the former shall be equivalent to its transmission, provided that the integrity of access over the time determined by the corresponding electronic document management policy and compliance with the interoperability regulations applicable to the type of file is guaranteed.

2. The same procedure provided for in the previous paragraph may be used when the request is made within the scope of the same Public Administration.

## **CHAPTER II. Technology transfer and sharing between Public Administrations**

### **Article 64. Reuse of Public Administration systems and applications.**

1. In accordance with the provisions of Article 157 of Law 40/2015, of 1 October, Public Administrations shall make available to any of them that requests it, the applications, developed by their services or that have been the object of contracting and of whose intellectual property rights they are owners, unless the information to which they are associated is the object of special protection as provided for in a regulation. The transferring and recipient Administrations may agree to pass on the cost of acquisition or manufacture of the assigned applications



2. To this end, in accordance with the provisions of Article 158 of Law 40/2015 of 1 October, Public Administrations shall maintain updated directories of applications for free reuse in product mode or service mode, in accordance with the provisions of the National Interoperability Framework.

These directories shall be fully interoperable so as to guarantee their computer compatibility and interconnection with the General Directory of Applications of the General State Administration for their free reuse provided for in Article 17 of Royal Decree 4/2010, of 8 January.

3. The licensing conditions for Public Administration systems and applications and the use and operation of directories of reusable applications must comply with the provisions of Royal Decree 4/2010 of 8 January.

4. Public Administrations shall endeavour to build reusable applications, either in product or service mode, in order to encourage sharing, reusing and collaborating, for the benefit of better efficiency and to effectively meet the requests received under Article 157 of Law 40/2015, of 1 October.

5. Public Administrations, prior to the acquisition or development of an application, or maintaining it through its life cycle, whether using their own resources or by procuring the relevant services, must consult the General Directory of Applications of the General State Administration for free reuse, as to whether there are solutions available for reuse that could, in full or in part, meet the needs they are seeking to cover, or provide the required improvements or updates, providing that technological interoperability and security requirements so permit.

The conclusions regarding the outcome of consulting the general directory shall be incorporated in the procurement dossier and shall reflect, where appropriate, that there are no solutions available for reuse that can fully or partially meet the needs, improvements or upgrades sought.

In the event that a solution is available for total or partial reuse, the justification for non-reuse shall be made in terms of efficiency in accordance with the provisions of Article 7 of Organic Law 2/2012, of 27 April, on budgetary stability and financial sustainability.

### **Article 65. Adherence to General State Administration platforms.**

1. Adherence to the use of the platforms, registries or electronic services of the General State Administration provided for in Law 39/2015, of 1 October, in Law 40/2015, of 1 October, and in this Regulation, as well as others that may facilitate compliance with the provisions of these regulations shall be made by means of adherence by the competent body of the corresponding Public Administration, which shall record the will of the latter to adhere to the platforms, registries or electronic services and to accept in their entirety the conditions of use determined by the body holding the platform or service, including effective commencement.

To this end, models for adherence to the platforms, registries or services, which shall include the terms of provision of the service and of the contribution to its support, shall be approved by Resolution of the Secretariat-General for Digital Administration of the Ministry of Economic Affairs and Digital Transformation or, where appropriate, of the management body, public body or public law entity that is competent for the platforms, registries or services in question.

2. Adherence to a platform, registry or electronic service of the General State Administration will not imply a change in the ownership of the administrative actions carried out in the administrative procedure in question, which will correspond to the Administration responsible for its processing. If the platform provides

a service that requires the exchange of information between two user entities of the same or different platforms, the authentication of the requesting entity may be accredited before the transferring entity by means of a qualified electronic seal of the body, public body or public law entity that manages the platform in question of which the requesting entity is a user, which will act on behalf of the adhering bodies, organisations or entities acting as requesters.

Adherence to a platform of the General State Administration will require compliance with the security conditions required by the transferors of the information.

3. The competent bodies for the management of the administrative procedure of the Administrations that adhere to these platforms, registries or electronic services shall be responsible for the use they make of them in the exercise of their competences, and the body responsible for the platform shall be responsible for their management and maintenance. In the event that a technical incident makes normal operation of the corresponding system or application impossible, and without prejudice to the extension of deadlines referred to in Article 32(4) of Law 39/2015, of 1 October, each Public Administration shall be responsible for the continuation of the processing of its administrative procedures and services to citizens.

4. Adherence of autonomous communities or local entities to the state platforms or registries provided for in the second additional provision of Law 39/2015, of 1 October, is voluntary, although non-adherence must be justified in terms of efficiency in accordance with Article 7 of Organic Law 2/2012, of 27 April, on Budgetary Stability and Financial Sustainability, for which purpose the corresponding report shall be sent to the Ministry of Economic Affairs and Digital Transformation, which must include justification of compliance with the requirements of the National Interoperability Framework, the National Security Framework and their technical development standards, of platforms, registries or electronic services used, so as to guarantee their computer compatibility and interconnection, as well as the telematic transmission of applications, written documents and communications on their corresponding platforms.

### **First additional provision. Compulsory use of electronic means in selection processes for access to public employment within the scope of the General State Administration.**

Participants in selection processes organised by the General State Administration, its public bodies or related or dependent public law entities, must submit applications and documentation and, where appropriate, rectification and appeal procedures selection process actions by electronic means.

### **Second additional provision. Training of General State Administration public employees.**

The General State Administration will promote the training of its personnel to guarantee the right of interested persons to be assisted in the use of electronic means in their relations with the Public Administration, as established in Law 39/2015, of 1 October.

### **Third additional provision. Electronic identification interoperability node of the Kingdom of Spain.**

1. The electronic identification interoperability node of the Kingdom of Spain is hereby established for the mutual recognition of electronic identities between Member States, in accordance with the provisions of

Regulation (EU) No 910/2014, of 23 July 2014, on electronic identification and trust services for electronic transactions in the internal market.

2. The eID interoperability node of the Kingdom of Spain will be managed by the Ministry of Economic Affairs and Digital Transformation.
3. Public sector entities shall define and publish on their Electronic Office Website the level of security in electronic identification required in the procedures and services they manage, in accordance with Regulation (EU) No 910/2014, of 23 July 2014. This level of security in the electronic identification of the information system that supports the procedure or service shall be determined on the basis of risk analysis, in accordance with the National Security Framework and corresponding regulations.
4. Public sector entities shall in any case support the identification schemes notified by other Member States under Regulation (EU) No 910/2014 of 23 July 2014 in the electronic access to their procedures and services, provided that these two conditions are met:
  - a) The identification scheme used has a substantial or high level of electronic identification security.
  - b) The security level of this scheme is equal to or higher than the security level required by the procedure or service in accordance with paragraph 3.

**Fourth additional provision. Adherence of private law entities related to or dependent on the General State Administration in the exercise of administrative powers to Electronic Office Websites and associated Electronic Office Websites and the applicable electronic signature and notification system.**

In accordance with the provisions of Article 2(2)(b) of Law 39/2015, of 1 October, and Article 2(2)(b) of Law 40/2015, of 1 October, when private law entities related to or dependent on the General State Administration exercise administrative powers and, consequently, this Regulation is applicable to them, the following provisions shall be observed:

- a) In accordance with the provisions of Article 58, private law entities will have to join the associated Electronic Office Website of the ministry they are related to or dependent on or, where appropriate, the Electronic Office Website or associated Electronic Office Website of the public law body with which they maintain the same relationship, in both cases by formalising the corresponding adherence instrument.

Interested parties obliged to interact electronically with private law entities in the exercise of these powers shall carry out the formalities of the procedure using the standardised forms that will be available at the associated Electronic Office Website or, where applicable, the Electronic Office Website to which the entity has adhered. The same regime shall apply to non-obliged parties who have opted for electronic means in accordance with the provisions of Article 3 of this Regulation.

- b) In accordance with the provisions of Articles 20(2) and 22(4), by order of the Minister of Economic Affairs and Digital Transformation, the means admitted for electronic signatures in procedures processed in the exercise of administrative powers by private law entities related to or dependent on the General State Administration shall be determined by regulation.

c) In accordance with the provisions of Article 42, the electronic notifications that private law entities have to make shall be carried out in the same way as the body responsible for the associated Electronic Office Website or Electronic Office Website to which the entity has adhered has arranged for its own notifications.

### **Fifth additional provision. Adherence of constitutional bodies to the use of the platforms, registries or electronic services of the General State Administration.**

1. Without prejudice to the provisions of Article 65 of this Regulation, constitutional bodies may adhere to the use of the platforms, registries or electronic services of the General State Administration and others that may facilitate compliance with the provisions of Law 39/2015 of 1 October, Law 40/2015 of 1 October and this Regulation.

2. Adherence shall take the form of an agreement or adherence document in which the competent authority of the above institutions or bodies shall record its willingness to join the electronic platforms, registries or services and to accept in their entirety the conditions of use determined by the body owning the platform or service, including the effective start of adherence.

In order to study its viability, it shall first submit to the Ministry to which the body owning the platform or service belongs a justification and economic report explaining the volume of procedures that would be carried out through the platform, electronic registry or service in question, the budgetary and economic effects and any other reason of general interest that justifies its adherence.

3. Adherence to a platform, registry or electronic service of the General State Administration will not imply a change in the ownership of the administrative actions carried out in the administrative procedure in question, which will correspond to the Administration responsible for its processing.

If the electronic platform, registry or service provides a service that requires the exchange of information between two user entities of the same or different platforms, the authentication of the requesting entity may be accredited to the transferring entity by means of a qualified electronic seal of the body, public body or public law entity that manages the platform.

4. Adherence to a platform of the General State Administration will require compliance with the security conditions required by the transferors of the information.

5. The competent bodies in the member institutions or bodies shall be responsible for their use of the platforms in the exercise of their competences, and the body responsible for the platform shall be responsible for its management and maintenance. In the event of a technical incident making the normal functioning of the system or application concerned impossible, the competent bodies in the institutions or bodies involved shall be responsible for the continuation of the processing of their administrative procedures.

### **Sixth additional provision. Situation of the Electronic Office Websites and electronic sub-sites at state level existing at the entry into force of this Royal Decree.**

1. Pursuant to the provisions of Article 38 of Law 40/2015, of 1 October, the Electronic Office Websites existing in the General State Administration on the date of entry into force of this Royal Decree become Electronic Office Websites associated with the Electronic Office Website of the General State Administration, which is the site of the Electronic General Access Point (PAGE) of the General State Administration, without

the need to modify its instrument of creation. The electronic sub-sites existing on the date of entry into force of this Royal Decree shall also become associated Electronic Office Websites.

2. The Electronic Office Websites of the public bodies or related or dependent public law entities on the date of entry into force of this Royal Decree shall maintain their status as Electronic Office Websites. Their electronic office sub-sites will become associated Electronic Office Websites.

### **Seventh additional provision. Interoperability of electronic registries of powers of attorney to act before the Administration.**

1. Pursuant to the provisions of Article 6 of Law 39/2015, of 1 October, and Royal Decree 4/2010, of 8 January, regulating the National Interoperability Framework in the area of e-Government, the Technical Interoperability Standard will establish the data model and the conditions of interoperability of the electronic registries of powers of attorney to act before the Administration, addressing the functional and technical aspects for full interoperability of the electronic registries of powers of attorney belonging to the Administrations, as well as their interconnection to the Electronic Office Websites, commercial registries, land registries and notarial protocols.

2. In the sphere of the General State Administration, compliance with the provisions of Article 33(2) of the Regulation on access to the General State Administration Electronic Registry of Powers of Attorney to act before the Administration is linked to the approval and application of the Technical Standard referred to in Section 1 above.

### **Eighth additional provision. Supplemmentarity in the Civil Registry.**

In accordance with the provisions of Article 88 and the First Final Provision of Law 20/2011, of 21 July, on the Civil Registry, this Regulation shall be supplementary in all matters not provided for in that Law and its specific implementing regulations, with regard to all matters related to the administrative processing of specific Civil Registry procedures.

### **Ninth additional provision. Authorisation of the identification systems provided for in Article 9(2)(c) and of the signature systems provided for in Article 10(2)(c) of Law 39/2015, of 1 October.**

1. The identification systems referred to in Article 9(2)(c) and the signature systems referred to in Article 10(2)(c) of Law 39/2015, of 1 October, which, in both cases, had been put commissioned to 6 November 2019, the date of entry into force of the amendment of those articles by Royal Decree-Law 14/2019, of 31 October, adopting urgent measures for reasons of public security in matters of digital administration, public sector procurement and telecommunications, shall not require the authorisation of the Secretariat-General for Digital Administration of the Ministry of Economic Affairs and Digital Transformation, following a binding report from the Secretariat of State for Security of the Ministry of the Interior, provided that they have not been modified after that date.

2. Systems which, after 6 November 2019, have been authorised pursuant to the provisions of Articles 9(2)(c) and 10(2)(c) of Law 39/2015, of 1 October, and are subsequently modified, shall be subject to new authorisation prior to their commissioning.

### **Tenth additional provision. Subject-matter specialities.**

1. In accordance with the first additional provision of Law 39/2015, of 1 October, the administrative procedures regulated in special laws due to subject matter that do not require any of the formalities provided for in the aforementioned law or regulate additional or different formalities shall be governed, with respect to these, by the provisions of those special laws.
2. The following actions and procedures shall be governed by their specific regulations and, in addition, by the provisions of Law 39/2015, of 1 October:
  - a) Actions and procedures for applying taxes in tax and customs matters, as well as their administrative review.
  - b) Actions and procedures for management, inspection, settlement, collection, appeal and review in matters of Social Security and unemployment.
  - c) Sanctioning actions and procedures in tax and customs matters, in the social order, in traffic and road safety matters and in matters relating to foreigners.
  - d) Actions and procedures in matters of foreigners and asylum.
3. In accordance with the provisions of the seventeenth Additional Provision of Law 40/2015, of 1 October, the State Tax Agency shall be governed by its specific legislation and only on a supplementary basis, and insofar as it is compatible with its specific legislation, by the provisions of the aforementioned Law. The access, transfer or communication of tax information shall be governed in all cases by specific legislation.



## ANNEX. Definitions

- Open source application: Application that is distributed under a licence that allows the freedom to run it, to know the source code, to modify or improve it and to redistribute copies to other users.
- Single electronic archive for each Administration: A set of systems and services that support the management, custody and retrieval of electronic documents and records as well as other documentary or information groupings once the corresponding procedures or actions have been completed.
- Authentication: A procedure for verifying the digital identity of a subject in their interactions in the digital domain, typically by means of factors such as "something you know" (passwords or password authenticated keys), "something you have" whether logical components (such as software certificates) or physical devices (tokens), or "something you are" (biometric elements), factors used in individually or in combination.
- Authenticity: A property or characteristic that consists of an entity being what it says it is or guaranteeing a source from which data come.
- Channel: Structure or means of dissemination of contents and services; including face-to-face, telephone and electronic channels, as well as others that currently exist or may exist in the future (mobile devices, etc.).
- Electronic certificate: Document issued and signed by the Certification Authority that identifies a public key with its owner. Each certificate is identified by a unique serial number and has a validity period which is included on the certificate.
- Qualified certificate: An electronic signature certificate that has been issued by a qualified trust service provider and meets the requirements set out in Annex I of EU Regulation 910/2014 of the European Parliament and of the Council, of 23 July 2014, on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.
- Qualified electronic seal certificate: Electronic seal certificate that has been issued by a qualified trust service provider and that meets the requirements set out in Annex III of EU Regulation 910/2014 of the European Parliament and of the Council, of 23 July 2014, on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC
- Malicious code: A type of malicious software that creates or exploits vulnerabilities in computer devices, systems and files allowing unauthorised remote access, backdoors, data theft or exfiltration, destruction of information, or other harmful actions.
- Secure Verification Code (SVC): Code that identifies an electronic document and whose purpose is to guarantee the origin and integrity of documents through access to the corresponding Electronic Office Website; the unique nature of the code generated for each document; its link with the document generated, so that any modification of the document generated will give rise to a new document with a different secure verification code; the possibility of verifying the document in the Electronic Office Website for at least the time established in the resolution authorising the application of this procedure; as well as access to the document restricted to those who have the secure verification code.
- Confidentiality: A property or characteristic that consists of information not being made available or disclosed to non-authorised third parties, entities or processes.

- Certified copy: A certified copy of an original public administrative or private document, or of another certified copy, shall be deemed to be a copy made, whatever its medium, by the competent bodies of the Public Administrations in which the identity of the body that has made the copy and its content are guaranteed.
- Electronic certified copy: electronic notarial document generated by the notary who authorised the deed, with the same value and effects as the paper copy and which is also attributed the value of a public document.
- Digitisation: Technological process that makes it possible to convert a document on paper or another non-electronic medium into one or more electronic files containing the encoded, true and complete image of the document.
- Electronic address: Identifier of a computer or electronic system from which information or services are provided in a communications network.
- Directory of reusable applications: instrument that contains the list of applications for free reuse, including, at least, descriptive data relating to the name of the application, a brief description of its functionalities, use and characteristics, licence, main open standards applied, and development status.
- Availability: A property or characteristic of assets, consisting of authorised entities or processes having access to them if so required.
- Electronic document: Information of any nature in electronic form, stored on an electronic medium in a specific format subject to differentiated identification and processing.
- Closed communication environment: a delimited, controlled and protected communication scenario in which participants interact by electronic means, according to certain guarantees and conditions, including the list of authorised issuers and recipients, the nature of the data to be exchanged and the security and data protection measures.
- Technical specification: According to Regulation No 1025/2012 of the European Parliament and of the Council, of 25 October 2012, on European Standardisation, a document prescribing the technical requirements to be met by a product, process, service or system and setting out one or more of the following aspects:
  - The characteristics that a product must have, such as the levels of quality, performance, interoperability, environmental protection, health and safety and its dimensions, as well as the requirements applicable to the product in terms of the name under which it is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures;
  - production methods and processes for agricultural products, as defined in Article 38(1) TFEU, products intended for human food, animal feed and medicinal products, as well as production methods and processes relating to other products, where these have an influence on their characteristics;
  - the characteristics that a service must have, such as levels of quality, performance, interoperability, environmental protection, health or safety, as well as the requirements applicable to the provider as regards the information to be provided to the recipient, as specified in Article 22(1) to (3) of Directive 2006/123/EC of the European Parliament and of the Council, of 12 December 2006, on services in the internal market.

- methods and criteria for assessing the performance of construction products as defined in Article 2(1) of Regulation (EU) No 305/2011 of the European Parliament and of the Council, of 9 March 2011, laying down harmonised conditions for the marketing of construction products in relation to their essential characteristics.
  - National Interoperability Framework: Instrument comprising a set of criteria and recommendations on security, conservation and standardisation of information, formats and applications that must be taken into account by Public Administrations when making technological decisions that guarantee interoperability.
  - National Security Framework: Instrument that aims to establish security policy in the use of electronic means within the scope of Law 40/2015, of 1 October, on the legal regime applicable to the public sector and is made up of the basic principles and minimum requirements that adequately guarantee the security of the information processed.
  - Administrative file: An ordered set of documents and actions relating to the administrative decision, as well as the steps taken to implement it.
  - Electronic signature: Data in electronic form attached to or logically associated with other electronic data used by the signatory to sign.
  - Advanced electronic signature: Electronic signature that meets the requirements of Article 26 of the eIDAS Regulation.
  - Qualified electronic signature: An advanced electronic signature that is created by a qualified electronic signature creation device and is based on a qualified electronic signature certificate.
  - Document format: A set of rules (algorithm) that defines the correct way to exchange or store data in memory. It usually corresponds to a technical specification.
  - Identification: Procedure for uniquely recognising the identity of a subject culminating after prior registration with the assignment of a unique identifier element in electronic form that uniquely represents a natural or legal person or a natural person representing a legal person for interaction in the digital environment.
  - Common infrastructures and services: Organisational and technical capacity that meets common user needs in various areas of government, together with their supporting operational governance, which may be horizontal or sectoral, with various modes of provision, as a service or product, or integration as a platform, facilitating interoperability, security, economies of scale, streamlining and simplification of administrative action.
  - Integrity: A property or characteristic consisting of the information asset not having been altered in a non-authorised way.
  - Interoperability: The ability of information systems, and hence the procedures they support, to share data and enable the exchange of information between them.
  - Licensing: Conditions applicable to the reuse of any type of material in electronic format that may be used on a recurring basis.
  - Time stamp: The assignment by electronic means of the date and, where appropriate, the time to an electronic document.

- Metadata: Data that defines and describes other data. There are different types of metadata depending on their use.
- Document management metadata: Structured or semi-structured information that enables the creation, management and use of documents over time in the context of their creation. Document management metadata serve to identify, authenticate and contextualise documents, as well as the people, processes and systems that create, manage, maintain and use them.
- Interoperability node: Entity that provides technical, organisational and legal interconnection services between information systems for a group of Public Administrations under the conditions established by the latter.
- Electronic signature policy: Set of guidelines and technical standards applicable to the use of certificates and electronic signatures within its scope.
- Electronic document management policy: Guidelines or directives defined by an organisation for the creation and management of authentic, reliable and available documents over time, in accordance with its functions and activities. The policy is approved at the highest level within the organisation, and assigns responsibilities for the coordination, implementation, monitoring and management of the document processing programme throughout its life cycle.
- Public Administration Internet portal: Internet portal means the electronic access point owned by a Public Administration, public body or public law entity that allows access via the Internet to published information and, where applicable, to the corresponding Electronic Office Website.
- Trusted Service Provider: A natural or legal person providing one or more trust services, either as a qualified provider or as an unqualified trust service provider, as foreseen in the eIDAS Regulation.
- General Access Point: Internet portal that facilitates access to the services, procedures and information of the bodies, public bodies and entities related to or dependent on the corresponding Public Administration and brings together or leads to the associated Electronic Office Websites of its bodies and the Electronic Office Websites of its public bodies and public law entities.
- Electronic seal: Data in electronic form attached to, or logically associated with, other data in electronic form to ensure the origin and integrity of the latter.
- Advanced electronic seal: Electronic seal that meets the following requirements: (1) uniquely linked to the seal originator; (2) allows the identification of the seal originator; (3) has been created using electronic seal creation data that the seal originator can use for the creation of an electronic seal, with a high level of confidence, under its control; and (4) be linked to the data to which it relates in such a way that any subsequent modification of the data is detectable.
- Qualified electronic seal: Advanced electronic seal that is created by a qualified electronic seal creation device and is based on a qualified electronic seal certificate.
- Electronic Office Website: Electronic address, available to citizens through telecommunications networks, whose ownership corresponds to a Public Administration, or to one or more public bodies or public law entities in the exercise of their powers.

- Associated Electronic Office Website: Electronic Office Website available to citizens through telecommunications networks that is created for organisational or technical reasons linked to the Electronic Office Website of a Public Administration or to the Electronic Office Website of a public body or public law entity.
- Time stamp: Assigning by electronic means a date and time to an electronic document with the intervention of a certification service provider ensuring the accuracy and integrity of the document's time stamp
- Interconnection Registry System: Basic infrastructure that enables the exchange of electronic registry entries between Public Administrations.
- Traceability: Possibility to identify the origin of a document at the different stages of its production, being able to determine at which stage and by whom, if any, modifications to the original document have been made.