

**LAW 51 of December 2, 2003, on equal opportunities, non-discrimination and universal access of people with disabilities**

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To all those who read and understand it.

Let it be known: That the Parliament has approved and I therefore sanction the following law.

**EXPLANATION OF GROUNDS FOR THE LAW**

**I**

In Spain, according to the survey on disabilities, deficiencies and health status (by the National Statistical Institute, 1999), there are approximately 3.5 million people with some disability.

People with disabilities constitute a heterogeneous sector of the population, but they all share in common that, to a greater or lesser degree, they require supplementary guarantees in order to live with full rights and to participate under conditions equal to all others citizens in the country's economic, social and cultural life.

Article 14 of the Spanish Constitution recognizes equality before the Law and allows no discrimination whatsoever to prevail. Likewise, Article 9.2 of this Fundamental Law establishes that it is the responsibility of the public powers to promote the conditions which make the liberty and equality of the people true and effective, by removing any obstacles which impede or make difficult their plenitude and by facilitating the people's participation in public, cultural and social life, as well as Article 10 of the Constitution, on fundamental rights and duties, which establishes the dignity of the person as the foundation of political order and social peace. In accordance with these requirements in our national charter, Article 49 thereof, which refers to people with disabilities, orders the public powers to provide the special attention which these people require and the special protection required for them to enjoy their rights.

Today, the aforementioned rights and freedoms are one of the essential features of the action involving disabilities. The public powers must ensure that people with disabilities are able to enjoy the ensemble of all human rights: civil, social, economic and cultural.

Now that more than twenty years have elapsed since passage of the Law on the Social Integration of the Handicapped, whose validity is not being questioned, it has been considered necessary to promulgate another legal norm that complements it and acts to provide renewed momentum to the policies for equality of disabled persons. Two reasons justify the new law: the persistence of inequalities in society, despite the unequivocal constitutional proclamations and the laudable efforts made on the basis of that law; more important yet are the changes that have occurred in the way of understanding the "disability" phenomenon and, as a result, the creation of new focuses and strategies: nowadays, it is known that the disadvantages suffered by a person with a disability originate from their personal difficulties, but also and above all from the limiting obstacles and conditions which, in society itself, having been conceived to fit the pattern of the average person, impede full participation by these citizens.

This being so, it is necessary to design and implement strategies of intervention which simultaneously affect personal conditions and environmental conditions.

From this perspective, there are two relatively new strategies of intervention which, though they have different origins, are gradually converging. One is the strategy of "fighting against discrimination" and the other that of "universal accessibility."

The strategy of fighting against discrimination forms part of the long battle by certain minorities to achieve equality in treatment and for the right to equal opportunities.

In the international arena, there is great sensitivity in terms of equal opportunities and non-discrimination due to any personal or social condition or circumstance. For example, the United Nations (UN), the Council of Europe and the European Union, as well as other international organizations, are currently working to prepare program-related and legal documents regarding the protection of the rights of people with disabilities. The European Union and the Council of Europe, more specifically, each acknowledge the right of all people to equality before the Law and protection against discrimination in both the European Union's Letter of Fundamental Rights and the European Convention for the Protection of Human Rights and Fundamental Liberties.

Article 13 of the Treaty for establishment of the European Community enables the Council to "implement the proper action to fight against discrimination for reasons of sex, race or ethnic origin, religion or beliefs, disability, age or sexual orientation." To put this power into practice, a series of directives have been passed, including Directive/2000/43/CE, which provides for the principle of equal treatment and non-discrimination of persons as a result of their racial or ethnic origin, Directive 2000/78/CE for equal treatment in employment and occupation on the basis of religion or beliefs, disabilities, age or sexual orientation, and Directive 2002/73/CE for equality between men and women in terms of access to employment, training and professional promotion, as well as in working conditions.

As for the concept of accessibility, in its origin it is closely linked to the movement promoted by certain organizations of people with disabilities, international entities and experts in favor of the "independent life" model, which defends more active participation by these people in the community on the basis of new principles: as citizens who are entitled to rights; as active people who exercise the right to make decisions about their own existence and not just patients or beneficiaries of other people's decisions; as people who have special difficulties in satisfying a set of needs which are normal, more than as special people with needs different from the rest of their fellow citizens, and as citizens who, in order to meet these needs, demand personal forms of support, but also modifications in the environment that eradicate those obstacles which keep them from fully participating.

The first thing demanded by the movement in favor of an independent life was more easily usable environments. Later, it went from this concept of removing physical barriers to demanding a "design for all," and not just in environments, but also demanding, in the end, "universal accessibility" as the condition to be fulfilled by environments, products and services in order for them to be understandable, usable and functional for all people.

The non-accessibility of environments, products and services undoubtedly constitutes a subtle but very effective form of discrimination, of indirect discrimination in this case, because it produces a certain disadvantage to people who are disabled compared to those who are not. It is in this way that the movements of accessibility and non-discrimination converge.

These two new movements have therefore been included in this law, and they converge with the now ageing but still current LISMI (Law on the Social Integration of the Handicapped), which mainly implemented positive action measures. Non-discrimination, positive action and universal accessibility constitute the fabric upon which a set of provisions which use new means to seek an already known end has been laid out: guaranteeing and acknowledging the rights of people with disabilities to equal opportunities in every field of political, economic, cultural and social life.

It is notable that this law has been passed to coincide in time with the European Year of People with Disabilities, for which reason it constitutes one of the most significant

contributions by Spanish society to the collective efforts towards the historical emancipation of people with disabilities.

## II

The law is organized into three chapters, four additional provisions and thirteen final provisions.

Chapter I includes the general provisions of the law, which describe its purpose, who is entitled to the rights which it enumerates and the principles which have inspired it, including a definition of a series of concepts whose explanation is indispensable if we wish to guarantee the proper interpretation of the law and safeguard the principle of legal certainty.

In this first chapter, it is necessary to point out the definition of "equal opportunities" as a result of adding together a lack of discrimination and the measures of positive action.

Last of all, it contains the fields to which the guarantee measures are applicable. In accordance with the most current of international trends, the law seeks to establish the most relevant material fields for ensuring the equal opportunities of those people with any disabilities.

Chapter II includes the establishment of measures to ensure that the right to equal opportunities will be effective. Without expounding upon their scope, the broad categories of these measures are defined.

In effect, a relevant part of this chapter lays down the commitment to develop basic regulations to create equality and what types of provisions must be foreseen in those regulations. The Government is authorized to carry out this gradual implementation, which must be made to comply with the stages and timetable included in the final provisions.

Chapter III institutes a series of measures for the implementation of a policy of equality that goes beyond those acknowledged in Chapter II. These measures are basically of two types: promotion and defense.

Promotion includes measures for increasing sensitivity, promoting technological development and funds for the joint development of innovative projects with other administrative bodies, which shall be articulated and developed through state-wide accessibility, and non-discrimination plans.

Among the measures of defense, due to their simplicity, speed and ease for the parties concerned, recourse through arbitration is strengthened for the resolution of any conflicts that may arise.

People who have suffered from discrimination on the basis of disability must have the adequate court protection, which includes the adoption of necessary measures to put the violation of their rights to an end and re-establish the harmed person's exercise of those rights.

With this same purpose of ensuring a more effective level of protection, legitimation is granted to the juridical persons who are legally empowered to defend the legitimate collective rights and interests so that they may take part in suits on behalf of the plaintiff with his or her consent.

Additional Provision One includes the amendment of the re-written text of the Law on the Workers' Statute, approved by Royal Legislative Decree 1 of March 24, 1995 for the establishment of the right to a leave of absence in order to take care of a family member who is unable to take care of himself/herself and does not perform any remunerated activity, as a result of disability, as well as other causes.

Additional Provision Two amends Law 30 of August 2, 1984 on Measures for the Reform of Public Functions, in the same sense as that which is expressed in the preceding paragraph.

Additional Provision Three modifies Law 49 of July 21, 1960 on Condominium Property, so as to force the homeowners' association to perform works for accessibility to help people with disabilities, up to a limit which may not exceed the amount of three monthly condominium fee payments; otherwise, such works may only be required if approved in a decision by the proper majority of homeowners.

Additional Provision Four modifies Additional Provision Six of Law 24 of December 27, 2001 on fiscal, administrative and social order measures, in terms of the removal of a decrease in the ability to work when determining the minimum degree of disability as it is pertinent to the measures to promote employment and hiring systems.

In order to ensure the establishment of the measures determined by this law, the final provisions of the text contain explicit mandates for the implementation and enforcement in stages and time periods.

## **CHAPTER I**

### **General Provisions**

#### ***Article 1. Purpose of the Law.***

1. The purpose of this law is to establish measures to guarantee and make effective disabled people's right to equal opportunities, in accordance with Articles 9.2, 10, 14 and 49 of the Constitution.

For these purposes, the term 'equal opportunities' is defined as a lack of direct and indirect discrimination whose cause lies in a disability, as well as the adoption of positive action measures oriented towards avoiding or compensating for disabled people's disadvantages in order to participate fully in political, economic, cultural and social life.

2. For the purposes of this law, the term 'disabled persons' shall be applicable to those individuals for whom a degree of disability greater than or equal to 33 percent has been recognized. In any case, those Social Security pension recipients for whom a permanent disability pension with a degree of total, absolute or major disability has been granted, and pension recipients of passive classes for whom a retirement pension has been granted due to permanent inability for service or incapacitation, shall both be defined as affected by a disability to a degree greater than or equal to 33 percent.

Accreditation of the degree of disability shall be carried out under the terms established by regulation and shall be valid throughout the national territory.

#### ***Article 2. Principles.***

This law is inspired by the principles of an independent life, normalization, universal accessibility, design for all, civil dialogue and the multi-disciplinary nature of policies regarding disability.

For these purposes, the above terms are defined as follows:

a) Independent Life: A situation in which the disabled person exercises the power to make decisions about his or her own existence and actively participates in the life of his or her community, in accordance with the right to free development of personality.

b) Normalization: The principle by virtue of which people with disabilities can lead a normal life, by accessing the same places, environments, goods and services that are available to any other person.

c) Universal Accessibility: The condition which must be fulfilled by environments, processes, goods, products and services, as well as items, instruments, tools and

devices, in order to be usable and workable by all people under conditions of safety and ease, and in the most autonomous and natural way possible. This assumes a strategy of “design for all” and is understood without prejudice to any adjustments within reason that must be performed.

d) Design for All: The activity through which, whenever it is possible to do so, environments, processes, goods, products, services, objects, instruments, devices and tools are conceived or planned, from their origin, in such a way that they may be used by all people, to the greatest extent possible.

e) Civil Dialogue: The principle by virtue of which the organizations which represent people with disabilities and their families take part, under the terms established by the laws and other regulatory provisions, in the production, execution, monitoring and evaluation of the official policies developed in the field of people with disabilities.

f) Multi-disciplinary nature of the policies involving disability: The principle by virtue of which the actions taken by the bodies of the Public Administration are not limited only to specific plans, programs and actions designed exclusively for these people, but rather they also include the policies and lines of action of a general nature in any of the fields of public activity in which the needs and demands of people with disabilities are to be taken into account.

### ***Article 3. Scope of Applicability.***

In accordance with the principle of multi-disciplinarity of the policies regarding disabilities, this law shall be applicable to the following realms:

- a) Telecommunications and the information society.
- b) Urbanized public spaces, infrastructures and buildings.
- c) Transportation.
- d) Goods and services available to the public.
- e) Relations with the bodies of the Public Administration.

The guarantee and effectiveness of the right to equal opportunities of people with disabilities within the realm of employment and occupation shall be governed by that which is established in this law, which shall be of a supplementary nature to the provisions of the specific laws on measures for the enforcement of the principle of equal treatment in employment and occupation.

## **CHAPTER II**

### **Equal Opportunities**

#### ***Article 4. Violation of the Right to Equal Opportunities.***

A disabled person’s right to equal opportunities shall be regarded as violated when direct or indirect discrimination occurs, or there is harassment, failure to fulfill the accessibility requirements and make adjustments within reason, as well as the failure to carry out the legally established positive action measures.

### ***Article 5. Guarantees of the Right to Equal Opportunities.***

In order to guarantee the right to equal opportunities of people with disabilities, the public powers shall establish measures to fight discrimination, as well as positive action measures.

### ***Article 6. Measures Against Discrimination.***

1. Measures against discrimination are defined as those whose purpose is to prevent or correct the fact that a person who is disabled is being directly or indirectly treated less favorably than another person who is not, in an analogous or comparable situation.

2. It shall be considered that indirect discrimination exists whenever a legal or regulatory provision, a conventional or contractual clause, an individual agreement, a unilateral decision, a criterion or practice, or an environment, product or service, which is apparently neutral, may cause a specific disadvantage to a person compared to others as a result of a disability, provided that, objectively viewed, they were not created for some legitimate purpose and the means for achieving that purpose are not adequate and necessary.

### ***Article 7. Contents of the Measures Against Discrimination.***

Measures against discrimination may consist of prohibiting discriminatory behaviors and harassment, accessibility requirements and requirements to eliminate obstacles and make adjustments within reason.

For these purposes, the above terms are defined as follows:

a) Harassment: All behavior related with the disability of a person, the objective or results of which are to attack the person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment.

b) Accessibility Requirements: The requirements that must be met by environments, products and services, as well as the conditions of non-discrimination in rules, criteria and practices, in accordance with the principles of universal accessibility in design for all.

c) Adjustment Within Reason: The measures for adaptation of the physical, social and attitudinal environment to the specific needs of people with disabilities that, in an effective and practical manner and without placing a disproportionate burden, facilitate the accessibility to or participation by a person with a disability under equal conditions to all other people.

In order to determine whether a burden is or is not proportionate, the costs of the measures shall be taken into account, as well as the discriminatory effects entailed for people with disabilities if it is not adopted, the structure and characteristics of the person, entity or organization that must be put into practice and the possibility of having to obtain official financing or any other aid.

For this purpose, the competent bodies of the Public Administration may create a public aid system to contribute to paying the costs which result from the requirement to make adjustments within reason.

Any discrepancies between the person who requests the adjustment within reason and the required party shall be settled through the arbitration system foreseen under Article 17, of this law, without prejudice to the protection of the Administration or court, as appropriate in each given case.

### ***Article 8. Positive Action Measures.***

1. Positive action measures are defined as those supports of a specific nature intended to prevent or compensate for the disadvantages or special difficulties that people with disabilities have in terms of full inclusion and participation in the fields of political, economic, cultural and social life, in accordance with the different types and degrees of disability.

2. The public powers shall adopt supplementary positive action measures for those people with disabilities who objectively suffer from a greater degree of discrimination or have fewer equal opportunities, such as women with disabilities, people severely affected by disability, people with a disability who are unable to represent themselves or who suffer from more notable social exclusion as a result of their disability, as well as people with disabilities who normally live in a rural area.

3. Likewise, within the framework of the official policy for family protection, the public powers shall adopt special positive action measures for families in which any of the members thereof is a person with a disability.

### ***Article 9. Contents of Positive Action Measures.***

1. Positive action measures may consist of complementary supports and more favorable rules, criteria and practices. The complementary supports may consist of economic aid, technical aid, personal assistance, specialized services and auxiliary aid and services for communication.

Said measures shall be considered minimum requirements, without prejudice to any measures which may be established by the autonomous regional governments within the scope of their powers.

2. In particular, the bodies of the Public Administration shall guarantee that the public aid and subsidies promote the effectiveness of disabled people's right to equal opportunities, as well as that of the disabled people who normally live in rural areas.

### ***Article 10. Basic Conditions of Accessibility and Non-Discrimination.***

1. Without prejudice to the competences attributed to the autonomous regions and local governments, the Government shall regulate a set of basic conditions of accessibility and non-discrimination that guarantees certain minimum levels of equal opportunity to all of the citizens with a disability.

Said regulation shall be gradual in time and in the scope and content of the obligations imposed, and it shall encompass all of the fields and areas enumerated in Chapter I.

2. For each sector or area, the basic conditions of accessibility and non-discrimination shall establish specific measures to prevent or remove forms of discrimination, and to compensate for advantages or difficulties. Provisions shall be included regarding at least the following aspects:

a) Accessibility requirements in buildings and environments, for instruments, equipment and technology, and for the goods and products used in that sector or area. In particular, the removal of barriers to installations and the adaptation of equipment and instruments.

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

c) Complementary supports, such as economic aid, supporting technologies, specialized services or treatments, and other personal services. In particular, auxiliary aids and services for communication, such as enhancement and alternative systems,

systems to support oral communication and sign language or other devices which allow communication.

d) The adoption of internal rules within companies or centers which promote and stimulate the removal of disadvantages or general situations of discrimination for people with disabilities.

e) Plans and timetable for the fulfillment of accessibility requirements and for the establishment of more favorable conditions and non-discrimination.

f) Human and material means and resources for the promotion of accessibility and non-discrimination in whatever field is involved.

3. The basic conditions of accessibility and non-discrimination shall be established by bearing in mind the different types and degrees of disability, which must orient both the initial design and the adjustments within reason of the environments, products and services of each realm to which this law is applicable.

## **CHAPTER III**

### **Promotion and Defense**

#### ***Article 11. Measures of Promotion and Defense.***

The bodies of the Public Administration, within the scope of their competences, shall promote and facilitate the development of promotional measures and legal protection instruments and mechanisms in order to implement a policy of equal opportunities, by adopting the measures necessary in order to remove the regulatory provisions and practices contrary to equal opportunities and establish measures to avoid any form of discrimination due to disability.

### **SECTION 1. MEASURES OF PROMOTION**

#### ***Article 12. Measures of Sensitization and Training.***

The bodies of the Public Administration shall develop and promote informational activities, sensitization campaigns, training activities and any other activities which are necessary to promote equal opportunities and non-discrimination.

#### ***Article 13. Measures for the Improvement of Quality.***

The bodies of the Public Administration shall adapt their quality plans so as to ensure equal opportunities to the people with disabilities. In order to do so, they shall include in these plans uniform minimum rules on non-discrimination and accessibility, and they shall develop quality indicators and good practice guides.

#### ***Article 14. Measures of Innovation and Development of Technical Rules.***

1. The bodies of the Public Administration shall foment innovation in every aspect related to the standard of living of people with disabilities. To do so, they shall promote research in fields related with disabilities in their research, development and innovation plans (R+D+I).

2. Likewise, they shall facilitate and support the development of technical regulations, as well as revising those which already exists, in such a way that they ensure non-discrimination in processes, designs and developments of technologies, products, services and goods, by cooperating with the entities and organizations for standardization and certification and all of the agents involved.

***Article 15. Participation of Organizations Which Represent Disabled People and Their Families.***

1. People with disabilities and their families, through the organizations which represent them, shall take part in the preparation, drafting and adoption of any decisions which concern them, and it is an obligation of the bodies of the Public Administration within the realm of their respective competences, to promote the conditions required to ensure that this participation is real and effective. Similarly, their permanent presence shall be promoted in the bodies of the Public Administration of a participatory and consultive manner whose functions are directly related to the topics which have an effect on preferential spheres of interest to people with disabilities and their families.

2. The bodies of the Public Administration shall promote and facilitate the development of associations and other entities into which people with disabilities and their families are joined together. Likewise, said bodies shall offer financial and technical support for them to perform their activities and may establish agreements for the development of social interest programs.

3. The National Disabilities Council, which forms part of the Ministry of Labor and Social Affairs, is the official inter-ministerial body of a consultive nature in which cooperation is institutionalized between the organizations that represent people with disabilities, their families and the General Administration of the State, with the objective of coordinating and defining a coherent policy of integrated assistance for this group of people.

In particular, it shall be the responsibility of the National Disabilities Council to promote equal opportunities and non-discrimination of people with disabilities, for which purpose a permanent specialized office shall be created in it to cooperate with the most representative associations of public utility for people with disabilities and their families.

***Article 16. Plans and Programs for Accessibility and Non-Discrimination.***

The General Administration of the State, with the cooperation of other bodies of the Public Administration and the organizations that represent people with disabilities and their families, shall promote the drafting, development and execution of plans and programs in the fields of accessibility and non-discrimination.

**SECTION 2. MEASURES OF DEFENSE**

***Article 17. Arbitration.***

1. After a hearing with the sectors concerned and the organizations which represent people with disabilities and their families, the Government shall establish a system of arbitration which, without special formalities, attends to and resolves, under a status that is binding and executive for both parties, any complaints or claims by people with disabilities involving the topic of equal opportunities and non-discrimination, provided that there are no rational indications of a criminal act, all without prejudice to the protection of the Administration and court which may be applicable in each given case.

2. The parties' subjection to the arbitration system shall be voluntary and must be recorded expressly in writing.

3. The arbitration entities shall be made up of representatives of the sectors concerned, the organizations which represent people with disabilities and their families, and the bodies of the Public Administration insofar as they hold competence.

### ***Article 18. Court Wardship and Protection Against Retaliation.***

1. Court protection of disable people's right to equal opportunities shall include the adoption of all the measures which may be necessary to bring the violation of the right to an end and prevent later violations, as well as to restore the harmed party's full exercise of his or her right.

2. The indemnification or reparation which the corresponding claim may give rise to shall not be limited by a set maximum in principle. An indemnification for moral damages shall be appropriate even when no damages of an economic nature exist, and it shall be assessed in accordance with the circumstances of the violation and the seriousness of the harm.

3. Those measures which may be necessary shall be adopted in order to protect private individuals or juridical persons from any adverse treatment or negative consequence that may be produced as a reaction to a claim or in light of a suit whose objective is to demand compliance with the principle of equal opportunities.

### ***Article 19. Legitimation.***

Without prejudice to the individual legitimation of the people affected, the juridical persons who are legally capacitated to defend the collective legitimate rights and interests may take action in a suit on behalf and in the interest of those people who authorize them to do so, with the purpose of making the right to equal opportunities effective, defending their individual rights and producing the effects of that action for said people.

### ***Article 20. Special Criteria for Proof of Relevant Facts.***

1. In those jurisdictional suits in which it is deduced from the plaintiff's allegations that there are serious indications of direct or indirect discrimination on the basis of disability, the judge or court, after weighing that evidence, and bearing in mind the availability and evidentiary facility which corresponds to each of the parties to the suit and the procedural principle of equality of the parties to the suit, may demand that the defendant provide objective, reasonable justification of the measures adopted and of their proportionality.

2. That which is established in the preceding section is not applicable to criminal suits or to contentious-administrative suits filed against rulings containing sanctions.

### ***Additional Provision One.*** Modification of the Workers' Statute.

The second paragraph of Article 46. 3 of the re-written text of the Law on the Workers' Statute, approved by Legislative Royal Decree 1 of March 24, 1995, in the wording created under Law 39 of November 5, 1999, shall now be written in the following manner:

"Also having a right to a leave of absence period of a duration of no more than one year, unless a greater time is established through collective negotiation, are workers who need to care of a family member, up to the second degree of cognation or affinity, who for reasons of age, accident illness or disability cannot take care of himself or herself and performs no compensated activity."

**Additional Provision Two.** Modification of the Law on Measures for Reforming Public Functions.

The second paragraph of Article 29.4 of Law 30 of August 2, 1984 on Measures for the Reform of Public Functions is now worded in the following manner:

“Also having a right to a leave of absence period of a duration of no more than one year are civil servants, in order to take care of a family member who is in their care, up to the second degree of cognation or affinity, who for reasons of age, accident, illness or disability cannot take care of himself or herself and performs no compensated activity.”

**Additional Provision Three.** Modification of the Law on Condominium Property.

1. Article 10 of Law 49 of July 21, 1960, whereby Condominium Property is regulated, is now worded in the following manner:

“1. The homeowners’ association shall be required to perform any works necessary for the adequate upkeep and preservation of the real estate property and its services, in such a way that it fulfills the proper structural conditions, and conditions of watertightness, inhabitability, accessibility and security.

2. Likewise, the homeowners’ association, at the request of the homeowners in whose dwelling altruists or volunteers live, work or provide services to people with disabilities or persons over the age of seventy years, shall be required to perform any accessibility works that are necessary to allow for use of the common elements adapted to their disability, or for the installation of mechanical and electronic devices that promote their communication with the outside, the total amount of which shall not exceed three ordinary monthly payments of condominium fees.

3. Those owners who are opposed to or unjustifiably delay execution of the orders issued by the competent authority shall be individually responsible for any sanctions which may be placed by the Administration.

4. In the event of any discrepancy regarding the nature of the works to be carried out, the homeowners’ association shall make the appropriate decision. The parties concerned may also file for arbitration or a technical ruling under the terms established by the Law.

5. The apartment or premises shall be affected by the payment of the expenses resulting from the completion of the works of preservation and accessibility to which this article refers under the same terms and conditions as those established in Article 9 for general expenses.”

2. Article 11 of Law 49 of July 21, 1960, which regulates Condominium Property, shall now be worded in the following manner:

“1. No homeowner may demand new installations, services or improvements not required for the adequate preservation, inhabitability, safety and accessibility of the real estate property, in accordance with its nature and characteristics.

2. When decisions are validly reached to perform an unrequired innovation in accordance with the preceding section, and the cost of their installation exceeds the amount of three ordinary monthly payments of condominium fees, any party who does not agree to do so shall not be required to pay, nor shall his or her condominium fee be modified, even if that party cannot be deprived of the improvement or advantage.

If this dissident at any time wishes to partake of the innovation’s advantage, he or she must pay his or her share of the costs to produce it and maintain it, duly updated through application of the corresponding legal rate of interest.

3. When decisions are reached validly to perform accessibility works, the homeowners' association shall be required to pay the expenses even if their amount exceeds three ordinary monthly payments of condominium fees.

4. Those innovations which make some part of the building unusable for the use and enjoyment of an homeowner shall in all cases require the express consent of that homeowner.

5. Any extraordinary payments for improvements carried out or to carry out at a later time on the property shall be paid by the party who is the owner at the time when the amounts required to pay for said improvements comes due."

3. Rule 1.a of Article 17 of Law 49 of July 21, 1960, which regulates Condominium Property, shall now be worded in the following manner:

"1.a Unanimity shall only be required for the validity of decisions which involve the approval or modification of the rules contained in the title establishing the condominium or condominium by-laws.

The creation or removal of elevator, doorman, concierge, surveillance or other common services of a general interest, even when they lead to the modification of the articles of establishment or by-laws of the condominium, shall require the favorable vote of three-fifths of all of the homeowners who, in turn, must represent three-fifths of the condominium fees. The rental of common elements that have not been assigned a specific use in the property shall also require the favorable vote of three-fifths of all the homeowners who, in turn, must represent three-fifths of the condominium fees, as well as the consent of the directly affected homeowner, if there is one.

Without prejudice to the provisions of Articles 10 and 11 of this law, the completion of works or the establishment of new common services whose purpose is to remove architectural barriers that make the access or mobility of people with disabilities more difficult, even when they involve the modification of the articles of establishment or the by-laws, shall require the favorable vote of the majority of homeowners who, in turn, must represent the majority of the homeowners' fees.

For the purposes established in the preceding paragraphs of this rule, to be counted as favorable votes are those of any homeowners who did not attend the Meeting even though they were served proper notice, if, once they are informed of the decision reached by the attending homeowners, in accordance with the procedure established under Article 9, they fail to express their disagreement by writing to the person holding the position of secretary of the condominium within a term of 30 calendar days, by any means which makes it possible to acknowledge receipt of the communication.

The decisions validly reached in accordance with the provisions of this rule shall be binding for all of the homeowners."

***Additional Provision Four.*** Modification of Law 24 of December 27, 2001, on fiscal, administrative and social order measures.

Additional Provision Six of Law 24 of December 27, 2001, on fiscal, administrative and social order measures, shall now be worded in the following manner:

"Additional Provision Six. Minimum level of disability in relation with the measures to promote employment and systems of hiring.

The minimum degree of disability necessary to produce the right to the benefits established in the measures for promotion of employment for the ordinary labor market in favor of disabled persons, as well as for disabled persons to be able to get hired as interns or for training in said ordinary labor market through the application of the peculiarities foreseen for this group of people must be greater than or equal to 33 percent."

***Final Provision One.*** Faculties of Enforcement and Implementation.

At the joint proposal of the Ministry of Labor and Social Affairs and the Ministries with competence in this field, as well as consultation with the National Disabilities Council and, where appropriate, the sector-based conferences concerned, the Government is authorized to issue any provisions that are necessary for the implementation and enforcement of this law.

***Final Provision Two.*** National Disabilities Council.

The State Council of People with Disabilities shall now be known as the National Disabilities Council. Within a term of six months as of the date when this law takes effect, the Government shall amend the laws which regulate the State Council of People with Disabilities so as to adapt it to that which is established in this law and, in particular, to its new name and the provisions of Section 3 of Article 15 herein.

***Final Provision Three.*** By-laws of the Royal Trusteeship on Disabilities.

Within a term of six months as of the date when this law takes effect, the Government shall amend the Royal Decree which approved the Statute of the Royal Trusteeship for Disabilities, so as to include in the Board of said entity those organizations which represent people with disabilities and their families.

***Final Provision Four. National Accessibility Plan.***

Within a term of six months, the Government, in compliance with the provisions of Article 16 of this law, shall approve a national accessibility plan for 2004-2012. This plan shall be implemented through three-year action stages and in its design, enforcement and monitoring shall take part the most representative associations of public utility in the realm of the State for people with disabilities.

***Final Provision Five.*** Basic Conditions of Accessibility and Non-Discrimination in Relations with the Public Administration.

1. Within a term of two years as of the date when this law takes effect, the Government shall establish the basic conditions of accessibility and non-discrimination which, according to the provisions of Article 10, must be fulfilled by public offices, devices and citizens' services and those for participation in public affairs, including those involving the Justice Administration and participation in political life and electoral processes.

In particular, within this period of time, the Government shall adopt rules for people with disabilities that, in a general manner and in compliance with the principle of providing service to the people, are foreseen under Article 4 of Law 6 of April 14, 1997 on the Organization and Operation of the General State Administration.

The basic conditions of accessibility and non-discrimination shall become obligatory in accordance with the following timetable:

a) Within a term of three to five years as of the date when this law takes effect, all new environments, products and services shall be accessible, and all administrative provisions, criteria or practices that are discriminatory shall be rectified.

b) Within a term of 15 to 17 years as of the date when this law takes effect, all existing environments, products and services, and all provisions, criteria and practices shall be compliant with the requirements of accessibility and non-discrimination.

2. Within a term of two years as of the date when this law takes effect, the Government shall perform full studies on the accessibility of those environments or systems which are considered most relevant from the perspective of non-discrimination and universal accessibility.

**Final Provision Six.** Basic Conditions of Accessibility and Non-Discrimination for access and use of the goods and services available to the public.

1. Within a term of two years as of the date when this law takes effect, the Government shall approve a set of basic conditions of accessibility and non-discrimination, in accordance with the provisions of Article 10 of this law, for the access and use of the goods and services available to the public by people with disabilities. Said basic conditions shall become obligatory in accordance with the following timetable:

a) In new publicly owned goods and services, within a term of five to seven years as of the date when this law takes effect; in new privately owned goods and services agreed upon or supplied by the bodies of the Public Administration, within a term of five to seven years; and for all other privately owned goods and services that are now, within a term of 15 to 17 years.

b) In those goods and services which already exist and are subject to adjustments within reason, these adjustments must be made within a term of 12 to 14 years as of the date when this law takes effect, when they are publicly owned goods or services or privately owned goods and services agreed upon or supplied by the bodies of the Public Administration, and within a term of 15 to 17 years when involving all other privately owned goods and services.

2. Within a term of two years of the date when this law takes effect, the Government must have performed the complete studies on the accessibility of the goods and services which are deemed most relevant from the perspective of non-discrimination and universal accessibility.

**Final Provision Seven.** Basic Conditions of Accessibility and Non-Discrimination for access and use of technologies, products and services related with the information society and means of social communication.

1. Within a term of two years as of the date when this law takes effect, the Government shall approve, in accordance with the provisions of Article 10 herein, a set of basic conditions of accessibility and non-discrimination for the access to and use of technologies, products and services related with the information society and any social communication medium, which shall be obligatory within a term of four to six years as of the date when this law takes effect for all new products and services, and within a term of eight to ten years for all existing products and services that are subject to adjustments within reason.

2. Within a term of two years as of the date when this law takes effect, the Government must carry out the complete studies on the accessibility to those goods and services which are considered most relevant from a perspective of non-discrimination and universal accessibility.

**Final Provision Eight.** Basic Conditions of Accessibility and Non-Discrimination for access and use of modes of transportation.

1. Within a term of two years as of the date when this law takes effect, the Government shall approve, in accordance with the provisions of Article 10 of this law, and in accordance with the needs, peculiarities and demands that exist in each given case, a

set of basic conditions of accessibility and non-discrimination for the access to and use of the modes of transportation by people with disabilities.

Said conditions shall become obligatory within the following period of time as of the date when this law takes effect: five to seven years for infrastructures and new transportation stock, and from fifteen to seventeen years for all of those which are existing but subject to adjustments within reason.

2. Within a term of two years as of the date when this law takes effect, the Government shall have performed the complete studies on accessibility to the different modes of transportation, in the aspects which are deemed most relevant from a perspective of non-discrimination and universal accessibility.

***Final Provision Nine.*** Basic Conditions of Accessibility and Non-Discrimination for access to and use of urbanized public spaces and buildings.

1. Within a term of two years as of the date when this law takes effect, the Government shall approve, in accordance with the provisions of Article 10 herein, a set of basic conditions of accessibility and non-discrimination for access to and use of urbanized public spaces and buildings, which shall become obligatory within a term of five to seven years as of the date when this law takes effect for new spaces and buildings, and within a term of 15 to 17 years for all of those existing that are subject to adjustments within reason.

2. Within a term of two years as of the date when this law takes effect, the Government must perform the complete studies on accessibility to urbanized public spaces and buildings, in terms of that which is deemed most relevant from the perspective of non-discrimination and universal accessibility.

***Final Provision Ten.*** Educational Curriculum on Universal Accessibility and Training of Professionals.

The Government, within a term of two years as of the date when this law takes effect, shall develop the educational curriculum of "design for all" in all educational programs, including those of the university, for the training of professionals in the fields of design and construction of the physical environment, building, infrastructures and public works, transportation, communications and telecommunications and the services of the information society.

***Final Provision Eleven.*** System of Violations and Sanctions.

The Government, within a term of two years as of the date when this law takes effect, shall send to the Parliament a bill which establishes the system of violations and sanctions in the field of equal opportunities and non-discrimination of people with disabilities.

***Final Provision Twelve.*** Sign Language.

Within a term of two years as of the date when this law takes effect, the Government shall regulate the effects upon Spanish Sign Language, so as to ensure for deaf persons and persons with hearing disabilities the possibility of learning it, knowing it and using it, as well as the freedoms of choice regarding the different means that can be used for their communication with the environment. These effects shall become applicable gradually in the different realms to which Article 3 of this law makes reference.

***Final Provision Thirteen.*** Arbitration System.

Within a term of two years as of the date when this law takes effect, the Government, after a hearing with the concerned sectors and the organizations which represent disabled people and their families, shall establish the arbitration system foreseen in Article 17 of this law.

***Final Provision Fourteen.*** Constitutional Grounds.

1. This law is issued under the aegis of the State's exclusive powers to regulate the basic conditions which guarantee the equality of all Spaniards in exercising rights and fulfilling constitutional duties, in accordance with Article 149. 1. 1. a of the Constitution.

2. Section 2.a of Chapter III is issued under the aegis of the State's competence on the matter of procedural legislation, in accordance with Article 149. 1. 6. a of the Constitution.

***Final Provision Fifteen.*** Effective Date.

This law shall take effect on the day subsequent to its publication in the "Official Bulletin of the Spanish State."

For which reason, I command that all Spaniards, both individuals and authorities, uphold and make all others uphold this law.

Madrid, December 2, 2003.

KING JUAN CARLOS

The President of the Government,

JOSÉ MARÍA AZNAR LÓPEZ