

**BOE**

**CONSOLIDATED LEGISLATION**

---

Organic Law 6/2002, of June 27, on Political Parties.

—————  
Head of State  
“BOE” no. 154, June 28, 2002  
Reference: BOE-A-2002-12756  
—————

**CONSOLIDATED TEXT**  
Last modified 31 March 2015

JUAN CARLOS I  
  
KING OF SPAIN

Let it hereby be known by all:  
That the Cortes Generales have passed and I hereby endorse the following Organic Law.

STATEMENT OF MOTIVES

I

Law 54/1978 on Political Parties, a pre-constitutional law and therefore brief in articles and content, primarily served to establish a simple procedure for the free formation of political parties, an objective which, moreover, was highly relevant in the foundational time in which the Law was passed. All other provisions that currently comprise the legal status of political parties in Spain derive from the provisions set down in the Constitution, from laws that, like the Parliamentary Regulations and the Electoral Law, lay down their function and essential role in our democratic system, from later legislative reforms like those contained in the Penal Code on the illegality of certain associations or those related to the funding of political parties, and from the intensive interpretative work of the Judiciary and the Constitutional Court.

Today, nearly twenty-five years after the approval of the aforementioned Law on Political Parties, which is still in force, the inadequacy of an incomplete and fragmentary party statute has become evident in a mature and firmly consolidated democracy, in which the significant role and constitutional relevance of political parties continues to increase. Therefore, a reform is now required, for several important reasons.

First, to clearly and systematically build on the experience gained over these past years.

Also, to overhaul provisions that are anchored on the priority concerns of the past, which are inadequate and insufficient for regulating the new realities of the present. Particularly in view of the vigour with which society now complements the actions of public institutions and opens new channels for participating or connecting to them through instruments, such as associations, foundations or political parties, that are presently undergoing legislative modernisation.

Moreover, although political parties are not constitutional bodies but association-based private entities, they are an essential part of the constitutional architecture. They perform functions of primary

constitutional importance and have a second nature that the doctrine tends to summarise with reiterated references to their constitutional relevance and the institutional guarantee conferred on them by the Constitution.

From one point of view or another, current times call for a strengthening and improvement of the legal status of political parties, with a better defined, guarantee-based and complete system. If this is applicable to all associations, it should be even more so to political associations, the purpose of which is to unite convictions and efforts in order to steer the democratic leadership of public affairs, contribute towards the functioning of public institutions, and bring about changes and improvements through the exercise of political power. But also insofar as political parties are essential instruments of the action of the State, in an advanced and rigorous State based on the rule of law such as ours, which places limits and establishes guarantees and controls on all subjects, no matter how relevant they are in the constitutional structure. It may even be said that the greater the prominence and function of a subject in the system, the greater the interest of a State based on the rule of law in improving its legal framework.

Alongside the above there is, in our case, general agreement on the failure of current legislation to establish constitutional requirements for democratic organisation and operation and a manner of proceeding subject to the Constitution and the laws.

Both in terms of understanding the democratic principles and constitutional values to be observed in their internal organisation and external activities, and in all that affects the procedures for making them effective.

This failure now calls for a renewed effort to build on existing provisions. The objective is to ensure the functioning of the democratic system and the fundamental freedoms of citizens, preventing a political party from repeatedly and seriously attacking this democratic system of freedoms, from justifying racism and xenophobia or politically supporting violence and the activities of terrorist groups.

Particularly bearing in mind that, owing to terrorism activities, it is essential to clearly identify and differentiate organisations that defend and promote their ideas and programmes, whatever they may be, including those that seek to review the institutional framework with a diligent observance of democratic methods and principles, from others that base their political actions on complicity with violence, terror, discrimination, exclusion and the violation of rights and freedoms.

For such purposes, a judicial procedure is established for outlawing a political party on the grounds of giving real and effective political support to violence or terrorism, a procedure different from that set forth in the Penal Code for dissolving unlawful associations on the grounds provided for in its Articles 515 and 520.

## II

To implement these objectives, the current Organic Law on Political Parties, which implements essential provisions contained in Articles 1, 6, 22 and 23 of our Constitution, incorporates thirteen articles grouped into four chapters, and is supplemented by three additional provisions – which include the reform of two articles of Organic Law 5/1985, of 19 June, on the General Electoral System, and Article 61 of Organic Law 6/1985, of 1 July, on the Judiciary – a transitional provision, a repeal provision and two final provisions.

## III

Chapter I enshrines the principle of freedom in its three aspects of positive freedom to form, positive freedom to join and negative freedom to belong or participate in, and improves the procedures for forming, political parties, completing the existing provisions, dispelling a number of doubts and overcoming several gaps. The Law does not, therefore, introduce substantial modifications in this section, respecting the principle of minimum intervention derived from the Constitution itself.

Registration of the founding charter and statutes in the Register of Political Parties gives legal status to a political party, makes its formation and statutes public, binds public authorities, and is a guarantee for

third parties connected with the political party and for its members. Said registration must be carried out by the person in charge of the Register within a fixed and brief period, after which time registration is deemed to have been completed.

The most notable of the new additions include the restriction established in Article 2 on promoters of political parties, applicable to those who have committed specific crimes, the prohibitions on the names of political parties contained in Article 3(1), the responsibility of promoters set forth in Article 4(1), the provision of a procedure for rectifying formal defects, and the suspension of the registration period in the circumstances described in Article 5.

This last article maintains the provision already set forth in the previous Law, which establishes that evidence of criminal unlawfulness by a political party at the time of its formation and registration in the Register may lead to a declaration of illegality by a criminal court judge, at the initiative of the Public Prosecutor's Office after receiving notification from the Ministry of the Interior, and the ensuing inadmissibility of the registration.

#### IV

The most significant changes to the Law are contained in Chapter II, from which, as a logical corollary, the new provisions of Chapter III are derived.

Chapter II lays down the basic criteria for guaranteeing the constitutional mandate, which establishes that the organisation, operation and activity of political parties shall be democratic and shall comply with the provisions set down in the Constitution and the laws, performing, as described in Article 9, "the functions constitutionally conferred on them in a democratic manner and with full respect for pluralism".

First, with Articles 7 and 8, this Organic Law seeks to combine respect for the organisational and functional capacity of political parties through their statutes with several essential requirements that ensure the application of democratic principles to their internal organisation and their operations. The aim is, first of all, to address the rights of their members, but also to "ensure the effective fulfilment of the functions constitutionally and legally conferred on them and, ultimately, to contribute to guaranteeing the democratic functioning of the State" (Constitutional Court Judgment 56/1995 of 6 March).

From this dual perspective, the Law provides for an a general participatory assembly body, tasked with making the most important decisions in the life of a political party, it establishes a free and secret vote as the standard means for appointing leadership positions and provides for the democratic control thereof, it recognises certain rights considered basic in any association-based setting, to be enjoyed equally, such as the right to participate in elections and be elected in the bodies, and the right to information on the activities, the financial situation and the persons that serve on the governing bodies, and it sets forth certain basic rules on the functioning and procedures of the meetings of the collegiate bodies.

Article 9 seeks to ensure that political parties respect democratic principles and human rights. To this end, in view of the generic wording of the Law hereby repealed, this Organic Law establishes a detailed list of the types of conduct that most notably violates these principles, on the basis of two fundamental principles that merit a brief description.

The Law chooses, first of all, to determine the democratic nature of a political party and its respect for constitutional values not on the basis of its declared ideas or aims, but its activity as a whole.

In this way, the only aims that are explicitly prohibited are those deemed to be criminally unlawful.

It is well known that this is not the only choice offered by comparative law models. The need to defend democracy from certain odious aims and methods, to preserve the clauses of its constitution and the fundamental aspects of the rule of law, the obligation of public authorities to ensure respect for the basic rights of citizens, or the consideration of political parties as subjects that are obliged to perform specific constitutional functions, for which purpose they are granted a privileged status, have led some legal systems to categorically lay down a strict duty of observance, to establish an even greater adherence to the constitutional order and, moreover, to call for a positive duty to the realisation of democracy, actively

defending it and educating thereon. Duties the violation of which shall exclude political parties from the legal and democratic systems.

However, in contrast with other legal systems, this Law considers that any project or objective is compatible with the Constitution, provided that it is not defended through an activity that violates democratic principles or the fundamental rights of citizens.

As set out in the statement of motives of Organic Law 7/2000 of 22 December, it is clearly not a question of prohibiting the defence of ideas or doctrines, no matter how far removed they may be from, or even if they call into question, the constitutional framework.

It may therefore be concluded, without prejudice to other models, that this Law holds a balanced position, combining with extreme prudence the freedom inherent in the highest degree of pluralism with respect for human rights and the protection of democracy.

This approach is confirmed with the second of the principles that are taken into consideration, that of avoiding the outlawing of parties for isolated conduct, again with the exception of conduct of a criminal nature, requiring instead the recurrence or accumulation of actions that unequivocally demonstrate a track record of weakening democracy and violating constitutional values, the democratic method and the rights of citizens.

This is addressed in Article 9(2)(a), (b) and (c), which clearly establish the boundary between organisations that defend their ideas and programmes, whatever they may be, while diligently observing democratic methods and principles, and others that base their political action on complicity with terror, violence, violation of the rights of citizens or democratic method and principles.

## V

Having established the duty of political parties to respect democratic principles and constitutional values, and outlined the evidentiary elements that establish when a political party has failed to observe them and must therefore be declared illegal, Chapter III of the Law then establishes the existing legal safeguards for defending rights and constitutional principles against the actions of political parties.

Evidently, the starting point is that which is established in the Constitution: only the judicial authority has the power to control the illegality of their actions or to decree, in the face of repeated and serious violations, the dissolution or suspension of the political party in question.

It is well known that case law has already clarified the cases where access to civil jurisdiction is appropriate, in connection with claims arising from the private transactions of political parties or filed by their members in connection with their internal operations, and the cases where the competent jurisdiction is the contentious-administrative court, concerning matters arising from administrative procedures derived from the Law. Likewise, the Penal Code and the Law on Criminal Procedure now specify those cases where it is appropriate to dissolve or suspend a political party through the criminal courts and the procedure for ensuring that such an important decision is implemented with all the guarantees.

Consequently, the main change now introduced is the regulation of powers and procedure for the judicial dissolution of a political party on the grounds of failing to respect democratic principles and human rights, a procedure already announced in the Law hereby repealed, although never implemented.

The Organic Law resolves this serious situation with the general criterion that prevails in the constitutional framework of the operation of political parties: stating that it may only be done through a court ruling.

As stated in Constitutional Court Judgment 3/1981, of 2 February, "the Constitution and ordinary legislation solely entrust the Judiciary with the power to rule on the legality of a political party. Calling upon the Judiciary, which may, as mentioned above, hand down a judgment on the provisional suspension or, as a last resort, the dissolution of a political party, is precisely the means by which the State may defend itself when attacked by a political party that, through the content of its statutes or by its actions, statutes notwithstanding, threatens its security".

The text establishes that, given the constitutional importance and relevance of political parties and, moreover, of the decisions that affect the declaration of their illegality or that justify their dissolution, the Special Chamber of the Supreme Court, provided for in Article 61 of the Organic Law on the Judiciary, shall be the competent body for dissolving a political party for serious conduct that contravenes the Constitution. This Special Chamber, as stated in a ruling of 9 July 1999 by the Chamber itself, "is symbolic in its composition of the Plenary of the Supreme Court. It is, in a manner of speaking, the Plenary, a "reduced" plenary, to coin a somewhat paradoxical expression, given that its composition includes the President of the Supreme Court and all the Chambers listed in Article 55 of the Organic Law on the Judiciary which together make up the Supreme Court, through their respective Presidents and two of their Judges, the longest serving and the most recent of each.

This has been highlighted here in order to emphasise that, owing to the significance of its composition, the Chamber mentioned in Article 61 of the Organic Law on the Judiciary holds a 'status' of supremacy with respect to the ordinary Chambers, in terms of the definition of its powers and those of the ordinary Chambers..."

For said Chamber to be able to examine whether the operation and activities of a political party conform to democratic principles, a specific and preferential judicial process, in sole instance, is established, which may only be initiated by the Public Prosecutor's Office and the Government, on their own initiative or at the request of the Congress of Deputies or the Senate. Said procedure follows a standard format, on the basis of an instrument, with a series of conventional steps (declarations, evidence, further declarations and judgment) which, owing to the time frames and structure, combine the principles of legal certainty and the right of defence with the principle of promptness, endeavouring to ensure that the uncertainty which may arise as a result of initiating the judicial process is not compounded by a drawn-out process.

The judgment of the Special Chamber may not be appealed, without prejudice, as the case may be, to an application for amparo [protection against violations of the rights and freedoms of the Constitution] before the Constitutional Court, and the judgment shall be enforceable as soon as it is notified.

Lastly, Article 12 lists the effects of the judicial dissolution of a political party. After notification of the judgment, all the activities of the political party shall cease immediately, and the formation of any organisation that continues or succeeds a party declared illegal and dissolved shall be deemed fraudulent and will not therefore prosper. The dissolution will also entail the initiation of proceedings to liquidate the assets, and the resulting net balance will be assigned to initiatives of social or humanitarian interest.

## VI

The regulation contained in this Organic Law is complemented by the referral to other legal regulations on matters related to the funding of political parties (Chapter IV) and by several additional provisions that, among other things, make it possible for the new Law to be brought into line with the provisions of the Organic Law on the Judiciary (first additional provision, so that the Special Chamber of the Supreme Court may hear these cases), and of the Organic Law on the General Electoral System (second additional provision, to make it clear that the fraudulent formation of groups of voters during an electoral period to succeed, de facto, a dissolved or suspended political party shall be held inadmissible).

With regard to financing, it is worth highlighting that referral is made to the Law on the Funding of Political Parties, but also to the accreditation and accountabilities system established in Organic Law 2/1982 of 12 May, on the Court of Auditors, and in Law 7/1988 of 5 April, on the Functioning of the Court of Auditors.

Lastly, as regards the powers of the Special Chamber, the Law carries the guarantee that it is competent to hear and rule on cases of fraud, either on the basis of its condition as the Chamber that delivers judgment (Article 12(2) and (3)), or the clear vocation that is hereby introduced into electoral legislation for hearing appeals against the declaration or not of groups of voters (second additional

provision), or the provision set forth in section 2 of the sole transitional provision regarding the succession of political parties to circumvent the effects of this Law.

## CHAPTER I

### On the formation of political parties

#### **Article 1.** *Freedom to form and join a party.*

1. Citizens of the European Union are free to form political parties, pursuant to the provisions of the Constitution and this Organic Law.

2. Joining a political party is a free and voluntary decision. No one shall be forced to form or join or remain in a political party.

3. Political parties may form and register federations, confederations and unions of parties, in compliance with the provisions of this chapter and on the express agreement of the competent bodies.

#### **Article 2.** *Capacity to form a political party.*

1. The promoters of a political party must be individuals of legal age in full enjoyment of their rights, not subject to any legal condition to exercise said rights, and who have not received a criminal conviction for unlawful association or for any of the serious crimes set forth in Titles XXI to XXIV of the Penal Code. This last cause for unfitness shall not affect individuals who have been legally rehabilitated.

2. Political parties that have been formed may establish the formation and recognition of youth organisations in their statutes.

#### **Article 3.** *Formation, statutes and legal personality.*

1. The formation agreement shall be made official through a founding charter, which shall be set out in a public instrument and shall always contain the personal identity of the promoters, the name of the political party to be formed, the members of the provisional governing bodies, the address, and the statutes by which the party will be governed.

The name of a political party shall not include terms or expressions that may lead to error or confusion over its identity or that contravene the laws or the fundamental rights of citizens. Moreover, it may not coincide, resemble or be identified with, even phonetically, the name of any other political party previously registered in the Register or of a party that, as a result of a merger, has joined a registered party when this is accredited by any legally valid evidence, or of any party declared illegal, dissolved or suspended following a court ruling. Nor with the identity of individual persons, or with the name of pre-existing entities or registered trademarks.

2. The statutes of a political party shall at least contain the following:

- a) Its name and acronym.
- b) The symbol, with description and graphic representation.
- c) The address, giving the town, province, street and postcode.
- d) Its website and e-mail address.
- e) The scope of action: national, regional, provincial or local.
- f) Its aims.
- g) The conditions and categories for membership or termination of membership.
- h) The rights and obligations of the members and the disciplinary arrangements in accordance with the provisions of Article 8.

i) The governing and representation bodies, their composition, the schedules for renewal, which shall be done at least every four years, their powers or competences, the competent bodies for convening meetings of the collegiate bodies, the minimum notice period, the duration, the form of preparation of the agenda, including the number of members required to propose items to be included therein, as well as the rules of deliberation and the majority required for the adoption of agreements, which, as a rule, will be a simple majority of those present, be they full members or representatives.

j) The procedure for the election of the governing bodies, either directly or by representation, which must always guarantee the participation of all the members through free and secret vote, and the procedures for the democratic control of the elected officials.

k) The office or body charged with legal representation of the political party, and determination of the financial officer of the political party and the procedure for their appointment.

l) The administration and accounting system, which shall always include the Accounting Records.

m) The documentation system, which shall always include the Members file and the Minutes Book.

n) Indication as to whether or not the political party has foundational assets, the origin of the financial resources and the procedure for presenting the accounts.

o) The procedure and the competent body for the approval of the annual accounts, including the obligation to submit them annually to the Court of Auditors within the legally established period.

p) The grounds for dissolution of the political party, in which case, the final destination of its assets.

q) The procedure for members to file complaints against agreements and decisions of the party bodies.

r) The office or body in charge of the defence and guarantee of the rights of members.

s) The arrangement for member infringements and sanctions and the procedure for imposing them, for which proceedings shall be adversarial and in which the right of the member to be informed of the facts that give rise to their initiation shall be guaranteed, as well as the right to be heard prior to the imposition of sanctions and that the eventual sanction be properly justified. Notwithstanding the foregoing, an automatic precautionary suspension of membership shall be established for members who are the subject of criminal proceedings in respect of which an order to proceed to trial has been issued for a corruption-related offence as well as the sanction of expulsion from the party of those who have been convicted of any of these crimes.

t) Any other mention required by this or any other law.

3. The parties shall notify the Register of any changes to their statutes and to the composition of their governing and representation bodies within a maximum period of three months from said change and always during the first quarter of each year. They shall also publish them on their website.

4. Political parties acquire legal status by registering in the Register of Political Parties, which, for this purpose, shall be held in the Ministry of the Interior, after presenting the founding charter signed by the promoters, accompanied by those documents that certify that the requirements laid down in this Organic Law have been met.

#### **Article 4. *Registering in the Register.***

1. The promoters of a political party shall take all the necessary steps to register the party. The promoters of an unregistered political party shall be personally, jointly and severally liable for any obligations to third parties when they have stated that they are acting on behalf of the party.

2. The Ministry of the Interior shall register the political party within twenty days of presenting all the required documents in the Register of Political Parties. However, this period will be suspended if it is deemed necessary to initiate any of the proceedings set forth in the following article.

3. Except in the cases of suspension of the period mentioned above, registration shall be deemed complete after the twenty days available to the Ministry of the Interior, thereby conferring legal status on

the political party, making the foundation charter and statutes public, binding the public authorities, and offering a guarantee to both third parties that have dealings with the party and to its members.

4. Registration of the political party in the Register shall be valid indefinitely until its suspension or dissolution has been recorded therein upon notification of the decision made by the party itself in accordance with the provisions of its statutes, or if declared illegal by the courts and dissolved or suspended, or if declared terminated by the courts in accordance with the provisions of Article 12 bis. All of which without prejudice to the provisions of Article 10(6) and, in terms of the scope and effects of the suspension, Article 11(8).

**Article 5. Examination of registration requirements.**

1. When formal defects are found in the founding charter or the supporting documents, or when the promoters lack capacity, the Ministry of the Interior shall inform the interested parties so that they may rectify such defects. In this case, the registration period will be suspended as of the moment of notification and will resume once the defects have been duly corrected.

2. When reasonable grounds to suspect criminal unlawfulness are found in the submitted documents, the Ministry of the Interior shall notify the Public Prosecutor's Office within the twenty-day period referred to in the previous article, by means of a properly reasoned decision accompanied by the available items of evidence.

3. Within a period of twenty days from receipt of the communication referred to above, depending on whether or not it finds that there is sufficient evidence of criminal unlawfulness, the Public Prosecutor's Office shall make a decision either to take the necessary legal action in the criminal courts or to return the communication to the Ministry of the Interior so that it may complete the registration.

4. The submission of this communication to the Public Prosecutor's Office will trigger suspension of the period established in section 2 of the previous article until returned to the Ministry of the Interior owing to insufficient evidence of criminal unlawfulness or until the Criminal Judge makes a decision on the appropriateness of the registration or, as the case may be, and as a precautionary measure, on the provisional resumption of the registration period.

The communication and the respective suspension of the registration period will be immediately notified to the relevant promoters.

5. The administrative proceedings associated with the registration of the political party may be appealed before the contentious-administrative jurisdiction, in accordance with the provisions of the Law on Contentious-Administrative Jurisdiction.

6. When the intention is to register in the Register of Political Parties a political party that seeks to continue or succeed the activity of another political party declared illegal and dissolved, action will be taken against that party in accordance with the provisions of Article 12 of this Organic Law.

## CHAPTER II

### **On the organisation, operation and activities of political parties**

**Article 6. Principles of democracy and legality.**

In their organisation, operation and activities, political parties shall adhere to democratic principles and the provisions of the Constitution and the laws. Political parties have the organisational freedom to establish their structure, organisation and operation, with the only limits as established in the legal system.

**Article 7. Organisation and operation.**

1. The internal structure and operation of political parties must be democratic, establishing, at all times, procedures for the direct participation of members in the terms set forth in its Statutes, especially in the process of electing the highest governing body of the party.

2. Without prejudice to their internal organisational capacity, political parties shall hold a general assembly comprised of all their members, who may act in person or through representatives, and which, as the party's highest governing body, will adopt its most important agreements, including its dissolution.

3. The governing bodies of political parties will be determined by the statutes and shall be appointed by means of free and secret vote.

4. The statutes or the internal implementing regulations shall establish a notice period for meetings that is sufficient for collegiate bodies to prepare the matters to be addressed, the number of members required to include items on the agenda, rules of deliberation that allow for the exchange of opinions, and the majority required to adopt agreements, which, as a general rule, will be a simple majority of those present or represented.

5. The statutes shall also provide for procedures for the democratic control of elected leaders.

**Article 8. Rights and obligations of members.**

1. Members of political parties must be individuals of legal age with no limitations or restrictions on their capacity to act.

2. The statutes of political parties may establish different membership categories depending on the level of attachment to the political party. Members of the same category shall have equal rights and duties.

3. Political parties shall record their members in the corresponding file that will be governed by the provisions of Organic Law 15/1999 of 13 December, on the Protection of Personal Data.

4. The statutes shall contain a detailed list of the rights of members, including, and with respect to those with the greatest attachment to the political party, the following:

a) To participate in the activities of the party and on the governing and representation bodies, to exercise the right to vote, and to attend the general assembly, in accordance with the statutes.

b) To be voters and eligible for a position in the party.

c) To be informed about the composition of the governing and administration bodies, the decisions adopted by the governing bodies, the activities carried out and the financial situation.

d) To challenge agreements adopted by the governing bodies that they consider to be in violation of the Law or the statutes.

e) To apply to the body entrusted with defending the rights of the member.

The other members shall enjoy the rights as determined by the statutes.

5. Members of a political party shall fulfil the obligations set forth in the provisions of the party's statutes as well as the following:

a) Share the aims of the party and cooperate in achieving those aims.

b) Abide by the provisions of the statutes and the laws.

c) Accept and comply with the agreements duly adopted by the governing bodies of the party.

d) Pay the fees and other contributions that, in accordance with the statutes, may be payable by each member according to their respective membership category.

**Article 9. Activity.**

1. Political parties shall conduct their activities freely. In doing so, they shall respect constitutional values as expressed in democratic principles and human rights. They shall perform the functions constitutionally conferred upon them democratically and with full respect for pluralism.

2. A political party shall be declared illegal when its activity violates democratic principles, particularly when through its activity the party seeks to weaken or destroy the system of freedoms or to hamper or bring down the democratic system through any of the following, grave and repeated, conduct:

a) Systematically violate the fundamental rights and freedoms, promoting, justifying or exculpating offences against the life or integrity of individuals, or excluding or persecuting individuals on the grounds of their ideology, religion, beliefs, nationality, race, sex or sexual orientation.

b) Promote, encourage, or legitimise violence as a means of achieving political objectives or eliminating the conditions required to exercise democracy, pluralism and political freedoms.

c) Supplement and politically support the actions of terrorist organisations to achieve their objectives of subverting the constitutional order or seriously disturbing the public peace, attempting to subject public authorities, specific individuals or groups of society, or the population as a whole to a climate of terror, or contribute to aggravating the effects of terrorist violence and the fear and intimidation it gives rise to.

3. The circumstances described in the previous section shall be deemed present in a political party when any of the following conduct is repeated or compounded:

a) Giving express or implicit political support to terrorism, legitimising terrorist actions to achieve political objectives outside peaceful and democratic channels, or exculpating and making light of its significance and the violation of fundamental rights that it represents.

b) Backing violent action with programmes and initiatives aimed at encouraging a culture of confrontation and civil unrest linked to the activity of terrorists, or that seek to intimidate, dissuade, neutralise or socially isolate those who oppose violence, forcing them to live in an environment of coercion, fear, exclusion or basic deprivation of freedoms and, in particular, of the freedom to voice an opinion and to participate freely and democratically in public affairs.

c) Regularly including in its governing bodies or electoral rolls individuals that have been convicted for terrorist crimes and who have not publicly repudiated terrorist aims and methods, or a large number of its members also holding membership of organisations or entities associated with a terrorist or violent group, unless the party has adopted disciplinary measures against these members leading to their expulsion.

d) Using symbols, messages or elements that represent or are identified with terrorism or violence and with associated conduct as instruments of the party's activities, together with or instead of the party's own instruments.

e) Assigning to terrorists or those that collaborate with them the rights and prerogatives conferred on political parties by the legal system and, specifically, electoral legislation.

f) Regularly collaborating with entities or groups that systematically act in collusion with a terrorist or violent organisation, or that protect or support terrorism or terrorists.

g) Providing support from governing institutions to the entities mentioned in the previous paragraph, through administrative, economic or any other type of measures.

h) Promoting, backing or participating in activities the purpose of which is to reward, commemorate or recognise terrorist or violent actions or those who perpetrate them or play a part in them.

i) Backing actions of disorder, intimidation or social coercion associated with terrorism or violence.

4. To assess and evaluate the activities referred to in this article and the continuity or repetition thereof throughout the history of a political party, even after it has changed its name, the decisions, documents and communications of the party, its governing bodies and its parliamentary and municipal groups will be taken into account, as will its public events and announcements, demonstrations, initiatives and public

commitments of its leaders and of the members of its parliamentary and municipal groups, the proposals presented in and outside the institutions, and the significant repeated attitudes of its members or candidates.

Likewise, the administrative sanctions imposed on the political party or its members and the criminal convictions handed down to its leaders, candidates, elected officials or members for the crimes listed in Titles XXI to XXIV of the Penal Code, without the party having taken disciplinary measures against them leading to expulsion, will also be taken into account.

**Article 9 bis.** *Prevention and supervision.*

Political parties shall adopt a system in their internal rules to prevent conduct contrary to the legal and supervisory system, for the purposes set forth in Article 31 bis of the Penal Code.

### CHAPTER III

#### **On the judicial dissolution or suspension of political parties**

**Article 10.** *Judicial dissolution or suspension.*

1. As well as on the decision of its members, agreed on the basis of the causes and through the procedures established in its statutes, a political party may only be dissolved or, as the case may be, suspended on the decision of the competent judicial authority and under the terms set forth in sections 2 and 3 of this article.

Dissolution will take effect as soon as it has been recorded in the Register of Political Parties, after notification from the political party or the judicial body that delivers the decision to dissolve the party.

2. The judicial dissolution of a political party shall be agreed by the competent jurisdictional body in the following cases:

- a) When the party engages in situations classed as unlawful association in the Penal Code.
- b) When it continuously, repeatedly and seriously infringes the requirement of a democratic internal structure and operation, as set forth in the provisions of Articles 7 and 8 of this Organic Law.
- c) When its activity repeatedly and seriously breaches democratic principles or seeks to weaken or destroy the system of freedoms or hamper or bring down the democratic system through the conduct referred to in Article 9.

3. The judicial suspension of a political party shall only be appropriate if so established in the Penal Code. It may also be agreed upon as a precautionary measure by virtue of the provisions of the Law on Criminal Procedure or in the terms of Article 11(8) of this Organic Law.

4. The situation provided for in section 2(a) of this article shall be ruled upon by the competent judge in the criminal jurisdictional system, in accordance with the provisions of the Organic Law on the Judiciary, the Law on Criminal Procedure and the Penal Code.

5. The situations provided for in sections 2(b) and (c) of this article shall be ruled upon by the Special Chamber of the Supreme Court, regulated in Article 61 of the Organic Law on the Judiciary, in accordance with the procedure established in the following article of this Organic Law, which shall take priority.

6. Any coincidence in time of the judicial procedures provided for in sections 4 and 5 of this article against the same political party shall not interfere in the continuation of both until their completion, and each shall produce their respective effects. Conversely, the voluntary dissolution of a political party may

not be agreed if a process for judicial declaration of illegality has been initiated against that party on the grounds of section 4 or 5 or both.

**Article 11. Procedure.**

1. The Government and the Public Prosecutor's Office may request the declaration of illegality of a political party and its subsequent dissolution, pursuant to the provisions of sections 2(b) and (c) of the preceding article of this Organic Law.

The Congress of Deputies or the Senate may urge the Government to request the outlawing of a political party, in which case the Government shall be obliged to present the respective request after deliberation in the Council of Ministers, on the grounds listed in Article 9 of this Organic Law. This agreement shall be processed by the Bureaus of the Congress of Deputies and the Senate in line with the established procedure.

2. The action through which the declaration referred to in the previous section shall be sought will be initiated through an action brought before the Special Chamber of the Supreme Court provided for in Article 61 of the Organic Law on the Judiciary, to which the documents supporting the grounds for illegality shall be attached.

3. The Chamber will immediately communicate the action to the political party in question and, as the case may be, to the persons elected to office in lists of candidates presented by groups of voters, delivering a summons to appear before the Chamber within eight days. Once they have appeared or failed to appear in due time and form, the Chamber will examine the admissibility of the initial action and may reject it by means of a court order on the following grounds:

- a) That the action has been brought by an individual without the legal capacity to do so or not duly represented.
- b) That the substantive or formal admissibility requirements have clearly not been met.
- c) That the action is clearly groundless.

If any of the above grounds are found to apply, the parties will be informed so that they may make representations accordingly within the standard ten-day period.

4. Once the action has been admitted the defendant will, if they have already appeared before the Chamber, be summoned to answer the action within twenty days.

5. If the parties have provided so in their statements of claims or answers or the Chamber deems it necessary, a period for producing evidence will be initiated, which shall be governed, in terms of time frames and procedures, by the corresponding rules set forth in Chapters V and VI, Title I, Book II of the Law on Civil Procedure.

6. The parties shall be notified of the evidence produced and may make representations on said evidence within the following twenty days, after which time, regardless of whether or not they have been formalised, the process will be ready for judgment, which shall be delivered within twenty days.

7. The judgment passed down by the Special Chamber of the Supreme Court, which may declare the dissolution of the political party or dismiss the case, may not be appealed, without prejudice, as the case may be, to an application for amparo [protection against violations of the rights and freedoms of the Constitution] before the Constitutional Court, and the judgment shall be enforceable as soon as it is notified. If the dissolution of the party is decreed, the Chamber will order the cancellation of the respective registration in the Register of Political Parties, and the ruling will produce the effects set forth in the following article of this Organic Law. Where appropriate, the judgment will also declare whether or not there is an association between the outlawed political party and the lists of candidates presented by the groups of voters. If the action is dismissed, it may only be filed again if new facts are presented to the

Supreme Court, which must be of sufficient substance for assessments of the illegal activity of the party that differ from those contained in the judgment.

8. During the judicial process, either on its own initiative or at the request of one of the parties, the Chamber may adopt any of the precautionary measures provided for in the Law on Civil Procedure, in accordance with the procedure set forth in said Law. In particular, the Chamber may agree on the provisional suspension of the activities of the party until a judgment has been delivered, with the scope and effects that it deems opportune for the purpose of safeguarding the general interest. In which case the Chamber shall order the respective preventive annotation in the Register of Political Parties.

**Article 12.** *Effects of the judicial dissolution.*

1. The judicial dissolution of a political party will produce the effects provided for in the laws and, in particular, the following:

a) After notification of the judgment of dissolution, all activity of the dissolved political party shall cease immediately. Failure to comply with this provision will give rise to liability in accordance with the provisions of the Penal Code.

b) Any acts executed in violation of the law or with improper use of legal status shall not impede the due enforcement of the dissolution. Forming a new political party or using another already registered in the Register of Political Parties and which continues or succeeds the activity of an illegal and dissolved party will be deemed fraudulent and inadmissible.

c) The dissolution will trigger the initiation of an asset liquidation procedure, to be conducted by three liquidators appointed by the Chamber that has passed judgment. The net assets will be assigned by the Treasury to activities of social or humanitarian interest.

2. During execution of the judgment, the Chamber that has passed judgment shall ensure that all the effects set forth in the laws concerning the dissolution of a political party are observed and executed.

3. In particular, after hearing the interested parties, the Chamber shall declare the inadmissibility of the continuity or succession of a dissolved political party, as referred to in section 1(b), and will take into account, when determining that connection, substantial similarities between both political parties, in their structure, organisation and operation, the persons who comprise, govern, represent or administer them, the origin of their finances or material means, and any other relevant circumstance, such as their readiness to support violence or terrorism, that enable said continuity or succession to be examined in the light of the information and documents submitted to the Chamber during the proceedings in which the outlawing and dissolution of the party were decreed. In addition to the parties to these proceedings, the Ministry of the Interior and the Public Prosecutor's Office may also apply to the Chamber for a ruling, in the event that the political party attempts to register the party in the Register of Political Parties, as set forth in Articles 4 and 5 of this Organic Law.

4. The Chamber that passes judgment shall, on reasoned grounds, reject requests, motions and pleas presented with clear abuse of powers or that entail improper use of legal status or violation of the law or abuse of court proceedings.

**Article 12 bis.** *Judicial declaration of termination of a political party.*

1. The competent body, at the initiative of the Register of Political Parties, on its own initiative or at the request of the interested parties, shall request from the contentious-administrative jurisdiction the judicial declaration of termination of a political party in any of the following situations:

a) Failure to adapt its statutes to the applicable laws within the periods stipulated in each case.

b) Failure to convene the competent body for renewal of the governing and representation bodies after twice the period set forth in Article 3(2)(i).

c) Failure to present its annual accounts for three consecutive or four alternating financial years, without prejudice to the liabilities that may arise from the failure to present the accounts.

2. The Register of Political Parties shall give the political party advance warning when it has engaged in any of the situations described above so that, within a period of 6 months, it may demonstrate that it has adapted its statutes to the law, or that it has renewed its governing and representation bodies, or that it has presented the annual accounts for all the years outstanding, or where applicable, all of the above. If this period elapses without the political party having performed said actions, the Register of Political Parties shall initiate proceedings as provided for in the previous section.

3. For the judicial declaration of termination of a political party, the provisions of Article 127 quinquies of Law 29/1998 of 13 July, regulating Contentious-Administrative Jurisdiction, shall apply.

4. The judicial declaration of termination shall take effect from the moment of its entry in the Register of Political Parties, after notification by the judicial body.

## CHAPTER IV

### On the funding of political parties

#### **Article 13. Funding.**

1. Political parties will be funded in accordance with the provisions of Organic Law 3/1987 of 2 July, on the Funding of Political Parties.

2. In accordance with the abovementioned Law and the provisions of Organic Law 2/1982 of 12 May, on the Court of Auditors, and with Law 7/1988 of 5 April, on the Operation of the Court of Auditors, political parties assume the formal and personal obligations related to the accreditation of aims and the fulfilment of requirements established in the abovementioned laws with regard to the control of public funds received.

3. All parties registered in the Register of Political Parties shall send the official consolidated annual accounts to the Court of Auditors within the period established in Organic Law 8/2007 of 4 July, on the funding of political parties.

#### **First additional provision. Modification of Organic Law 6/1985 of 1 July, on the Judiciary.**

A new number 6 is introduced in Article 61(1) of Organic Law 6/1985 of 1 July, on the Judiciary, with the following content:

“6. On the procedures for declaring the illegality and subsequent dissolution of political parties, in accordance with the provisions of Organic Law 6/2002 of 27 June, on Political Parties.”

#### **Second additional provision. Modifications of Organic Law 5/1985 of 19 June, on the General Electoral System.**

1. A new section 4 is introduced in Article 44 of Organic Law 5/1985 of 19 June, on the General Electoral System, with the following content:

“4. Groups of voters that are effectively continuing or succeeding the activity of a political party judicially declared illegal and dissolved, or suspended, may not present lists of candidates. For

this purpose, any substantial similarities which may help determine such continuity or succession will be taken into account: in their structure, organisation and operation, the persons who comprise, govern, represent or administer them, the origin of their finances or material means, and any other relevant circumstance, such as their readiness to support violence or terrorism.”

2. A new section 5 is introduced in Article 49 of Organic Law 5/1985 of 19 June, on the General Electoral System, with the following content:

“5. The actions provided for in this article will be applicable in cases of announcement or exclusion of candidates presented by the groups of voters referred to in Article 44(4) of this Organic Law, with the following exceptions:

a) The action referred to in the first section of this article will be brought before the Special Chamber of the Supreme Court regulated in Article 61 of the Organic Law on the Judiciary.

b) Those with the legal capacity to request the declaration of illegality of a political party will also have the legal capacity to bring the action, in accordance with the provisions of Article 11(1) of the Organic Law on Political Parties.”

**Third additional provision. *Subsidiarity.***

In the party registration procedure regulated in Chapter III, Law 30/1992 of 26 November, on the Legal System of Public Administrations and on Common Administrative Procedure, will also be applicable in all matters not regulated in this Organic Law and its implementing regulations.

**Fourth additional provision. *Foundations and entities linked to or dependent on political parties.***

1. Foundations and entities that are linked to or dependent on political parties in accordance with the criteria set forth in Organic Law 8/2007, of 4 July, on the funding of political parties shall be registered in the Register of Political Parties on the joint initiative of the representatives of the political parties and of their own representatives. In the act of registration the name of the foundation and entity and the respective register in which they are already registered shall be communicated.

Foundations and entities linked to or dependent on political parties shall be registered in the specific section of the Register that is created for such purpose.

2. Foundations and entities linked to or dependent on political parties that are not registered in the Register of Political Parties will not be able to apply for public subsidies for foundations and entities linked to or dependent on political parties.

3. Registration in the Register of Political Parties shall be done irrespective of their registration in the Registry of foundations or entities that corresponds to the type or territorial scope.

**Sole transitional provision.**

1. Political parties registered at the Ministry of the Interior upon the coming into force of this Organic Law will be subject to this Law and will preserve their legal status and full capacity, without prejudice, where necessary, to having to adapt their statutes within one year.

2. For the purpose of applying the provisions of Article 9(4) to activities carried out after the entry into force of this Organic Law, the formation of a political party, immediately before or after the aforementioned entry into force, which continues or succeeds the activity of another with the intention of circumventing the application of the provisions of this Law to the former party, shall be considered a violation of the law. This shall not impede such application, and action will be taken against the party in

accordance with the provisions of Articles 10 and 11 of this Organic Law, and the Special Chamber of the Supreme Court shall be tasked with examining said continuity or succession and and fraudulent intent.

**Sole repeal provision.**

All laws that conflict with this Organic Law, in particular, Law 54/1978 of 4 December, on Political Parties, and the articles in force of Law 21/1976 of 14 June, are hereby repealed.

**First final provision.** *Implementation of the law.*

The Government is hereby empowered to issue such provisions as may be necessary for implementation and enforcement of this Law, especially with regard to the founding charter and its supporting documentation and with regard to the Register of Political Parties provided for in Chapter I.

**Second final provision.** *Entry into force.*

This Organic Law will enter into force the day after it is published in the “Boletín Oficial del Estado” (Official State Gazette).

Therefore,

I call on all Spaniards, individuals and authorities, to observe and ensure observance of this Organic Law.

Madrid, 27 June 2002

JUAN CARLOS R.

The acting Prime Minister,  
MARIANO RAJOY BREY

This consolidated text has no legal status.

More information at [info@boe.es](mailto:info@boe.es)