

## Financial liability claims

Procedure for processing claims filed by the public (natural and legal persons) involving personal injuries and material damages.

### Purpose

The purpose of this procedure is to compensate individuals under the terms set out in Article 32 of Law 40/2015 of 1 October, on the Public Sector Legal Regime, for damages involving their goods or rights, provided said damages are a consequence of the normal or abnormal operation of public services, except in cases of force majeure or damages that the individual is legally required to bear in accordance with the law.

### Regulation

Law 40/2015 of 1 October, on the Legal System of the Public Sector.

Law 39/2015 of 1 October, on the Common Administrative Procedure of Government Agencies.

Article 65 of Law 14/2000 of 29 December, on tax measures and administrative and social order measures.

### Initiation method

Ex officio or at the request of the applicant.

### Filing period

The right to claim expires one year after the event or act that may be subject to compensation, or its harmful effects, takes place. In the event of physical or psychological damage to individuals, the one-year period starts from the time the consequences are treated or determined.

### Entity that decides the procedure

Board of Directors and, by delegation of the Board, the ENAIRe General Secretariat.

### Deadline for ruling and notifying

Six months.

### Effects of failing to rule in time

Rejected.

### Law that regulates implied rejections

Law 39/2015 of 1 October, on the Common Administrative Procedure of Government Agencies.

### End of the process

The closing of the procedure ends the administrative process.

### Appeals

The resolution in question may be appealed internally or directly to a civil court.

## Requests to apply for financial liability claims

The prompt processing of the claim relies on the proper submission of the relevant documentation. Because of this, it is important that you properly fill in the request, which, in accordance with Article 66 of Law 39/2015, must contain:

- The name and surname of the applicant and, if applicable, of the applicant's representative, which must be certified in accordance with Article 5 of Law 39/2015 of 1 October.
- Specification of the electronic method of contact or, failing that, of the physical location where notifications are to be sent. In addition, applicants may provide their email address and/or other electronic means of contact so that government agencies can inform them that notifications are available or have been sent.
- Facts, reasons and request clearly describing the request.
- Place and date.
- Signature of the applicant or certification of the authenticity of his/her will expressed by any means.
- The administrative body, centre or unit to which it is directed and its corresponding identification code.

In addition to the above, in accordance with Article 67, it must specify:

- Damages.
- Causal relationship between the injuries and the operation of the public service.
- Economic assessment of the financial liability.
- When the damage actually occurred.
- It shall be accompanied by any comments, documents and information deemed appropriate, and by the evidence.

## Filing the claim

Once the request is complete, it can be delivered, together with the required documentation, to ENAIRe's General Register (Avda. de Aragón 330 - Building B - 28022. Madrid), or to any of the other offices specified in Law 39/2015 of 1 October, on the Common Administrative Procedure of Government Agencies:

- At the records offices of the administrative bodies to which they are directed.
  - The National Government
  - The regional governments.
  - The Entities that comprise the Local Government.
  - The public institutional sector.

- At the records offices of any administrative body that is part of Spain's national government, the regional governments, the entities that comprise the local government or, if the relevant agreement is in effect, the public institutional sector.
- Post offices, as established in regulations.
- Spanish diplomatic or consular offices abroad.
- Any other place specified in the applicable laws