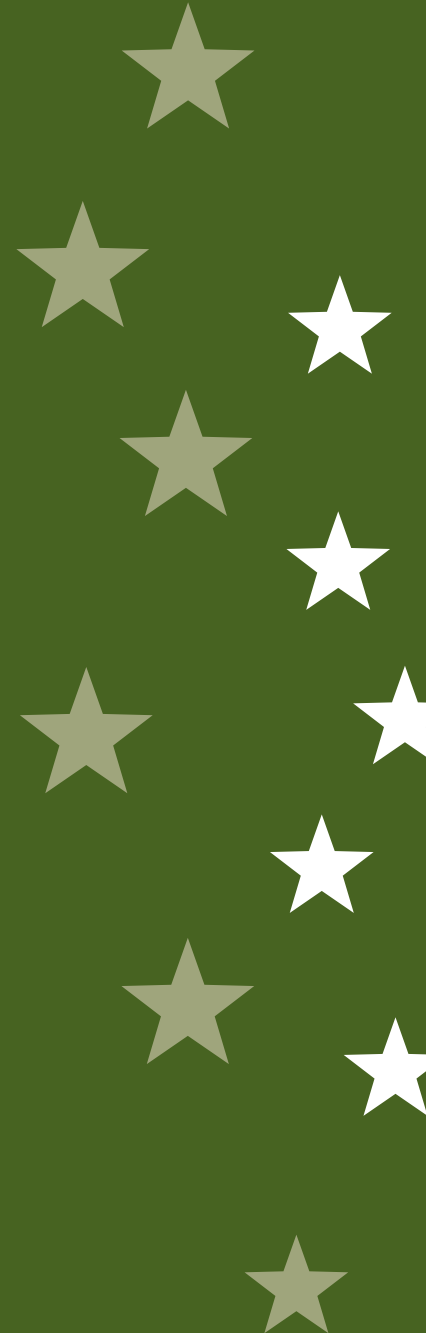


# Constitution of associations

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## ■ What is an association?

- It is the agreement of three or more parties (individuals or bodies corporate) who undertake to share knowledge, means and activities for legal and common purposes of general or particular interest that are subject to articles of association that govern the way in which the association works.
- The following are not associations: civil companies, trading companies, cooperatives, mutual insurance societies, communities of property, homeowners associations, temporary joint ventures between enterprises and economic interest groups.
- Secret associations, paramilitary associations and associations whose purposes are defined as criminal are prohibited.
- The following associations are subject to a special system: political parties, unions, religious associations and sports federations.
- All individuals, regardless of their nationality, have the right to form an association, where no individual is obliged to form part of or remain in an association or declare the fact that they belong to a legally constituted association.



## ■ Why create an association?

- Associations are one of the essential forms of citizen participation and contribute to the consolidation of democracy, representing citizens' interests before public authorities and private players in a variety of areas, including the following: environmental protection, the promotion of social and cultural values, the grouping-together of interests regarding town-planning projects and plans and the defence of the interests of specific citizens collectives (neighbours, women, young people, foreigners, etc.).
- When grouped together in associations, citizens increase their capacity for action and influence, since, as there are more people filing a specific claim or request, the said claim or request is considered more legitimate. United we stand.
- An association is an organised management structure that enables greater effectiveness when seeking the group's objectives.
- In addition, there is an important system of grants and subsidies that are only awarded to associations.

## ■ Requeriments

- In order to create an association, at least three parties are required and they can be either individuals or bodies corporate.
- If they are individuals, they must be fully capable of proceeding and their association must not be limited by law in any way (members of the Armed Forces, policemen, etc.).
- If they are bodies corporate, they must be legally incorporated.

## ■ Procedure and documentation

- Preliminary meetings. In these meetings, the parties intending to create the association (the so-called promoters) lay down the basic lines of the association (objectives, scope of action, activities, etc.) and draw up the corresponding articles of association.

- Inaugural meeting. In this meeting, the promoters adopt the agreement of constitution of the association, which shall be laid down in the foundational document. All the pages of the foundational document and the articles of association are signed by the promoters. Three copies of each document are signed, together with a fourth copy if the association's scope of action is national. The registration application form (two copies) for the Associations Register must also be signed by all the promoters.

- **Registration in the Associations Register.** Once the above has been completed, the association has the capacity for operating, but it must register in the corresponding Associations Register. Accordingly, the promoters shall provide the register with the following:

- All the signed copies of the application form, the foundational document and the articles of association.
  - In the case of individuals, a photocopy of their identification document (national ID document). If the individuals are foreigners, they must provide documentary proof of authorisation of their presence or residency in Spain.
  - In the case of bodies corporate, documentary proof of their legal personality, certificates of the agreement adopted by the competent body indicating the desire to constitute the association and the appointment of the individual who is to represent the body corporate in the agreement of constitution.
- **Obtaining the corporate taxpayer number (CIF).** After completing the above, an application must be made to the tax office (AEAT) corresponding to the association's domicile for a provisional corporate taxpayer number. This application must be accompanied by the following documents:
- Form 036 (alta censal, registration). This form can be obtained in the tax office itself or over the Internet. It must be signed by the president of the association.
  - Photocopy of the president's identification document.

- Original stamped by the Associations Register and copy of the registration application form, the foundational document and the articles of association.

The provisional corporate taxpayer number is issued in the term of a few days. Among other things, the corporate taxpayer number makes it possible to open a bank account or begin to issue and accept bills.

- **Confirmation of registration.** If there is an error in the documents provided to the Associations Register, you will be required to correct them. If all the documentation provided is correct, you will be notified of the registration and issued a registration code. You must also take the Minutes Register to the register for it to be stamped. If the association is a state-level association, the corresponding taxes must be paid by means of form 790.

- **Obtaining the definitive corporate taxpayer number.** Once the registration of the association has been confirmed, you must apply to the tax office for the provisional corporate taxpayer number to be turned into a definitive number. The corporate taxpayer number will be the same.

- **Registration in the Municipal Neighbour's Associations Register.** If the purpose of the association consists of the defence of neighbours' interests, once it has been constituted, it is also a good idea to register the association in this register. Among other things, it enables access to subsidies offered by the corresponding local authority, the use of municipal facilities and premises and participation in local councils and initiatives.

## ■ Basic content of the foundational document

The foundational document basically contains the following:

- The names and surnames or company name of the promoters, together with their addresses and nationalities.
- Express desire of the promoters to constitute the association and the name of the association.
- Appointment of the provisional members of the governing bodies.
- Place and date of the document and the signatures of the promoters.

## ■ Basic content of the articles of association

The articles of association shall contain the following:

- The name. It must not be similar to other names or lead to confusion about the association's purposes.
- Domicile and territorial scope of action (mainly if it is to carry out its activities in one single region or in several regions). It shall be subject to legislation according to its scope of action and shall submit to the Regional or National Associations Register.
- The association's activities and purposes.

- Members' rights and obligations.
- Representative and governing bodies and criteria that guarantee a democratic internal system.
- Initial assets and economic and bookkeeping system.
- Causes for dissolution.

## ■ Foreign asotiations

- The foreign associations that wish to carry out activities in Spain in a stable, lasting way shall establish a delegation in Spain.
- They must register in the National Associations Register, which shall notify the registers of the region or regions where the association carries out its main activities of the said registration.
- They must register and necessarily deposit a set of documents and information in the general associations register: articles of association, opening and closing of delegations, dissolution and liquidation documents, etc.

## ■ Reference Legislation

- Articles 22 and 13.2 of the Spanish Constitution.
- Organic Statute 1/2002, of 20 to March, governing the right to association.
- Article 8 of Organic Statute 4/2000, of 11 January, governing the rights and freedoms of foreigners in Spain and their social integration.
- Act 30/1992, of 26 November, of the Head of State's Office, governing the legal system of public administrations and the common administrative procedure.
- Articles 232 and following of Royal Decree 2568-1986, of 28 November, which adopts the regulations for the organisation, operation and legal system of local entities.
- Decree 181/2002, of 5 November, of the government of Valencia, which creates the Regional Associations Register of Comunidad Valenciana, Autonomous Region of Valencia.



## ■ Oficces and registerst

### - Department of Justice, the Interior and Public Administrations.

Territorial Department of Alicante. Rambla Méndez Núñez 41, 3<sup>a</sup>. CP 03001, Alicante. Tel. 96 593 40 00 - Fax 96 647 80 75. Open to the public from Monday to Friday, 09:00 to 14:00.

### - National Associations Register.

C/ Amador de los Ríos 7. CP 28010, Madrid. Tel. 91 537 25 02 - Fax 91 537 25 08. Open to the public from Monday to Friday, 09:00 to 14:00.

- Tax office (AEAT) corresponding to the town in which the association is domiciled.

- Department of the corresponding local authorities with competencies in the area of citizen participation.



## ■ Useful websites

- Information of the PROP service on associations:

<http://www.gva.es/jsp/portalgv.jsp>

- Model of articles of association for an association. PROP service:

<http://www.prop.gva.es/datos/varios/impresos/Est1Castellano.doc>

- Consellería de Justicia, Interior y Administraciones Públicas (Department of Justice, the Interior and Public Administrations):

<http://www.gva.es/jsp/portalgv.jsp>

- National Associations Register website:

<http://www.mir.es/SGACAVT/asociaciones/telefonos.html>

- Administración Estatal de la Agencia Tributaria (Spanish Tax Department (AEAT) website:

[www.aeat.es](http://www.aeat.es)