



LAW 14/2017, OF 20 JULY, ON THE GUARANTEED MINIMUM INCOME

PREAMBLE

I

The situation of people with low income in Catalonia and, above all, the social emergency brought about by the economic crisis gave rise to a popular legislative initiative on the guaranteed minimum income in order to promote a law that complied with Article 24.3 of the Statute of Autonomy of Catalonia. The legislative initiative, which collected 121,191 signatures, began to be processed at the end of the tenth legislative term and continued in the eleventh, with the reformulation of the amendments presented by the parliamentary groups and the subsequent work in the drafting committee. In view of the difficulties encountered in resolving certain aspects, the drafting committee asked the Promoting Committee and the Government to carry out the necessary work to reach an agreement for the establishment of a guaranteed minimum income. The agreement was signed on 15 May 2017 and has been incorporated into the text of this law, along with all the work done within the drafting committee by the parliamentary groups.

The guaranteed minimum income represents the expression of several principles: the principle of equality understood as the elimination of any discrimination in access to benefit; the principle of equity, given that the recognition and application of benefit are posed as a response to the situation of need from a point of view of redistribution of resources and positive discrimination; the principle of empowerment and autonomy of persons in society, understood as the set of economic benefits and services that strengthen them and allow them to emerge from situations of poverty and necessity, which should always be temporary and not chronic; and the principle of universality, solidarity and complementarity, because the income is guaranteed to all persons who meet the requisites, it is an expression of solidarity and social justice, and it supplements the income of its recipients when there is a situation of lack of means. It also satisfies the principle of subsidiarity, since it is a benefit that is recognized when it is not possible to gain access to other protection mechanisms, either because the coverage has ended or because it has not been granted.

The regulation and development of the guaranteed minimum income also satisfies another group of principles that constitute the framework of action of the public administrations in this matter.

It takes into account the principle of public responsibility for caring for citizens, since the provision of the benefit is enshrined in the social services and employment public system, and its availability and management are guaranteed by the public administrations in the exercise of their powers.

Furthermore, the regulation of the benefit is an expression of the principle of stability, so its payment is maintained as long as the situation of social exclusion that gave rise to it persists and the requirements, conditions and obligations are met.

It also takes into account the principle of individualized attention. For this reason, the benefit must correspond in each case to the particular conditions and needs of the persons for whom it is intended, without forgetting, if necessary, the peculiarities of the groups to which they belong.

The participation of the recipients is also an essential principle of the provision of benefit. Their active, committed and responsible contribution to overcoming the situation is therefore guaranteed, as is their intervention in programming and developing the itineraries that can be designed for their integration.

This is also a benefit that clearly stems from a family policy, as it protects families and children from situations of vulnerability. The integral nature of the benefit also corresponds to the child poverty that arises from the existence of families with children in extreme poverty.

Finally, the gender perspective is also considered through positive action measures that take into account the special needs of victims of gender violence.

II

The increase in poverty and the number of people at risk of poverty is one of the serious consequences of the global economic crisis. Persons in one of the following situations are considered to be at risk of poverty or social exclusion: those with an extreme material shortage, those with income per unit of



consumption below 60% of the average and those who live in households with a very low or zero employment intensity.

Catalonia has a lower risk of poverty and social exclusion than the average for the Spanish State, but there has been an increase in inequality and an increase in the number of households that claim to find it difficult to make ends meet.

It is therefore necessary to guarantee the coverage of the basic needs of the most disadvantaged sectors of the population and to set up a guaranteed income system in order to ensure these minimums, to develop the promotion and empowerment of persons within society and in the labour market, and to overcome the situation that made this benefit necessary.

The fight against poverty and social exclusion is one of the strongest commitments of the European Union, since income inequalities and extreme poverty are matters that concern and increasingly occupy the whole Union.

With the Resolution of 15 November 2007, on social reality stocktaking, the European Parliament highlighted social cohesion and the eradication of poverty and social exclusion as political priorities of the European Union.

Decision 1098/2008/EC of the European Parliament and of the Council, of 22 October 2008, declared 2010 European Year for Combating Poverty and Social Exclusion and set as its objective and the guiding principal of the year the fundamental right of persons experiencing poverty and social exclusion to live with dignity and to take an active part in society, and effective access of these persons to social, economic and cultural rights, sufficient resources and quality services.

Within the framework of the European 2020 Strategy, the European Commission has placed the fight against poverty at the heart of its economic, employment and social agenda. The European Union has set the target of reducing the number of people at risk of poverty or social exclusion by at least 20 million by 2020. Indeed, in the European Union there are today more than 80 million people at risk of poverty, a figure that includes 20 million children and accounts for 8% of the active population.

To achieve these goals, the European Commission has created the European Platform against Poverty and Social Exclusion as a joint commitment among all the Member States and the institutions of the European Union (and other key parties interested in fighting poverty). The challenges or key points of the Platform and its fight against poverty and social exclusion include the promotion of a minimum income.

Commission Recommendation (EU) 2017/761 of April 26, 2017, on the European Pillar of Social Rights, also expresses the essential principles and rights for the fair functioning of labour markets and welfare systems in 21st-century Europe. Among these principles, we find the minimum income (Article 14), understood as adequate minimum income benefits ensuring a life in dignity at all stages of life, and effective access to enabling goods and services, to which everyone lacking sufficient resources has the right.

Chapter I, Title I of the Statute of Autonomy of Catalonia recognizes the rights and duties in the civil and social field, which include the rights related to social services. These rights are binding on all public authorities, whose provisions must respect, interpret and apply them in the most favourable sense for them to be fully effective.

Accordingly, Article 24.3 of the Statute states that persons or families who are in a situation of poverty are entitled to receive a guaranteed minimum income that guarantees that they have the minimum elements of a dignified life, in accordance with the conditions that are legally established. Furthermore, Article 37.3 stipulates that the essential regulation and direct implementation of the rights recognized by Chapters I, II and III of Title I must be made by law of the Parliament.

Furthermore, the Statute establishes the guiding principles for public policies and asks the public authorities to take the necessary measures to guarantee their full effectiveness.

The regulation provided for in the Statute is framed within the Universal Declaration of Human Rights and the European Social Charter. Article 25 of the 1948 Universal Declaration of Human Rights of the United Nations proclaims that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services” and Article 14 of the European Social Charter stipulates that “With a view to ensuring the



effective exercise of the right to benefit from social welfare services, the Parties undertake: to promote or provide services which, by using methods of social work, would contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment”.

Furthermore, Article 22 of Law 12/2007, of 11 October, on social services, specifies that economic benefits are the monetary contributions aimed at dealing with certain situations of need experienced by people who do not have sufficient funds to deal with them and are unable to obtain them or receive them from other sources. It also determines that these economic benefits can be granted as a right vested in the individual, a right of competition or a social emergency.

Finally, Article 12 of Law 13/2006, of 27 July, on economic social benefits, describes as a situation of necessity any contingency that occurs or arises in the course of a person’s life and that prevents them from meeting the essential expenses for their own maintenance or for the maintenance of the people who make up the family unit or the unit of cohabitation to which they belong.

ARTICLE 1. OBJECT OF THE LAW

The object of this law is to regulate the guaranteed minimum income established by Article 24.3 of the Statute of Autonomy in order to ensure the minimum elements of a dignified life for the persons and family units that are in a situation of poverty, in order to promote their autonomy and active participation in society.

ARTICLE 2. PURPOSE AND TYPE OF BENEFIT OF THE GUARANTEED MINIMUM INCOME

1. The guaranteed minimum income is a social benefit of an economic nature that is paid periodically. It is intended as a right to a guaranteed benefit vested in the individual and its aim is to develop and empower people and allow them to overcome the situation that has led them to need this benefit.

2. The guaranteed minimum income is a right vested in the individual, in the terms established by law, which consists of two economic benefits:

a) A guaranteed, unconditional benefit, subject to the requirements established by this law.

b) A supplementary activation and integration benefit that is conditional on the commitment to draw up, and if necessary follow, a plan of social inclusion or integration in employment, which is aimed at overcoming the situation that led to the need for the benefit, and therefore ending the guaranteed minimum income.

3. The public authorities, especially the Generalitat, must allocate the necessary resources for the provision of services to be carried out in the form of necessary active policies linked to the plans for integration and inclusion. These resources must facilitate itineraries, actions and services for social inclusion and integration for those who need social counselling and support, as well as active employment policies that guarantee people’s right to employability. For all purposes, these actions are considered service provision.

ARTICLE 3. CHARACTERISTICS OF THE BENEFITS OF THE GUARANTEED MINIMUM INCOME

1. The guaranteed benefit referred to in paragraph 2.a of Article 2 is a periodic economic benefit for persons and family units that do not have an income that guarantees them the minimum elements for a dignified life.

2. The supplementary activation and integration benefit referred to in paragraph 2.b of Article 2 is a temporary periodic economic benefit aimed at social inclusion or integration in employment. It is evaluated periodically and individually, and is linked to the explicit intention of the beneficiaries to carry out the activities of their work plan.

3. In accordance with the object and purpose of the benefit, the guaranteed minimum income cannot be transferred, seized or withheld.

ARTICLE 4. THE SUPPLEMENTARY AND SUBSIDIARY NATURE OF THE GUARANTEED MINIMUM INCOME

1. The guaranteed minimum income is compatible and complementary to income from part-time work when the income is below the threshold of the self-sufficiency income indicator of Catalonia. Initially, it



is only compatible for single-parent families with dependent children and the application of the compatibility ends when the compatibility of the guaranteed minimum income is extended to all income from work arising from a part-time contract. In this case, the economic benefit of the guaranteed minimum income is the difference between the income from work and the amount of the benefit.

2. The guaranteed minimum income is subsidiary to all aid, subsidies, benefits or pensions of any administration to which the claimants or beneficiaries may be entitled, and the guaranteed minimum income is the last social safety net.

3. The guaranteed minimum income is also subsidiary to income of any kind to which the claimants or beneficiaries of the benefit may be entitled, except for the income from benefits referred to in paragraph 4.

4. Public and private economic dependency benefits, grants for school meals and transport, emergency grants to avoid evictions, public scholarships to study (upper secondary school or university), and those that exist or can be established with the explicit purpose of complementing the guaranteed minimum income are compatible with receipt of the guaranteed minimum income, and do not count as income to determine the economic threshold.

5. Recipients of State aid and benefits for unemployment and for employment and recipients of contributory and non-contributory social security pensions are not entitled to the guaranteed minimum income, without prejudice to the third additional provision regarding cases of complementarity.

ARTICLE 5. CLAIMANTS AND BENEFICIARIES OF THE GUARANTEED MINIMUM INCOME

1. Persons who meet the following requirements regulated by this law are entitled to the guaranteed minimum income.

2. For the purposes of this law, the following shall be understood:

a) *The claimant*: the person in favour of whom the guaranteed minimum income and, where appropriate, an individual plan for integration in employment or social inclusion is approved.

b) *Beneficiaries*: the persons who form part of the same nucleus as members of the family unit.

c) *Recipients*: the claimant and the beneficiaries.

3. If there is more than one person entitled to be the claimant of the benefit in the same family unit, preference is given to the person who has no economic income or has the lowest income, and also to the persons who have parental authority.

4. A family unit can only give the right to a single procedure for awarding the guaranteed minimum income.

5. Women who have legally recognized status as victims of male violence in the home automatically become claimants of the benefit, provided that they are entitled to it.

6. The holding of the right to the guaranteed minimum income may be subject to modifications as a result of the circumstances referred to in letters *e* and *f* of Article 14.1.

ARTICLE 6. FAMILY UNIT

1. For the purposes established by this law, a *family unit* is considered to be formed by one or more persons who maintain a spousal or stable relationship with each other, or who have family ties arising from consanguinity or affinity up to the second degree. It also includes persons who have ties arising from adoption or fostering, or ties of cohabitation similar to the aforementioned ties, excluding those arising merely from living in the same dwelling. The degree of consanguinity is counted from the claimant.

2. For the application of the guaranteed minimum income, the recipients of the benefits must be taken into account, whether they live alone or as members of a family unit. In cases where the need is duly justified, the management body defined by Article 22 can issue a reasoned decision to consider persons with a more distant degree of consanguinity as members of the family unit.

3. In order to determine the right to receive the benefit, the income of all the persons who make up the family unit is counted.



ARTICLE 7. REQUIREMENTS TO BE ENTITLED TO THE GUARANTEED MINIMUM INCOME

1. Persons who meet the following requirements are entitled to a guaranteed minimum income as claimants:

a) They must be over twenty-three years old, or eighteen years old if they are in any of the following situations:

- They have minors or persons with disabilities in their care.
- They are orphans.
- They have been victims of gender-based violence in the home.
- Any other situation or circumstance that is established by regulation.

b) They must be registered in a municipality and residing legally in Catalonia. This requirement does not apply to women who have residence permits for family regrouping and lose it as a result of divorce or separation, or to returning Catalans.

c) They must have resided continuously and effectively in Catalonia during the 24 months immediately prior to the presentation of the application, without prejudice to the provisions of Article 23.2.b. Justified absences of less than one month are not taken into account for the calculation of this period.

d) They must not have an amount of income or economic resources considered minimal to meet the basic needs of a dignified life, in accordance with the corresponding amount of the guaranteed minimum income in relation to the threshold of income set by the self-sufficiency income indicator of Catalonia. The situation of insufficient income and resources must occur at least during the six months immediately prior to the presentation of the demand for guaranteed minimum income and must continue to exist during the processing of the application and the receipt of the benefit.

e) They must not be beneficiaries of a public or private permanent residential social or health service, or both, and they must not be confined in an ordinary or high-security prison.

2. Persons who are in any of the following circumstances are not entitled to the guaranteed minimum income:

a) Persons who voluntarily ceased their work within the twelve months prior to the application for the benefit.

b) Persons affected by a dismissal or other similar situation who are entitled to compensation or equivalent benefits. However, these persons are entitled to receive a provisional guaranteed citizenship income until they receive their severance pay. Once the severance pay has been received, they must return the benefits of the guaranteed minimum income up to the amount of the benefit they have received, without prejudice to the possibility of renewing the application to receive the guaranteed minimum income if the requirements are met.

c) Persons who have within the last five years received any public benefit declared unjustified by final administrative resolution due to causes that are attributable to them. In order to apply again for the guaranteed minimum income in this circumstance, at least one year must have passed after the submission of the denied application.

d) Persons who have not filed a legal claim in relation to child maintenance or spousal maintenance to which they are entitled but which they do not receive, except in cases that are determined by regulation.

e) Persons or family units that have sufficient movable or immovable property whose value or yields ensure the minimum elements of a dignified life according to the provisions of this law, with the exception of the habitual residence.

3. Persons who do not meet the established requirements but are subject to extraordinary circumstances for which they are in a situation of special need are entitled to the guaranteed minimum income. These exceptions must be established by regulation and require a mandatory favourable technical report of the competent public social services and the management body of the guaranteed minimum income.



ARTICLE 8. EVALUATION AND ACCREDITATION OF THE RIGHT OF THE APPLICANT OR THE FAMILY UNIT TO THE GUARANTEED MINIMUM INCOME

1. The income and resources that are taken into account to assess fulfilment of the requirement established in Article 7.1.d are the following:

- a) Earned income, returns on movable assets and real estate, capital gains, increases in equity and yields from any economic activity.
- b) Assets of any type, with the exception of the habitual residence.
- c) Grants, subsidies and other economic benefits that are received from public administrations or from public or private entities, which are treated according to Article 4.

2. The income and resources referred to in paragraph 1 are proven with the following documents:

- a) The last income tax declaration of natural persons and the asset tax declaration, if applicable, and the certificate of fiscal data issued by the Tax Administration.
- b) Certification of the average balance and bank statements of the last six months of current accounts or other bank deposits that appear in the certificate of fiscal data, as well as any new bank accounts that have been opened since this declaration or that are not declared in it.
- c) Proof of registration as a candidate for work activation with the competent public body for employment of the Generalitat.
- d) The working life certificate of the applicant and the beneficiaries issued by the Social Security Administration.
- e) A certificate from the municipal tax services or the corresponding land registry showing the property of the applicant in the property tax, and the tax situation.
- f) Other supporting documents requested by the management body.

3. The application for the guaranteed minimum income authorizes the competent administrations to verify, ex officio, any details of the members of the family unit that are necessary to process and conclude the procedure.

ARTICLE 9. DETERMINATION OF EMPLOYABILITY

1. At the time of requesting the benefit, the degree of employability of all the claimants and beneficiaries of the guaranteed minimum income must be determined.
2. Depending on the employability profile that is determined, the person must be referred to the corresponding tracking area.

ARTICLE 10. DURATION OF THE RIGHT TO RECEIVE THE BENEFITS

1. Claimants have the right to receive the guaranteed minimum income for as long as the situation of necessity is proven and the requirements established by Article 7 are met.
2. The right to receive the guaranteed minimum income must be renewed every two years by means of an extension decision, without prejudice to the permanent obligation of the claimant or beneficiary to notify any change in the situation that led to the right and the power of the responsible public administrations to make suitable checks at any time.
3. The supplementary activation and integration benefit is received from the beginning of the right to the benefit, together with the unconditional guaranteed income, when the claimants enter into the corresponding commitment. The benefit is subject to revision after twelve months and the continuity is determined based on the mandatory reports.
4. Failure by the competent public administrations to propose the corresponding individual plan for integration in employment or social inclusion must not entail the loss of the economic benefit by the claimant or beneficiaries who are entitled to it. If the failure is attributable to the claimant or beneficiary, the benefit is terminated, without prejudice to the right to apply for it again after twelve months.
5. If a recipient of the guaranteed minimum income obtains a full-time job, they continue to receive the supplementary activation and integration benefit for six months.



ARTICLE 11. OBLIGATIONS OF RECIPIENTS OF THE ECONOMIC BENEFIT

1. The awarding of the guaranteed minimum income implies that the recipients accept and comply with the general and specific obligations set forth in this article.

2. The claimants and any beneficiaries of the guaranteed minimum income have the following obligations:

a) To communicate to the corresponding management bodies any changes in their assets or their personal or family situation that, in accordance with this law, may modify, suspend or terminate the economic benefit within a period of one month from which such changes occur. They must also notify any change of habitual residence within a period of one month.

b) To apply, without prejudice to the provisions of Article 4, any other contributory or non-contributory economic benefit to which they are entitled during the period in which they receive the guaranteed minimum income.

c) Not to voluntarily waive another benefit or aid that they are receiving when they become entitled to the guaranteed minimum income.

d) To facilitate the work of the people who have to assess their situation and to collaborate with them by providing all the necessary information and meeting the requirements of the competent administrations to prove that the situation of necessity that gave rise to the payment of the benefit continues.

e) To remain registered in the Public Employment Service of Catalonia and not to reject a suitable job offer, according to the regulations governing unemployment benefit.

f) To reside continuously and effectively in Catalonia during the time in which they receive the economic benefit. Departures from the territory of Catalonia that are previously communicated to the monitoring body and do not exceed one month in a period of twelve months are not considered absences that interrupt the continuity of the residence. In exceptional cases, the absence may be up to two months if it is due to serious illness or death of family members. These exceptional absences must be communicated previously to the management body, accompanied by the supporting documents that are determined by law. The management body must reach a decision within ten days.

g) To reimburse the benefit if it has been received inappropriately.

3. In addition to those established in section 2, beneficiaries of the supplementary activation and integration benefit have the following obligations:

a) To sign the commitment to follow, and when offered to agree, sign and fulfil the individual plan for integration in employment or social inclusion.

b) To make themselves available for work, except:

– Persons who have the status of disabled persons with a degree equal to or greater than 65%.

– Persons who, according to the body in charge of managing the benefit, in collaboration if applicable with the municipal social services, and taking into account the opinion of these services, are not in a position to join the labour market in the short or medium term.

Availability for employment entails the obligation to be registered as a jobseeker, not to reject a suitable job offer in accordance with the provisions of the regulations on unemployment benefit, not to resign from a job, and not to request unpaid leave.

4. The management body may exclude the obligations established by letter *e* of paragraph 2, in accordance with the regulations, in cases where suitable support services are already available and do not need to be integrated into an individualized plan of support and activities.

ARTICLE 12. MODIFICATION AND REVISION OF THE BENEFIT

1. Any change in the personal or economic circumstances or assets of the claimant of the guaranteed minimum income, or those of any members of the family unit, entails a reduction or increase of the guaranteed minimum income and of the supplementary activation and integration benefit, after a review by the competent body.



2. The body responsible for managing the guaranteed income must review fulfilment of the requirements of the benefit by the beneficiaries at least every two years, without prejudice to its ability to carry out permanent supervision and any reviews that are considered appropriate.

3. The modification of the amount of benefit paid as guaranteed income and of the supplementary activation and integration benefit referred to in paragraph 1 has economic effects from day 1 of the month following the month in which the change of circumstances that justify it took place. If the amount is to be reduced, the claimant must return any amount unduly received from day 1 of the month following the month in which the change occurred. If the amount is to be increased, the competent body must pay the differences pending, as arrears, from day 1 of the month following the month in which the change occurred.

ARTICLE 13. SUSPENSION OF THE BENEFIT

1. Receipt of the guaranteed minimum income is suspended for any of the following reasons:

- a) If the claimant obtains a full-time job, without prejudice to the provisions of Article 10.5.
- b) If the claimant receives temporary, non-wage economic income to an amount equal to or greater than the self-sufficiency income indicator of Catalonia that is applicable at the time.
- c) If the claimant commits an unjustified breach of the requirements of the management body of the benefit when this body wishes to verify whether the requirements for entitlement continue to exist. In this case, the maximum duration of the suspension is two months, after which entitlement is declared to have expired if the breach continues.
- d) If the claimant fails to apply for any other contributory or non-contributory economic benefit or aid to which they are entitled from the time when the guaranteed minimum income was approved.

2. The supplementary activation and integration benefit is suspended due to breach of any of the obligations established in paragraphs 2 and 3 of Article 11, as well as due to the beneficiary's failure to comply with the plan for social inclusion or integration in employment.

3. The suspension of the right to receive the economic benefit of the guaranteed minimum income and the supplementary activation and integration benefit has economic effects from day 1 of the month following the month in which the resolution of suspension is issued. The suspension is maintained as long as the circumstances giving rise to it remain, but in no case for a continuous period of more than twelve months, after which the benefit is terminated and may be requested again.

4. Receipt of the guaranteed minimum income will be resumed if the circumstances that justified the suspension disappear. The economic benefit is resumed with financial effects from day 1 of the month following the month in which the recipients applied for it.

5. The management body of the guaranteed minimum income may decide to suspend payment of the benefit as a precaution if it has clear indications of the existence of any of the reasons established in paragraph 1 referring to the claimant or one of the members of the family unit while an investigation procedure is carried out. In this procedure the documents must be requested from the claimant. If the claimant does not present the documents within the established period, the benefit is considered to have terminated. The final decision on the suspension will be adopted within three months from the date of the precautionary suspension. If all the relevant administrative procedures have been complied with, the claimant has submitted the necessary documents or allegations, and the final decision is not notified within the established period, the suspension is understood to have been rendered ineffective. If it is decided not to suspend the benefit, either expressly or tacitly, the claimant has the right to collect the amounts that he or she has forfeited during the time of the precautionary suspension.

ARTICLE 14. TERMINATION OF THE RIGHT TO RECEIVE THE BENEFIT

1. The right to receive the guaranteed minimum income and the supplementary activation and integration benefit is terminated for the following reasons:

- a) Loss of any of the requirements that are set out in Article 7 and must be proven for eligibility for benefit, including the disappearance of the situation of need that led to the awarding of the benefit.
- b) Breach of the obligations regulated by Article 11.



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- c) Failure to notify any change of personal, family or employment circumstances that leads to loss of the right to receive the benefit. In this case, the amount unduly received must be returned.
 - d) Falsehood in the data provided to prove compliance with the requirements to obtain or continue receiving the benefit.
 - e) Death or unjustified absence of the claimant. For these purposes, a circumstance that in some way prevents the recipients from being located when the notification procedures established by the current regulations have been exhausted is understood to be absence. In cases of death or absence of the claimant due to abandonment of their family, the case must be reviewed to transfer claimant status to another member of the family unit, if they meet the requirements established by this law. In all cases the appropriate measures must be taken so that the rest of the members are not left unprotected.
 - f) A court sentence that entails the imprisonment of the claimant. In this case, the case must be reviewed to transfer the claimant status to another member of the family unit, if they meet the requirements established by this law.
 - g) The transfer of habitual residence to a municipality outside the territory of Catalonia.
 - h) A waiver by the claimant, without prejudice to the possibility that the remaining beneficiaries may apply for the benefit to which they are entitled.
2. If the benefit is terminated due to failure to meet the obligations established by letters *a* or *b* of Article 11.2, the claimant may not apply for the benefit again until twelve months after the date of termination.
 3. If the benefit is terminated due to failure to meet the obligations established by letters *e* or *f* of Article 11.2, the claimant may not apply for the benefit again until twenty-four months after the date of termination.
 4. If the benefit is terminated due to failure to meet the obligations established by letters *c* or *d* of Article 11.2, or due to falsehood in the proof of requirements, the claimant may not apply for the benefit again until thirty-six months after the date of termination.
 5. In any matter not dealt with hereunder, the benefits dealt with by this law are governed by the system of offences and penalties established by the law on social services.
 6. Any amounts unduly received must be reimbursed to the public administration and the debt incurred is considered public debt.

ARTICLE 15. PERSONAL DATA

1. The personal data contained in the administrative file and the corresponding reports must be only those that are essential to resolve the initial application to receive the guaranteed minimum income and to carry out the follow-up.
2. The public administrations must guarantee the confidentiality of the personal data that appear in the files used to resolve the applications to receive the guaranteed minimum income, in accordance with the legislation in force on protection of personal data and the right to privacy.

ARTICLE 16. DATA INTEGRATION

In compliance with the requirements of confidentiality and reserve determined by the current legal system, the conditions for effective data integration are established in accordance with the following provisions:

- a) The competent public administrations in each case must transfer the necessary personal data to prove residence and cohabitation, to assess the situation of necessity and to prove any other circumstances that are decisive for obtaining and continuing to receive each benefit in the framework of the current regulations regarding the protection of personal data.
- b) The management body of the services may provide personal data that are necessary for the management of the cases to the Tax Administration, the social security management entities and other public entities, for tax purposes and control of benefits.
- c) A single personal data file of all economic social benefits, including the guaranteed minimum income, must be created by regulation.



ARTICLE 17. FINANCING OF THE GUARANTEED MINIMUM INCOME

1. The guaranteed minimum income is financed by the budget of the Generalitat and by any economic contributions that may be made by other public administrations. In order to ensure sufficient coverage of the benefit, the credits may be extended, in accordance with current legislation.
2. The Generalitat, through the competent ministries, must take charge of the following:
 - a) The payment of the guaranteed minimum income and the supplementary activation and integration benefit.
 - b) The expenses arising from the individual plans for integration in employment and social inclusion.

ARTICLE 18. AMOUNT OF THE ECONOMIC BENEFIT

1. For a family unit with a single member, the maximum amount of the guaranteed minimum income, and the income threshold for receiving the benefit, including the amount corresponding to the supplementary activation and integration benefit, is 100% of the amount of the self-sufficiency income indicator of Catalonia.
2. If the family unit of the claimant of the guaranteed minimum income consists of two members, the maximum monthly amount, including the amount corresponding to the supplementary activation and integration benefit, is 150% of the amount of the self-sufficiency income indicator of Catalonia, except when the claimant of a single-parent family unit combines the benefit with part-time work, in which case the second member initially receives the amount set in paragraph 3.
3. If the family unit of the claimant of the guaranteed minimum income consists of more than two members, the maximum monthly amount is increased by one hundred euros per member, up to the fifth member.
4. The supplementary activation and integration benefit has a monthly amount of one hundred and fifty euros, and it is modified in the same proportion as the self-sufficiency income indicator of Catalonia in force at the time. Only claimants and beneficiaries who sign the commitment to follow the plan for integration in employment or social inclusion and comply with the activities detailed in the work plan are entitled to this amount. Compliance with the plan is assessed periodically and individually.
5. The total amount of the guaranteed minimum income may not exceed 182% of the self-sufficiency income indicator of Catalonia at the time, nor can it be less than 10% of this indicator.

ARTICLE 19. PAYMENT OF THE GUARANTEED MINIMUM INCOME

1. The payment of the guaranteed minimum income corresponds to the ministry competent in this matter. The payment must be made in twelve monthly instalments by means of a bank transfer in favour of the claimant or, exceptionally, in favour of a third party who legally represents the claimant or an entity that offers attention to the claimant, when this arrangement can guarantee the objective.
2. The guaranteed minimum income is exempt from taxation under the terms established by the tax regulations.

ARTICLE 20. AGREEMENTS FOR SOCIAL INCLUSION AND INTEGRATION IN EMPLOYMENT

1. The claimants of the supplementary activation and integration benefit of the guaranteed minimum income must approve and sign an agreement on social inclusion or integration in employment that defines the specific actions adapted to the needs of each member of the family unit to prevent a risk or situation of exclusion.
2. The agreement must be determined for each person, taking into account the specific characteristics, needs and possibilities, and avoiding the inclusion of unnecessary actions or measures in order to promote the autonomy of the beneficiaries.
3. The agreement must include social, formative, employment, educational, health or housing measures, among others. Social initiative organizations may participate in drafting the agreement.
4. In the field of their competencies in training and employment, public administrations must promote and apply measures aimed at favouring and facilitating the incorporation into employment of persons or



groups who, due to their characteristics, are unable or find it difficult to obtain jobs on equal terms, especially persons who receive the guaranteed minimum income.

5. The services of the public administrations have the responsibility to ensure the volume and quality of the services associated with the inclusion plans according to their responsibilities.

ARTICLE 21. COMPETENT PUBLIC ADMINISTRATIONS

1. The Administration of the Generalitat is responsible for deciding on the right to the guaranteed minimum income. Duly accredited local administrations and third sector entities can participate in the processing, management, execution and follow-up of the plans for integration in employment and social inclusion, in the terms established by the regulations.

2. The Generalitat, through the ministry responsible for social benefits, is responsible for deciding on the submitted application and, if applicable, for paying the benefit to the claimants.

3. The administrations and organizations affected must establish the appropriate coordination mechanisms, as well as the common criteria of action that are necessary for this law to be effective.

ARTICLE 22. BODIES FOR MANAGING THE GUARANTEED MINIMUM INCOME

1. The reception of the applications for benefits, the preparation and agreement of the plan for integration in employment and the orientation and follow-up of this plan are the responsibility of the public service responsible for employment.

2. The preparation and agreement of the plan for social inclusion and the orientation and follow-up of this plan are the responsibility of the public service responsible for social services.

3. Among other matters, the economic and administrative management, the decision to award the benefit, and its suspension, withdrawal and payment are the responsibility of the body of the ministry responsible for social benefits determined by the Government.

4. The planning, evaluation and orientation is managed through an interministerial committee created by the Government.

5. The technical body of the ministry responsible for social benefits carries out the decisions of the interministerial committee referred to in paragraph 4 and the Sixth Transitional Provision and acts as the body supporting this committee in the exercise of its functions of coordination, management and monitoring. This body has a multidisciplinary technical team with the following functions:

- a) Tracking and assessing the individual plans and the achievement of objectives.
- b) Tracking and assessing the active policies and inclusion services offered to the recipients of the benefit.
- c) Acting as a team responsible for the coordination and functional improvement of the units involved in providing the benefit.

ARTICLE 23. MONITORING BODY OF THE GUARANTEED MINIMUM INCOME

1. Within a period of five months from the entry into force of this law, a government committee on the guaranteed minimum income must be created jointly by representatives of the Administration of the Generalitat, the most representative trade unions and business organizations of Catalonia, entities of the third sector, representative organizations of social work and representative entities of the local world, with the casting vote of the person in charge of the ministry responsible for the matter. This committee must meet quarterly.

2. The committee assesses and monitors the application and functioning of the guaranteed minimum income. It has the following duties:

- a) To analyse the progress of the cases, the behaviour in the demand and the effects on the labour market and, specifically, the compatibility of the guaranteed minimum income with income from part-time work, in order to inform on the extension to all work income arising from part-time contracts.
- b) To evaluate the possible “pull effect” that may have occurred and to determine whether there has been an increase of at least 10% in new applications for the guaranteed minimum income of newly-censored persons in Catalonia. If so, to make a favourable report for the requirement of previous residence to be



extended up to a total of thirty-six months. In this case, the Government is allowed to make the regulation extend the period of twenty-four months of legal residence to thirty-six months for entitlement to the benefit.

- c) To evaluate the rate of coverage of the benefit in the whole population and its economic sufficiency.
- d) To review the set of economic and service benefits in view of the Social Benefits Map of Catalonia, in order to carry out the necessary rationalization and simplification of existing benefits and, where appropriate, issue any reports that it considers appropriate.

ARTICLE 24. COORDINATION OF THE ACTIONS

1. In order to coordinate and rationalize all the actions resulting from the application of the guaranteed minimum income in primary social care, coordination bodies can be formed at municipal, county or regional level and their composition and operation must be set by regulation. These bodies must have the information necessary to properly manage the coordination and to favour the rationalization of the guaranteed minimum income in the area of primary social care services.
2. The public administrations must provide the management bodies referred to in Article 22, and any others that may be determined by regulation, with the necessary information so that any checks that the body considers appropriate may be made to verify compliance with the requirements and conditions established for receiving the economic benefit. Social initiative organizations that carry out reintegration actions by means of an agreement have the same obligation.

ARTICLE 25. PRESENTATION OF THE APPLICATIONS

1. Applications to receive the guaranteed minimum income may be presented by the claimant or by a third person who represents them legally.
2. At the time of the application, if the applicant wishes to obtain the supplementary activation and integration benefit, they must sign a commitment to follow the individual plan of social inclusion or integration in employment.
3. Applications for economic benefit need only be accompanied by the documents necessary to justify compliance with requirements that have not been issued by another public administration or that are not already in the hands of the public administrations. However, applicants may be required to provide information on the file, action or register in which the information or documents are included.
4. The management body that processes the application must check the information on their own initiative and ask for any information that is necessary to process the application or to check compliance with the requisites for entitlement to the guaranteed minimum income. This body must in all cases respect the provisions of the legislation on protection of personal data.

ARTICLE 26. ADMINISTRATIVE DECISION ON THE APPLICATIONS

1. The competent public administration must issue an express decision denying or granting the benefit within four months from the date of entry of the application in the registry.
2. If the interested party has not been notified of the decision within the period referred to in paragraph 1, the application must be understood to have been accepted.
3. The provisions of paragraphs 1 and 2 are applicable to the administrative decision to extend the benefit referred to in Article 10.2.
4. The right to receive the guaranteed minimum income has economic effects from the date of submission of the application.
5. Within a period of three months from the date of the decision to award the economic benefit, the individual plan for integration in employment or social inclusion must be proposed and agreed when the claimant has applied for the supplementary activation and integration benefit.

ARTICLE 27. ADMINISTRATIVE AND JUDICIAL APPEALS AGAINST DECISIONS

1. The applicant may file an appeal against the decisions to approve, refuse, change, suspend or terminate payment of the guaranteed minimum income. The appeal must be resolved within three months. Once this



term has elapsed without an express decision having been issued, the appeal may be considered dismissed.

2. A contentious administrative appeal against administrative decisions that put an end to the administrative proceedings can be brought before the Chamber for Contentious Administrative Proceedings.

ADDITIONAL PROVISIONS

FIRST ADDITIONAL PROVISION. NON-INCLUSION IN THE SOCIAL SECURITY SYSTEM

In view of their nature, the economic benefits established by this law are not part of the social security system and are not included in the scope of Regulation (EC), no. 883/2004, of 29 April 2004, on the coordination of social security systems.

SECOND ADDITIONAL PROVISION. SUPPLEMENTATION OF THE ECONOMIC SOCIAL PROTECTION BENEFITS OF THE SPANISH STATE ADMINISTRATION

The contributory and non-contributory economic social protection benefits of the Spanish State Administration are supplemented by the benefits established by Law 13/2006, of 27 July, on economic social benefits, and Decree 123/2007, of 29 May.

THIRD ADDITIONAL PROVISION. SUPPLEMENTARY BENEFITS

1. Article 21 of Law 13/2006, of 27 July, on economic social benefits, is hereby amended, and now reads as follows:

“Article 21. Financial benefits supplementary to state aid, pensions and benefits

“1. A benefit vested in the individual is created to supplement state aid, pensions and benefits.

“2. The beneficiaries of a non-contributory disability or retirement pension of the security social system have the right to a supplementary benefit paid by the Generalitat provided that they meet the other requirements set by the present law. The amount of the supplementary benefit is that obtained from the application of the conditions, circumstances and amounts established by the Third Transitional Provision of the Law on the guaranteed minimum income, and must be the amount necessary to reach the amount of the guaranteed minimum income applicable at the time, including the supplementary activation and integration benefit.

“3. The beneficiaries of aid, benefits and pensions other than those referred to in paragraph 2, provided that they are lower than the amounts set in the income threshold for obtaining the guaranteed minimum income and that they meet the other requirements set forth in the Law on the guaranteed minimum income, receive an economic supplement that is subsidiary to the aid, benefit or pension they receive. This supplement is intended to match their level of benefits to that of the recipients of the guaranteed minimum income, including the supplementary activation and integration benefit, in the conditions, circumstances and amounts established by the Third Transitional Provision of the Law on the guaranteed minimum income.

“4. The following are reasons for terminating the supplementary benefit, in addition to those established in general:

“a) Ceasing to receive the benefit that is the object of the supplement.

“b) Being a user of an economic benefit or of a residential, healthcare or housing service of a similar nature, provided that this benefit is financed with public funds, or being confined in an ordinary or high-security prison.”

2. The supplementary economic benefits regulated by this provision have effect from 15 September 2017.

3. The applications for the supplementary economic benefits regulated by this provision, and, where applicable, the corresponding payments, are made in accordance with the provisions set forth in Decree 123/2007, of 29 May.



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FOURTH ADDITIONAL PROVISION. RIGHT OF REFUGEES TO THE GUARANTEED MINIMUM INCOME

For the entitlement of refugees and applicants for international protection to receive the guaranteed minimum income, in compliance with the Convention Relating to the Status of Refugees, adopted in Geneva on 28 July 1951, and the rest of the international regulations governing refugee status and beneficiaries of international protection, the following should be taken into account:

- a) The requirement of continued and effective legal residency in Catalonia of refugees must be proven by means of registration of residency during the period of time in which they have been beneficiaries of programmes arising from fulfilment of the obligations of the Geneva Convention, which must in all cases be for a minimum period of one year.
- b) The economic income received by refugees as beneficiaries of programmes arising from compliance with the obligations of the Geneva Convention are not taken into account for the fulfilment of the requirement of insufficient income and resources during the six months prior to submission of the application for the guaranteed minimum income.
- c) The benefits established by this law are subject to compliance with an individual plan of activities that, in mutual agreement with each refugee, is determined by the city council of the municipality in which the refugee resides at the time of applying for the guaranteed minimum income, in accordance with the general conditions established by the ministry responsible for social benefits.

FIFTH ADDITIONAL PROVISION. HOUSEHOLDS WITH MORE THAN ONE FAMILY UNIT

The cases in which one more than one family unit receiving the guaranteed minimum income resides in the same household must be regulated. Until the regulatory implementation is carried out, the technical management body of the guaranteed minimum income must assess the circumstances of the cases of residence of more than one family unit in the same household.

SIXTH ADDITIONAL PROVISION. GENERAL EVALUATION REPORT

The Administration of the Generalitat must prepare an annual general evaluation report on the application of this law. This report must evaluate the rate of coverage of the benefit and its economic sufficiency.

SEVENTH ADDITIONAL PROVISION. APPLICATION AND EFFECTIVENESS REPORT

In the fourth quarter of 2018, the Government must submit to the Parliament of Catalonia a report on the application and effectiveness of the guaranteed minimum income during the first 12 months of validity of this law.

EIGHTH ADDITIONAL PROVISION. AGREEMENTS WITH OTHER AUTONOMOUS COMMUNITIES

In order to promote social inclusion and integration in employment, and also to facilitate the life projects of the real and potential recipients of the guaranteed minimum income, the Government may reach agreements with other autonomous communities that allow people to move between communities without losing the right to the guaranteed minimum income, by virtue of the principle of reciprocity.

NINTH ADDITIONAL PROVISION. MEASURES OF IMPLEMENTATION AND COVERAGE

The Government must analyse, together with the municipal entities representing the local world, the economic, technical and human needs that arise from the full implementation of this law, and it must adopt by consensus any political and budgetary measures that are necessary to cover them.

TRANSITIONAL PROVISIONS

FIRST TRANSITIONAL PROVISION. CLAIMANTS OF THE MINIMUM INTEGRATION INCOME REGULATED BY LAW 10/1997

1. Holders of the economic rights in application of Law 10/1997, of 3 July, on the minimum integration income, who are receiving the economic benefit regulated thereunder will receive the guaranteed minimum income, without prejudice to the ability of the competent administration to verify compliance with the requirements for access to the new guaranteed minimum income.



2. The amount received by beneficiaries of a minimum integration income will not be reduced with the application of the guaranteed minimum income, provided that they continue to meet the requirements to receive it.

SECOND TRANSITIONAL PROVISION. TERMS AND EFFECTS

The period for decisions on applications submitted within two months from the date of entry into force of this law is five months. The express or tacit acceptance of the right to the guaranteed minimum income has effect from 15 September 2017.

THIRD TRANSITIONAL PROVISION. IMPLEMENTATION AND AMOUNT OF THE BENEFIT

1. The economic amounts of the guaranteed minimum income must be developed gradually between the date of entry into force of this law and its full implementation on 1 April 2020. The lower income requirement is between 85% of the self-sufficiency income indicator at the beginning (15 September 2017) and 100% at the end of this period.

2. For each of the periods indicated in the table below, the poverty threshold and the amount of benefit established therein are applicable, depending on the person or persons who form part of the family unit and always in the amounts derived from the percentage of the self-sufficiency income indicator of Catalonia (SSIIC) in force at the time:

Family unit members	15 September 2017		15 September 2018		15 September 2019		1 April 2020	
	Amount	% of SSIIC	Amount	% of SSIIC	Amount	% of SSIIC	Amount	% of SSIIC
1 adult	564	85%	604	91%	644	97%	664	100%
2 adults	836	126%	896	135%	956	144%	996	150%
3	909	137%	969	146%	1,029	155%	1,096	165%
4	982	148%	1,042	157%	1,102	166%	1,196	180%
5	1,062	160%	1,122	169%	1,181	178%	1,208	182%

FOURTH TRANSITIONAL PROVISION. COMPATIBILITIES

1. The compatibility of the guaranteed minimum income with income from part-time work is progressive and gradual. It ends when complementarity has been extended to all incomes arising from part-time contracts for all persons who do not have an amount of income or economic resources considered minimal to meet the basic needs of a dignified life, according to the amount of the guaranteed minimum income. The income of these persons is supplemented until they reach that amount.

2. As of the date of entry into force of this law, the guaranteed minimum income is compatible with income from part-time work in the following cases:

a) Single-parent families with dependent children. In this case, the amount of the guaranteed minimum income is the difference between the earned income and the amount of the benefit, in accordance with the provisions of the Third Transitional Provision. Also, the second person of the family unit is initially only entitled to receive for dependent children the amount set for the third person in the table of the Third



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Transitional Provision, that is, between €75 and €100 per month, in accordance with the foreseen development.

b) Persons who, until the date of entry into force of this law, are beneficiaries of the minimum integration income in compatibility with income from part-time employment contracts in the terms established legally. In this case, the amount of the guaranteed minimum income is the difference between the earned income and the amount of the benefit, in accordance with the provisions of the Third Transitional Provision.

c) Persons who receive the guaranteed minimum income and obtain a part-time employment contract with an income lower than the corresponding amount of the guaranteed minimum income. In this case, the amount of the guaranteed minimum income is the difference between the earned income and the amount of the benefit, in accordance with the provisions of the Third Transitional Provision, initially for six months.

3. The amount of the guaranteed minimum income cannot be increased as a result of a reduction of the working time of a part-time employment contract, unless the reduction is made for economic, technical or organizational reasons or for reasons of production.

FIFTH TRANSITIONAL PROVISION. APPLICATIONS FOR THE MINIMUM INTEGRATION INCOME THAT ARE PENDING DECISION OR SUSPENDED

Applications submitted under Law 10/1997, of 3 July, on the minimum integration income, that are pending resolution or suspended on the date of entry into force of this law are resolved with the protection system established by this law.

SIXTH TRANSITIONAL PROVISION. VALIDITY OF THE POWERS OF THE INTERMINISTERIAL COMMITTEE ON THE MINIMUM INTEGRATION INCOME AND OF THE TECHNICAL BODY

Until the committee referred to in Article 22.4 and the body referred to in Article 22.5 are implemented by regulation, the functions of this committee and of this body are assigned to the Interministerial Committee on the Minimum Integration Income and to the technical body on the minimum integration income established by Law 10/1997, of 3 July, on the minimum integration income.

SEVENTH TRANSITIONAL PROVISION. JUSTIFIED ABSENCES

Until this law is implemented by regulation, for the purpose of applying the provisions of Article 7.1.c, justified absences are considered to be those established by Law 10/1997, of 3 July, on the minimum integration income.

REPEAL PROVISION

Law 10/1997, of 3 July, on the minimum integration income, is repealed, with the exceptions established by the Transitional Provisions of the present law.

FINAL PROVISIONS

FIRST FINAL PROVISION. REGULATORY IMPLEMENTATION

Within three months of the approval of this law, the Government must initiate the procedures for regulatory implementation.

SECOND FINAL PROVISION. BUDGET ITEM

1. The Government must include in the Bill on the Generalitat's Budget the budget item necessary to guarantee the effectiveness of this law.

2. The Law on the Generalitat's Budget must annually set the amount of the self-sufficiency income indicator of Catalonia.

THIRD FINAL PROVISION. ENTRY INTO FORCE

This law enters into force on 15 September 2017.