

PASEO DEL PRADO AND BUEN RETIRO; LANDSCAPE OF ARTS AND SCIENCES (SPAIN) (1618)

REPORT ON THE IMPLEMENTATION OF THE WORLD HERITAGE COMMITTEE DECISION 44 COM 8B.21

Regarding Decision 44 COM 8B.21, by which the World Heritage Committee, after having revised documents WHC/21/44.COM/8B and WHC/21/44.COM/INF.8B1, inscribed the **Paseo del Prado and Buen Retiro; Landscape of Arts and Sciences (Spain)** on the World Heritage List on the basis of **criteria (ii), (iv) and (vi)**, and having taken note of the Statement of Outstanding Universal Value made for the Property, made a series of recommendations for the State Party's consideration, which are set out below and to which appropriate response is provided:

a) Further developing and implementing the full monitoring system, with special care to achieve an integrated approach

The Madrid City Council uses a geospatial visualisation tool called *GEOPORTAL*. Within *GEOPORTAL*, there is a service enabled for the "Paseo del Prado and Buen Retiro, Landscape of the Arts and Sciences", which displays various layers of geo-referenced information.

For the most part, this information comes from the Madrid City Council's open data portal, satellite layers, and various other Madrid City Council sources responsible for mobility, environment, urban development, culture, etc. In addition, some data have been requested from the institutions located within the Property, such as the number of visitors to cultural institutions.

These indicators are updated on 31st December each year to provide a regular annual series of charts. Currently, there are data available from 31 December 2021 and some from 31 December 2020.

The layers implemented to date are as follows:

- The boundaries of the Property.
- Monuments and protected buildings from the Protected Assets Catalogue.
- Demographic indicators (educational level, percentage of foreigners, average age, gender).
- Socio-economic indicators (unemployed population, unemployed women, census of locals).
- Environmental indicators (urban heat island effect).
- Mobility indicators (bicycle lanes, metro and bus stops).
- Cultural indicators (area dedicated to cultural use, visitors to cultural institutions).

These indicators can be viewed at the following URL:

https://geoportal.madrid.es/IDEAM_WBGEOPORTAL/dataset.iam?id=996b10b0-8a75-11ec-a85b-60634c31c0aa

This list of indicators will expand over time. There will be environmental information, such as the strategic noise map, which is drawn up every 6 years, or the vegetation levels obtained via satellite. It will also include data on the state of conservation of the buildings on the Property and on mobility, with data on the average daily intensity of vehicles on the main stretches of roads in the Property and surrounding areas.

This geo-localised information provides a holistic approach for the understanding of the situation of the property and also for the detection of problems that may arise.

b) Completing the documentation of the historic buildings within the property, such as the headquarters of the Ministerio de Marina

The documentation of all historical buildings within the area of the Property is complete, acknowledged, and recorded. In particular, the Ministry of the Navy, known as the *Cuartel de la Armada Española*, can be consulted at http://www.monumentamadrid.es/AM_Edificios4/AM_Edificios4_WEB/index.htm#ingra:inma.na.17665

c) Clarifying the last property delineation, specifically the extent to which the buildings and their façades at the edge of the property are included within the revised boundaries, and to clearly identify the attributes included

The definitive delineation of the area of the Property was sent to ICOMOS in the report responding to a request dated 21 January 2022. These documents are also annexed to this report as Annex 1. It does not include the façades of buildings but whole plots of land, in line with our protection system, which protects sites, not façades. Therefore, the attributes are identified in each of the elements contained within the scope of the Property.

d) Establishing an adequate buffer zone according to the option provided by the State Party on the basis of the Historical Centre in the Madrid General Urban Development Plan (PGOUM)

The buffer zone was also sent to ICOMOS on 21 January 2022. It is also attached to this report as Annex 2. It coincides with the area of the Historical Centre or *Conjunto de la Villa de Madrid*, as set out in the General Urban Development Plan in force.

e) Undertaking further studies to achieve an appropriate balance of conservation with intensive uses, while ensuring the protection of OUV

That commitment exists and is indeed real. Various studies are being carried out on the impact of the intensive use of the Property, or of tourism in the Property, on the coexistence with the residents of the area to reconcile the needs of such different social groups. Experts in sociology and tourism, as well as in-depth knowledge of other experiences involving World Heritage Sites of all kinds, provide us with guidelines on how to approach these studies, which are conducted by academics and professionals. Studies are also being carried out on environmental sustainability and the impact of climate change on the Property to determine its resilience or to identify the preventive and corrective measures that need to be implemented to protect the Property's OUV.

f) Considering diverse general actions in order to improve integrity regarding vegetation and some of the urban fabric, especially pavements, in the Paseo del Prado

The integrity of the Property is also a point that can clearly be improved, and we expressed this during the evaluation mission. In view of this, we can confirm that a project is being drawn up to improve the public space of the Paseo del Prado, which includes uniform paving and street furniture, apart from those elements that are historically significant. It also includes improving the width of the pedestrian pavement and reducing road traffic in favour of other modes of transport.

g) Finalizing the listing process for all buildings, as, although some of the listings as BICs are already integrally protected, the finalization of the process has been somehow delayed

The BIC (Good of Cultural Interest) buildings in the area are included in the dossier. However, the BIC dossiers of some of the buildings have not been fully resolved yet. These buildings are state owned. On this point, the State Party wishes to provide a legal report based on these recommendations, confirming the validity of their consideration for all purposes as assets protected under Spanish law.

Please find attached Annex 3, *Report on the legal regime applicable to the assets that integrate the World Heritage Site*.

h) Developing an interpretation strategy for the overall property within the management system

The Property interpretation strategy is based on the clear re-appropriation of the Property. This is the goal of strategy 1 of the Management Plan. We have also achieved the purpose of clearly identifying the Property by means of a logo or visual identification of the Property and by adopting the shorter version of the extended title of the dossier: *Paseo del Prado and Buen Retiro, Landscape of the Arts and Sciences*, which is **Landscape of Light**. This interpretation and development are conducted through advertising and publicity campaigns. On the other hand, the approach to understanding the Property that takes place in the participatory body of the Landscape of Light - the Civic and Social Council - is also a strategic source of interpretation for the Property by formalising the creation of a common identifiable spirit towards the Property. Another interpretation strategy involves the opening of the *Landscape of Light Interpretation Centre*, which brings together, identifies, and explains the OUV and encourages visitors to enjoy the Property and achieve their own interpretative experience of the Landscape of Light.

i) Enhancing the role and independence of the Civic and Social Board as a means of ensuring community involvement

Promoting the functions and independence of the Civic and Social Council started in 2021. The Madrid City Council established this body in 2018 as a body dependent on the City Council. The Official Gazette of the Madrid City Council (BOAM) is provided as Annex 6. This body, as part of the Management System, was put in place to promote the then candidacy of the Property. Over the last year, work has been done to remove this dependence on the City Council, drawing up the Council's own statutes so that it can become an association under the protection of Organic Law 1/2002 on Non-Profit Associations and Foundations.

The City Council itself, as well as those members of the Council who so wished, have worked on organising this project. In this Civic and Social Council Association, the City Council, as well as the other two public administrations or the rest of the institutions with legal personality, will be regular members of the Council. To keep up the momentum and work with the members of the Council, the City Council has offered to act as the Association's secretariat until the Council Assembly decides otherwise. The City Council shall cancel the Decree establishing the council and decree its affiliation to the Civic and Social Council as a member of the Association.

Please find attached the Draft Statutes as Annex 5. The members of the Council are currently examining these statutes.

List of Annexes to this report:

Annex 1 - Boundaries of the site *Paseo del Prado and Buen Retiro; Landscape of Arts and Sciences*

Annex 2 - Buffer Zone of *Paseo del Prado and Buen Retiro; Landscape of Arts and Sciences*

Annex 3 - Report on the legal protection applicable to the site *Paseo del Prado and Buen Retiro; Landscape of Arts and Sciences*

Annex 4 - BOAM (Official Gazette of the Madrid Council) with the Madrid City Council Decree establishing a municipal body.

Annex 5 - Draft Statutes of the non-profit association known as the Civic and Social Council of the *Landscape of Light*.

Madrid, 23 November 2022

World Heritage Service
Department of Cultural Heritage
Madrid City Council

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Map

Boundaries of the property

Paseo del Prado and Buen Retiro

A landscape of Arts and Sciences

April 2022



Map
Boundaries of the property and buffer zone

Paseo del Prado and Buen Retiro
A landscape of Arts and Sciences

April 2022



MINISTERIO
DE CULTURA
Y DEPORTE

DIRECCIÓN GENERAL
DE PATRIMONIO CULTURAL
Y BELLAS ARTES

SUBDIRECCIÓN GENERAL
DE GESTIÓN Y COORDINACIÓN
DE LOS BIENES CULTURALES



**REPORT ON CURRENT STATE AND LEGAL REGIME
APPLICABLE TO PROPERTIES INTEGRATING THE *PASEO
DEL PRADO AND BUEN RETIRO*, A LANDSCAPE OF ARTS
AND SCIENCES, MADRID
UNESCO World Heritage**

Ministry of Culture and Sports
General Directorate of Cultural Heritage and Fine Arts
General Sub-Directorate for Management and Coordination of Cultural Assets

Madrid, June 2022

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INTRODUCTION:

The so-called " Paseo del Prado and Buen Retiro, A landscape of Arts and Sciences" in Madrid, in UNESCO World Heritage List since 2021, constitutes an extraordinary urban landscape where culture and nature have come together since the mid-16th century until today, which gives it the rank of outstanding universal value. It includes the Paseo del Prado and the Retiro Park, with its corresponding surroundings affecting a significant number of properties whose legal regime we will analyse in this report.

One of the commitments acquired with UNESCO for the " Paseo del Prado and Buen Retiro, A landscape of Arts and Sciences" candidacy to be integrated into the World Heritage list was to protect those buildings by declaring them Assets of Cultural Interest (BIC). Most of the properties integrated into the "Paseo del Prado and Buen Retiro, A landscape of Arts and Sciences" are declared BIC. However, some of them have doubtful legal regime, either because there is no record of declaration or because they belong to relevant number of properties included in procedures for declaration that were initiated decades ago and that today have not been resolved.

Most of them are proceedings that began at the end of the 70s and in the 80s, although there are also many examples of proceedings initiated later. Once the data in our files has been consulted and for its analysis and better understanding, we will establish the following:

FACTUAL BACKGROUND:

FIRST. - BIC-002-1977:

1. Plan dated October 1976 made by the technical office of the National Commission for Artistic Heritage, of the General Directorate of Artistic and Cultural Heritage of the Ministry of Education and Culture, which delimits the area for the declaration of the Complex Historical-Artistic of the Villa of Madrid and the delimitation of the respective area, as well as a numbered list of properties that are declared monuments and their protection environment.

1. ORDER of June 4, 1977, by which it is agreed to initiate the file for the declaration of a Historic-Artistic Site in favour of the areas and monuments with their corresponding surroundings in the town of Madrid, published in the BOE number 162 of July 8, 1977 (State official newsletter).

Illustration 2: Initiation Order of 1977

15372

8 julio 1977

B. O. del E.—Núm. 162

MINISTERIO DE OBRAS PUBLICAS

15601 RESOLUCION de la Confederación Hidrográfica del Júcar por la que se fija fecha para el levantamiento de actas previas a la ocupación de las fincas que se citan.

Aprobado definitivamente el proyecto de «Reposición de servidumbres afectadas por el embalse de Contreras (Cuenca)», de acuerdo con lo señalado en el artículo 52 de la Ley de Expropiación Forzosa de 16 de diciembre de 1954.

Esta Dirección ha acordado la ocupación de las fincas necesarias, a cuyo efecto se pone en conocimiento de los propietarios afectados que quedan convocados por el presente anuncio para el día 22 de julio, a las diez treinta horas, el tramo primero, y a las quince treinta, el tramo segundo, en el Ayuntamiento de Enguadanos, y proceder al levantamiento de las actas previas a la ocupación de dichas fincas.

La relación de afectados que se inicia en el tramo primero (de Enguadanos a Cardenete) con el número 1, Emiliano Sáez Barberá, y finaliza con el número 110, Ayuntamiento; y en el tramo segundo (de Enguadanos a Camporrobles) con el número 1, Emiliano Sáez Barberá, y finaliza con el número 151, Ayuntamiento. Dicha relación podrá ser examinada, durante las horas hábiles de oficina, en la Confederación Hidrográfica del Júcar, paseo al Mar, 48, Valencia, y en el Ayuntamiento de Enguadanos, a donde se remite para su exposición al público.

Valencia, 30 de junio de 1977.—El Ingeniero Director, Salvador Aznar.—7.029-E.

MINISTERIO DE EDUCACION Y CIENCIA

15602 ORDEN de 4 de junio de 1977 por la que se acuerda tener por incoado expediente de declaración de Conjunto Histórico-Artístico a favor de las zonas y de los monumentos con sus correspondientes entornos, en la villa de Madrid.

Ilmo. Sr. Por Orden de 30 de diciembre de 1976 («Boletín Oficial del Estado» de 22 de enero de 1977) fue creada una Comisión encargada de estudiar y analizar los diversos aspectos y problemas que entraña la definición de monumentos y zonas susceptibles de declaración de conjunto histórico-artístico en la villa de Madrid. De dicha Comisión, presidida por el Subsecretario de este Departamento, formaron parte representantes de los Ministerios de Hacienda, de Educación y Ciencia y de Vivienda, del Ayuntamiento de Madrid y de las Reales Academias de Bellas Artes y de la Historia.

A la vista de la propuesta formulada, como conclusión de sus trabajos y reuniones, por la citada Comisión, Este Ministerio ha acordado:

1.º Tener por incoado expediente de declaración de Conjunto Histórico-Artístico a favor de las zonas y de los monumentos con sus correspondientes entornos, que figuran en el plano unido al expediente.

2.º Hacer constar al Ayuntamiento de Madrid que, de conformidad a lo dispuesto en los artículos 17 y 33 de la Ley de 13 de mayo de 1933, las obras que hayan de realizarse en las referidas zonas y monumentos y que puedan afectar a la protección pretendida, no podrán llevarse a cabo sin la aprobación previa del proyecto correspondiente por esta Dirección General, que recabará los oportunos informes técnicos de una comisión coordinadora integrada por dos representantes del Ministerio de Educación y Ciencia, dos del Ministerio de la Vivienda y dos del Ayuntamiento de Madrid.

3.º Disponer, con arreglo al artículo 87 de la Ley de 17 de julio de 1958, la apertura de un periodo de información pública, una vez instruido el expediente.

4.º Que la presente resolución se publique, en el «Boletín Oficial del Estado».

Lo digo a V. I. para su conocimiento y efectos.

Dios guarde a V. I.

Madrid, 4 de junio de 1977.—P. D., el Subsecretario, Sebastián Martín-Retortillo Baquer.

Ilmo. Sr. Director general del Patrimonio Artístico y Cultural.

MINISTERIO DEL AIRE

15603 RESOLUCION de la Jefatura de Propiedades de la Primera Región Aérea por la que se hace pública la necesidad de ocupación de los bienes y derechos afectados por las obras de «Aeropuerto de Santander. Expropiación de terrenos para la instalación de un radiofaro».

De los efectos que se establecen en el artículo 52 de la Ley de Expropiación Forzosa de 16 de diciembre de 1954 y concordantes del Reglamento dictado para su aplicación, goza el expediente «Aeropuerto de Santander. Expropiación de terrenos para la instalación de un radiofaro», por cuanto la obra está incluida en el programa de inversiones del III Plan de Desarrollo Económico y Social y lleva implícitas, de acuerdo con el apartado b) del artículo 42 del Decreto 1511/1972, de 15 de junio, la declaración de utilidad pública y la necesidad y urgente ocupación de los bienes y derechos afectados.

En consecuencia, esta Jefatura, de conformidad con el artículo 52 citado, ha resuelto convocar a los propietarios y titulares de derechos afectados que figuran en la relación adjunta para que el día 21 de julio del año en curso, a las diez horas, comparezcan en el Ayuntamiento de Solórzano (Santander), sin perjuicio de trasladarse al terreno y proceder al levantamiento del acta previa a la ocupación.

Al referido acto podrán comparecer personalmente o bien representados legalmente, y también debe asistir cualquier otra persona, natural o jurídica, titular de algún derecho o interés económico sobre la parcela reseñada, pudiéndose hacer acompañar, a su costa, de Perito y Notario.

Madrid, 30 de junio de 1977.—El Teniente Coronel Jefe de Propiedades, Emilio Blanco Meléndez.—5.283-7.

RELACION QUE SE CITA

Número de orden de expediente: 1. Nombre del propietario: Don José Luis Ortiz, Domiciliado en Madrid, calle Vega Fria, número 7. Edificio Fontiveros. Ciudad Puerta de Hierro. Superficie que se expropia: 37 áreas y 83 centiáreas. Paraje: Mijarajos.

MINISTERIO DE INFORMACION Y TURISMO

15604 ORDEN de 30 de junio de 1977 por la que se concede el título-licencia de Agencia de Viajes del Grupo «A» a «Viajes Vinalopo, S. L.».

Ilmos. Sres.: Visto el expediente instruido con fecha 19 de enero de 1977, a instancia de don Roque Mario Candel Martínez, en nombre y representación de «Viajes Vinalopo, S. L.», en solicitud de la concesión del oportuno título-licencia de Agencia de Viajes del Grupo «A», y

Resultando que a la solicitud de dicha Empresa se acompañó la documentación que previene el artículo 9 y concordantes del Reglamento aprobado por Orden ministerial de 9 de agosto de 1974, que regula el ejercicio de la actividad profesional que compete a las Agencias de Viajes, y en el que se especifican los documentos que habrán de ser presentados juntamente con la solicitud de otorgamiento del título-licencia;

Resultando que tramitado el oportuno expediente en la Dirección General de Empresas y Actividades Turísticas, aparecen cumplidas las formalidades y justificados los extremos que se previenen en los artículos 10, 12 y 15 del expresado Reglamento. Considerando que en la Empresa solicitante concurren todas las condiciones exigidas por el Decreto 1524/1973, de 7 de junio, y Orden de 9 de agosto de 1974, para la obtención del título-licencia de Agencia de Viajes del Grupo «A».

Este Ministerio, en uso de la competencia que le confiere el artículo séptimo del Estatuto Ordenador de las Empresas y Actividades Turísticas, aprobado por Decreto 231/1965, de 14 de enero, ha tenido a bien resolver:

Artículo único.—Se concede el título-licencia de Agencia de Viajes del Grupo «A» a «Viajes Vinalopo, S. L.», con el número 433 de orden, y casa central en Elche (Alicante), calle Capitán Cortés, 3 AC, pudiendo ejercer su actividad mercantil a partir de la fecha de publicación de esta Orden ministerial en el «Boletín Oficial del Estado», con sujeción a los preceptos del Decreto 1524/1973, de 7 de junio; Reglamento de 9 de agosto de 1974, y demás disposiciones aplicables.

Lo que comunico a VV. II. para su conocimiento y efectos.

Dios guarde a VV. II. muchos años.

Madrid, 30 de junio de 1977.

REGUERA GUJARDO

Ilmos. Sres. Subsecretario de Información y Turismo, Subsecretario de Turismo y Directores generales de Ordenación del Turismo y de Empresas y Actividades Turísticas.

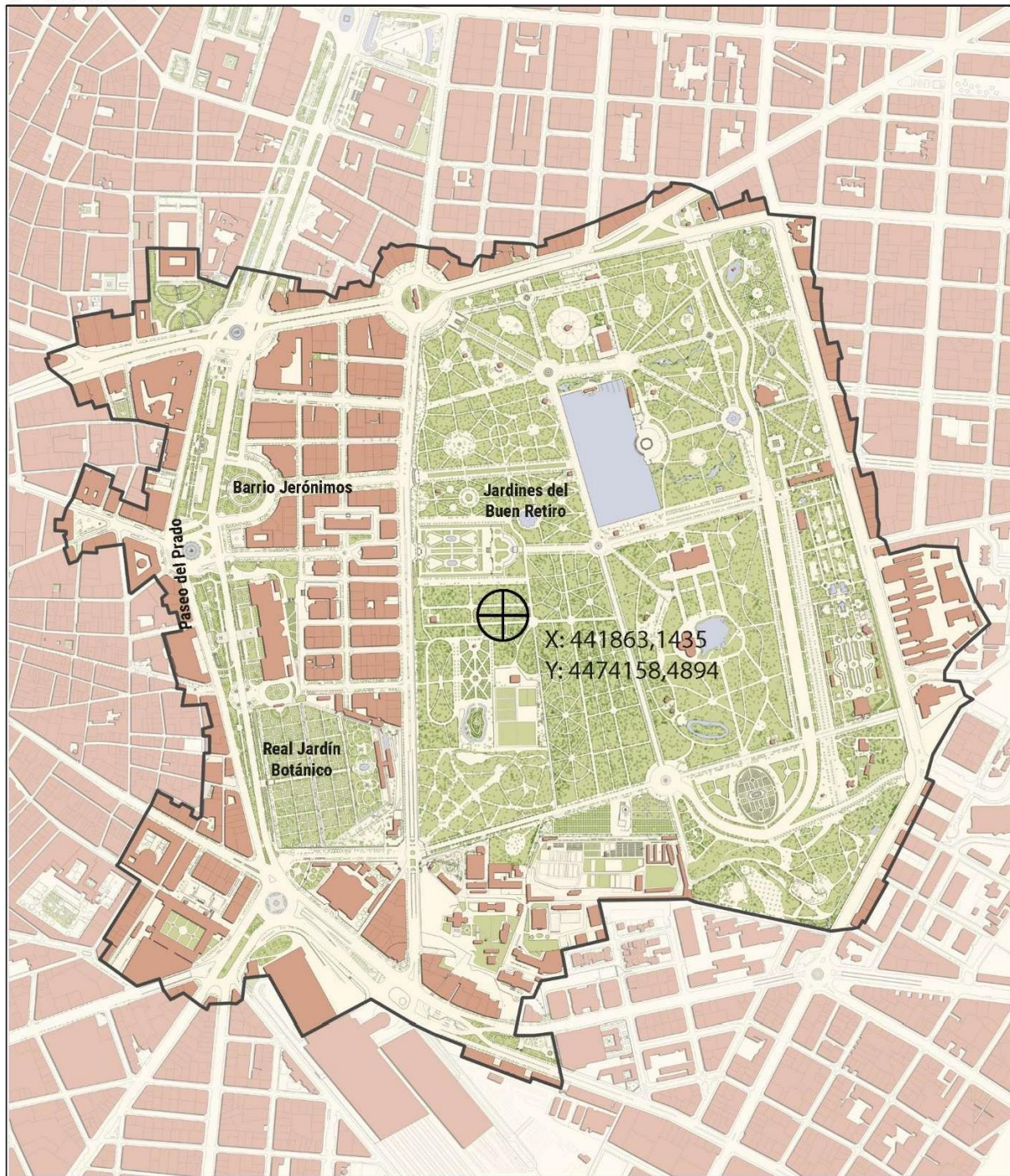
SECOND. - BIC-006-2021:

1. Delimitation plan of the property “Paseo del Prado and Buen Retiro, A landscape of Arts and Sciences” updated by October 2021.
2. There are files from the Information Center of the General Inventory of State Assets and Rights (CIBI) for the following properties:
 - a. Salón de Reinos.
 - b. Casón del Buen Retiro.
 - c. Edificaciones menores del Jardín Botánico.
 - d. Palacio de Buenavista.
 - e. Palacio de Cristal.
 - f. Palacio de las Cortes (Congreso de los Diputados).
3. In addition to documentation of the legal regime for the following properties:
 - a. Museo Nacional del Prado y sus anexos.
 - b. Palacio de las Cortes (Congreso de los Diputados).
 - c. Palacio de Buenavista.
 - d. Estación de Atocha.
 - e. Palacio de Cristal.
 - f. Palacio Velázquez.
4. There is a list of real estate assets that are part of the “Paseo del Prado and Buen Retiro, A landscape of Arts and Sciences”, in which the legal regime of each of them is analysed. From this relationship we are going to focus on those assets that are State-owned and assigned to a public service managed by the national public administration and for which there is no declaration as an Asset of Cultural Interest. These are:
 - a. Estación de Atocha.
 - b. Palacio de Buenavista.
 - c. Salón de Reinos.
 - d. Palacio de Cristal.
 - e. Palacio de las Cortes (Congreso de los Diputados).
 - f. Palacio Velázquez.
 - g. Casón del Buen Retiro.
 - h. Puertas y edificaciones de Jardín Botánico.

Illustration 3: Plan delimitation for “Paseo del Prado and Buen Retiro, A landscape of Arts and Sciences”

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Before analysing the legal regime applicable to the properties listed in section 4 of the Second AH, we must assign the same situation and degree of protection that affects each property object of this study.

THIRD. –LIST OF AFFECTED PROPERTIES:

ESTACIÓN DE ATOCHA (ATOCHA STATION):

Property included in the Order of June 4, 1977, of the General Directorate of Artistic and Cultural Heritage of the Ministry of Education and Science, by which it is agreed to have the file for the declaration of a historical-artistic complex in favour of the areas and of the monuments with their corresponding environments, in the town of Madrid. (Official State Gazette of July 8, 1977).

It appears on the map of the Order with the number 68 "Atocha Station".



PALACIO DE BUENAVISTA (BUENAVISTA PALACE):



Property included in the Order of June 4, 1977, of the General Directorate of Artistic and Cultural Heritage of the Ministry of Education and Science, by which it is agreed to have the file for the declaration of a historical-artistic complex in favour of the areas and of the monuments, with their corresponding environments, in the town of Madrid. (Official State Gazette of July 8, 1977)

It appears on the plane of the Order with the number 88 "Ministry of the Army".

SALÓN DE REINOS (REINOS LOUNGE):

Property included in the Order of June 4, 1977, of the General Directorate of Artistic and Cultural Heritage of the Ministry of Education and Science, by which it is agreed to have the artistic-historical complex declaration file initiated in favour of areas and monuments, with their corresponding environments in the town of Madrid (Official State Gazette of July 8, 1977). It appears in the Order with the number 77 "Museo del Ejército".



As reported by the deputy management of the Museo Nacional del Prado in a letter sent to this Sub-Directorate General, "(...) the Salón de Reinos (former Artillery Museum or former Army Museum) is registered in the General Inventory of goods and rights of the State with the number 1987 724 28 999 0241 001, it is attached to the MNP according to the Affiliation Act of October 23, 2015 (Attached Act of legal mutation and affiliation), and is registered in the Property Registry No. 2 of Madrid, farm 2408."

CASÓN DEL BUEN RETIRO (BUEN RETIRO HOUSE):



Property included in the Order of June 4, 1977, of the General Directorate of Artistic and Cultural Heritage of the Ministry of Education and Science, by which it is agreed to initiate a file for the declaration of a historical-artistic complex in favour of the areas and of the monuments, with their corresponding environments, in the town of Madrid. (Official State Gazette of July 8, 1977).

It appears on the plan of the Order with the number 76 "Cason del Buen Retiro".

According to the certificate of the attached Subdirectorate for Heritage Protection, dated December 5th, 2022 “The property is registered in the General Registry of Assets of Cultural Interest by Resolution of the General Directorate of Fine Arts and Archives of March 8, 1993, in accordance with the provisions of articles 6 b) and 60.1 of Law 16/ 1985, of June 25, of Spanish Historical Heritage, as it is a state-owned museum, corresponding to the identification code R-I-MU_0000001.”

PALACIO DE CRISTAL (CRISTAL PALACE):



Property Included in the Order of June 4th, 1977, of the General Directorate of Artistic and Cultural Heritage of the Ministry of Education and Science, by which it is agreed to have the artistic historical complex declaration file initiated in favour of the areas and monuments, with their corresponding surroundings, in the town of Madrid. (Official bulletin of the State of July 8, 1977).

It appears on the plan of the Order with the number 78 "Palacio de Cristal en el Retiro".

According to a report from the Directorate-Management of the Museo Nacional Centro de Arte Reina Sofía, sent to this General Subdirectorate "(...) The Crystal Palace, located at Paseo de Cuba 4, with cadastral reference 2043558VK4724C0001FU, is registered in the General Inventory of Assets and Rights of the State with the reference number 1987-724-28-999-0678-001. Regarding the ownership of the Palacio de Cristal, based on the aforementioned Second Additional Provision of Royal Decree 3318/1996, on March 10, 2003, the Act of assignment of said property to the Autonomous Organization MNCARS was signed, complying with the O.M. of 4-11-2002."

In addition, the Crystal Palace is declared a Historic-Artistic monument by article 2 of the Decree of June 3, 1931, belonging to the National Artistic Treasure published in the Gaceta de Madrid on June 4th, 1931, therefore, by virtue of the established in the first additional provision of Law 16/1985 "Properties that have previously been declared historic-artistic or included in the Inventory of the Artistic and Archaeological Heritage of Spain **come to be considered and called Assets of Cultural Interest.**"

PALACIO DE VELÁZQUEZ (VELAZQUEZ PALACE):

Property included in the Order of June 4th, 1977, of the General Directorate of Artistic and Cultural Heritage of the Ministry of Education and Science, by which it is agreed to have the file for the declaration of a historical-artistic complex in favour of the areas and of the monuments with their corresponding environments, in the town of Madrid. (Official State Gazette of July 8th, 1977).



It appears on the map of the Order with the number 79 "Palacio de Velázquez".

According to a report from the Directorate-Management of the Museo Nacional Centro de Arte Reina Sofía, sent to this General Subdirectorate "(...) The Palacio de Velázquez, located at Paseo de Venezuela 2, with cadastral reference 2043564VK4724C0001KU, is registered in the General Inventory of State Assets and Rights with reference number 1987-724-28-999-0679-001. The ownership of the Palacio de Velázquez is justified in accordance with the Second Additional Provision of Royal Decree 318/1996, of February 23, which approves the Statute of the Autonomous Organization Museo Nacional Centro de Arte Reina Sofía, where it is indicated that: "they form part of the Patrimony assigned by the State to the Agency for the fulfillment of its purposes on

building of the central headquarters of the Museum, former General Hospital located at Santa Isabel St. 52, as well as the Palacio de Velázquez building, on Venezuela Avenue, without number, both in the municipal area of Madrid, as well as any other that in the future it could be attached to it."

PALACIO DE LAS CORTES (LAS CORTES PALACE):



Property included in the Order of June 4th, 1977, of the General Directorate of Artistic and Cultural Heritage of the Ministry of Education and Science, by which it is agreed to have the declaration file initiated overall historical - artistic in favour of the areas and monuments with their corresponding environments, in the town of Madrid. (Official State Gazette of July 8th, 1977.

It appears in the plane of the Order with the number 59 " Courts Palace".

PUERTAS Y EDIFICACIONES DEL JARDÍN BOTÁNICO (BOTANIC GARDEN DOORS AND BUILDINGS):

Properties included in the Order of June 4th, 1977, of the General Directorate of Artistic and Cultural Heritage of the Ministry of Education and Science, by which it is agreed to have the file for the declaration of a historical-artistic complex in favour of the areas and of the monuments with their corresponding surroundings, in the town of Madrid.



It appears on the plan of the Order with the number 72 "Doors and buildings of the Botanical Garden"

*The Botanical Garden of Madrid is declared a Historical Garden by Decree of October 14th, 1942, by which the Madrid Botanical Garden is declared Artistic, published in the BOE of October 23rd, 1942. This declaration includes the "two monumental gates and the stove in the back, in a refined Doric-Roman style." therefore, by virtue of what is established in the first additional provision of Law 16/1985 "Properties that have previously been declared historic-artistic or included in the Inventory of the Artistic and Archaeological Heritage of Spain **they come to be considered and***

denominated Assets of Cultural Interest.”

As we have seen, all the real estate listed above are included in the Order of June 4th, 1977 to initiate the file for the declaration of a historical-artistic complex in favour of the areas and monuments, with their corresponding surroundings in the town of Madrid, even existing in some cases previous declarations as protected assets, as is the case of the Botanical Garden of Madrid or the Palacio de Cristal del Retiro.

PALACIO DE ZABÁLBURU O DE HEREDIA SPÍNOLA (ZABALBURU OR HEREDIA SPÍNOLA PALACE)



Property included in the Order of June 4th, 1977, of the General Directorate of Artistic and Cultural Heritage of the Ministry of Education and Science, by which it is agreed to initiate a file for the declaration of a historical-artistic complex in favour of the areas and of the monuments with their corresponding surroundings, in the town of Madrid. (Official State Gazette of July 8th, 1977).

On the Palace of Zabáburu current headquarters of the General Judicial Mutual Fund, a body attached to the Ministry of Justice, a resolution of April 28th, 1977 of the General Directorate of Artistic and Cultural Heritage was issued, agreeing to initiate a file for the declaration of a national historical-artistic monument: the Heredia Spínola or Zabáburu Palace, located on Marqués del Duero street with facades facing Pedro Muñoz Seca and Héroes del 10 de Agosto streets in Madrid. (Published in BOE number 151 of June 25th, 1977)

ESCUELAS DE AGUIRRE (CASA ÁRABE) (AGUIRRE'S SCHOOLS, ARAB HOUSE)

Property included in Order of June 4th, 1977, of the General Directorate of Artistic and Cultural Heritage of the Ministry of Education and Science, by which it is agreed to have the file for the declaration of a historical-artistic complex in favour of the zones and monuments, with their corresponding surroundings in the town of Madrid. (Official State Gazette of July 8, 1977). It appears on the Plan of the Order with the number 96 "Escuelas de Aguirre".



On the other hand, all these assets are within the scope of protection of Decree 41/1995, of April 27, by which the "Recinto de la Villa de Madrid" is declared an Asset of Cultural Interest in the category of Historical Complex. published in the Official Gazette of the Community of Madrid No. 120 of May 22, 1995.

By virtue of article 21.1 of Law 16/1985, all these properties are classified as singular elements, to which comprehensive protection is granted.

PRIOR CONSIDERATIONS ON THE APPLICABLE LEGAL REGIME:

Before beginning the analysis, we must make it clear that the analysed situation only affects the properties that are part of the " Paseo del Prado and Buen Retiro, A landscape of Arts and Sciences" listed in the THIRD section of the AH. Of all of them we must make a differentiation of the properties, **Salón de Reinos, Casón del Buen Retiro, Palacio Velázquez and Palacio de Cristal**, as they are properties that are part of the Prado National Museum and the Reina Sofía Art Center, and by virtue of the Articles 6.b) and 60.1 of Law 16/1985, are subject to the regime that the aforementioned Law establishes for Assets of Cultural Interest, real estate intended for the installation of State-owned Archives, Libraries and Museums, as well as movable property.

Therefore, properties that are part of the " Paseo del Prado and Buen Retiro, A landscape of Arts and Sciences" directly affected by the considerations that we are going to develop in this report are:

- **ESTACIÓN DE ATOCHA (ATOCHA STATION)**
- **PALACIO DE BUENAVISTA (BUENAVISTA PALACE)**
- **PALACIO DE LAS CORTES (LAS CORTES PALACE)**
- **PALACIO DE ZABALBURU (ZABALBURU PALACE)**
- **ESCUELAS DE AGUIRRE (CASA ÁRABE) (AGUIRRE'S SCHOOLS, ARAB HOUSE)**

Taking into account the report prepared by the General Subdirectorate for Historical Heritage General Directorate for Cultural Heritage of the Ministry of Culture, Tourism and Sports of the Community of Madrid, with Ref: 09/386363.9/22, from this General Subdirectorate for Management and Coordination of Cultural Assets, of the Ministry of Culture and Sports, the following are carried out:

APPLICABLE LEGAL REGIME:

During all these years the competent Public Administrations in matters of historical heritage have applied the proper regime for Assets of Cultural Interest to the assets included in these procedures, by virtue of article 11 of Law 16/1985, which establishes that:

“The initiation of a file for the declaration of an Asset of Cultural Interest will determine, in relation to the affected asset, the provisional application of the same protection regime provided for assets declared of cultural interest”.

It was considered that, in accordance with article 9.3 of Law 16/1985 on Spanish Historical Heritage, the files only expired if a complaint was made by a third party and four months elapsed without a resolution being issued. In the event that there was no complaint of delay, it was considered that the procedures were open and that therefore the assets had the BIC precautionary protection regime.

On January 6th, 2020, Sentence 157/2019 of the Constitutional Court was published in the BOE, which generated a debate on this matter because it stated that the complaint of delay is incompatible with the regulation of automatic expiration, provided for in the regulations of the common administrative procedure.

After this ruling, the question has been raised as to whether the files filed for BIC declarations that have not been resolved within the deadline have expired or whether they are subject to the figure of the complaint of delay.

This report seeks to clarify the legal regime that can be applied to these files, analysing whether they should be considered to have expired or whether the affected cultural assets enjoy precautionary protection from BIC.

SENTENCE 157/2019 OF THE CONSTITUTIONAL COURT

The Constitutional Court (hereinafter, TC), in its Judgment 157/2019, of November 28th, 2019, published in the BOE on January 6th, 2020, declared the unconstitutionality of article 21.2 of Law 4/1999, of 15th of March, of Historical Heritage of the Canary Islands, which established that:

“Files will be processed within a period of twelve months from their initiation. After this period, the delay may be denounced by any interested party.

Once the default has been denounced, the acting Administration will have two months to complete the file and submit it to the Government of the Canary Islands for the declaration of the asset of cultural interest, which must take place within two months from receipt. In

another case, the declaration file will be expired and without effect, and may not be initiated again until after three years, except when the owner of the property himself requests it.”

In this way, the Court resolved the question of unconstitutionality that had been raised by the Second Section of the Contentious-Administrative Chamber of the Superior Court of Justice of the Canary Islands, which considered that the aforementioned article 21.2 of the Canary Islands law could violate article 149.1.18 of the Spanish Constitution, which grants the State exclusive power over the regulation of the common administrative procedure.

The Constitutional Court declared the aforementioned article unconstitutional, considering that the figure of denouncing arrears was incompatible with the regulation of article 44 of Law 30/1992, of November 26th, on the Legal Regime of Public Administrations and the Common Administrative Procedure that established that:

“In procedures in which the Administration exercises sanctioning powers or, in general, intervention, likely to produce unfavorable effects or tax, the expiration will occur. In these cases, the resolution declaring the expiration will order the filing of the proceedings, with the effects provided for in article 92.”

In accordance with the judgment of the Court, article 21.2 of the Canary Islands Law, by providing for the requirement of the obligation to report the delay by the interested party, contradicted the rule of automatic expiration of article 44.2 of Law 30/92, and consequently it was invading the sphere of competence of the State by regulating a matter proper to the common administrative procedure.

In the legal reasoning of the sentence, the Supreme Court addresses one of the arguments of the Government of the Autonomous Community of the Canary Islands with which it defended the adequacy of the Canary Law to the constitutional order. Specifically, the Government of the Canary Islands argued that article 21.2 of Law 4/1999, of March 15th, on Historical Heritage of the Canary Islands, was in line with article 9.3 of Law 16/1985, of June 25th, on Spanish Historical Heritage, and that for this reason the vice of unconstitutionality was not being incurred.

Specifically, article 9.3 of Law 16/1985 establishes that:

“The file must be resolved within a maximum period of twenty months from the date it was initiated. The expiration of the file will occur after said period if the delay has been denounced and provided that no resolution has been handed down in the four months following the denouncement. Once the file has expired, it cannot be started again in the following three years, except at the request of the owner.”

To refute this argument, the Supreme Court states that article 9.3 of Law 16/1985 was repealed by the entry into force of Law 4/1999, of January 13th, amending Law 30/1992, of November 26th, of the Legal Regime of the Public Administrations and the Common Administrative Procedure. In accordance with the Court, this was the norm that introduced the automatic expiration of the lien files once the legal term to resolve had elapsed (with the wording of article 44 cited above). To support this statement, the Court refers to the doctrine of the Supreme Court and specifically to its judgment 2965/2012, of March 27th, 2012.

JURISPRUDENCE OF THE SUPREME COURT.

Judgment 157/2019 of the Supreme Court only had the legal effect of annulling article 21.2 of the aforementioned Canary Islands Law, but it cast a shadow of doubt on the application of the figure of the complaint of delay to all unresolved filed goods.

To clarify this issue, it is necessary to refer to the jurisprudence of the Supreme Court, to which the Court itself referred in its ruling.

In the doctrine of the Supreme Court it is possible to distinguish two different stages:

Until 2012 (you can cite the judgments of May 29th, 2007 and July 2nd, 2008), the Supreme Court considered that all files of declaration of Asset of Cultural Interest not resolved within the term were subject to the figure of the complaint in arrears, and that consequently the cultural assets enjoyed the precautionary protection of the initiation. It was estimated that the special heritage law (Law 16/1985) took precedence over the administrative procedure law (Law 30/1992), because it also affected files in which the general interest of protecting historical heritage prevailed over the interest especially those affected.

From 2012, and specifically with Judgment 2965/2012, of March 27th, the Supreme Court agrees to a change of criteria and interprets that Law 4/1999, of January 13th, amending Law 30/1992 repealed the article 9.3 of law 16/1985 that established the application of the complaint of delay.

In this way, in the aforementioned Judgment, the Supreme Court affirms that the "General Basic Law repeals the Special Law, either of the State or of the Autonomous Community", and imposes that in procedures initiated ex officio and intervention capable of producing unfavourable effects or tax" governs the automatic expiration provided for in the law of common administrative procedure once the legal term to resolve has elapsed.

Therefore, with the change in orientation of the Supreme Court that took place from 2012, it can be said that since the entry into force of Law 4/1999, of January 13, modifying Law 30/1992, which produced on April 14th, 1999, according to the Sole Final Provision. Development and entry into force of the Law, article 9.3 of Law 16/1985 on Spanish Historical Heritage is no longer in force and does not govern the figure of the complaint of default.

However, this does not mean that all BIC declaration files that have not been resolved within the legal term must be considered expired.

The Supreme Court itself, in its different judgments, has insisted on differentiating the situation of the files based on their date of initiation. Specifically, the Supreme Court maintains that its doctrine of application of automatic expiration in tax or adverse effect files applies exclusively to BIC declaration files initiated after the entry into force of Law 4/1999, which was, according to the TS doctrine, which repealed article 9.3 of Law 16/1985

As an example, we can cite the Judgment of July 10th, 2012, in which the Supreme Court states that:

i. "This Chamber cannot ignore the criteria that we have established in our recent judgments of March 20, 2012 (appeal 4285/2010) and April 17, 2012 (appeal 3734/2009), in which the doctrine on expiration is established in accordance with the article 9.3 LPH, which operates automatically without the need to report arrears, but these rulings refer to BIC declaration procedures initiated after the current Law 30/92 and the reform operated therein in 1999, which is not the case what concerns us".

Likewise, reference can be made to the Judgment of June 2nd, 2015, in which in relation to a file for the declaration of Asset of Cultural Interest initiated in 1980, the Supreme Court states:

"In the present case, therefore, the repealed Law 16/1985, of June 25 and, specifically, its article 9.3, according to which "the file must be resolved within a maximum period of twenty months from the date on which it was filed" (expression that must be interpreted in the sense that said period begins to count from the validity of the Law itself), so that "the expiration of the file will occur after said period if it has been denounced the arrears and provided that no decision has been rendered in the four months following the complaint " .

Consequently, in accordance with the jurisprudence of the Supreme Court, it seems clear that in the regime applicable to assets filed but not resolved within the term, the casuistry must be differentiated based on the moment of initiation of the declaration

procedures.

APPLICABLE REGIME DEPENDING ON THE DATE OF INITIATION OF THE BIC DECLARATION FILES.

Taking into account the date of initiation of the proceedings, it is possible to differentiate three situations that we will analyse below.

Assets initiated after the entry into force of Law 4/1999 of January 13th, amending Law 30/1992, of November 26th, on the Legal Regime of Public Administrations and Common Administrative Procedure.

In these cases, and as indicated above, it is considered that once the legal deadline for resolution has expired, the automatic expiration is applied without the figure of the complaint of delay.

During the validity of Law 30/92, in the terms of the reform of Law 4/1999, the article 44.2 that we mentioned above applies. And with the entry into force of Law 39/2015, of October 1st on the Common Administrative Procedure of Public Administrations, article 25 of this regulation is applied, which establishes:

“Article 25. Lack of express resolution in procedures initiated ex officio.

ii. In procedures initiated ex officio, the expiration of the maximum term established without an express resolution having been issued and notified does not exempt the Administration from compliance with the legal obligation to resolve, producing the following effects:

a) In the case of procedures from which the recognition or, where appropriate, the constitution of rights or other favorable legal situations could be derived, the interested parties who have appeared may understand their claims dismissed due to administrative silence.

b) In procedures in which the Administration exercises sanctioning or, in general, intervention powers, likely to produce unfavorable effects or taxation, expiration will occur. In these cases, the resolution declaring the expiration will order the filing of the proceedings, with the effects provided for in article 95.”

Assets initiated prior to the entry into force of Law 4/1999 of January 13th, amending Law 30/1992 of November 26th, on the Legal Regime of Public Administrations and Common Administrative Procedure.

Law 4/1999, of January 13, amending Law 30/1992, of November 26, on the Legal Regime of Public Administrations and Common Administrative Procedure, establishes in its second transitory provision, on the application of the law to the procedures in process, which:

“The procedures initiated before the entry into force of this Law will not be applied to them, being governed by the previous regulations.”

Law 39/2015, of October 1, on the Common Administrative Procedure of Public Administrations, in its third transitory provision, relating to the transitory regime of procedures, also establishes that:

“Procedures already initiated before the entry into force of the Law will not be applied to them, being governed by the previous regulations.”

Therefore, in accordance with the jurisprudence of the Supreme Court and with this regulation, the automatic expiration regime cannot be applied to the BIC declaration procedures initiated before the entry into force of Law 4/1999, but rather the regime established in the previous regulations.

To analyse the applicable regime for these cases, the following two cases can be distinguished:

Assets initiated during the validity of article 9.3 of Law 16/1985 of Spanish Historical Heritage (from the entry into force of Law 16/1985 and until the entry into force of Law 4/1999).

In these cases, as has been stated, the figure of the denunciation of arrears must be applied in the terms of article 9.3 of Law 16/1985 that we cited above. That is, cultural assets have BIC protection due to the fact that their declaration procedure has been initiated, and they only expire if the delay is reported and the Administration does not resolve the file within a period of four months from said complaint.

Assets initiated before the entry into force of Law 16/1985 of the Spanish Historical Heritage.

This is the case of our study, since the Plaza de España, in Seville, was initiated by Resolution of November 3, 1981 of the General Directorate of Fine Arts, Archives and Libraries, published in BOE number 287 of December 1, 1981, prior to the entry into force of Law 16/1985, for which reason the sixth transitory provision of the aforementioned LPHE must be taken into account, which establishes that "the processing and effects of the files on the declaration of real estate of historical-artistic value **initiated prior to the entry into force of this Law will be governed by the regulations by virtue of which they have been initiated, but their resolution will be carried out in any case by Royal Decree,** and in accordance with the categories provided for in article 14.2 of this Law."

In other words, we have to abide by the procedure established in the Law relating to National Artistic Heritage, published in *La Gaceta de Madrid* nº 145 of May 25, 1933 and the provisions of the Administrative Procedure Law of July 17, published in the BOE 171 of July 18, 1958.

None of these laws established the obligation for the Public Administration to resolve administrative procedures (under the terms of current regulations) nor did they provide for their expiration (neither the complaint of late payment, nor the expiration due to expiration of the term).

However, it would be worth asking if the assets filed prior to the entry into force of Law 16/1985 would be governed by these laws. This issue has been resolved by the Supreme Court in various judgments (you can cite the judgment of June 2, 2015) establishing that the figure of denunciation of delay in article 9.3 of Law 16/1985 must be applied.

The Supreme Court considers that the sixth transitory provision of Law 16/1985 is applied, which establishes that:

"The processing and effects of the files on the declaration of real estate of historical-artistic value initiated prior to the entry into force of this Law will be governed by the regulations by virtue of which they have been initiated, but their resolution will be carried out in all case by Royal Decree, and in accordance with the categories provided for in article 14.2 of this Law".

Specifically, the Supreme Court considers that the norm, by providing that all files will be subject to the resolution regime of article 14.2, also includes the resolution for expiration in accordance with the complaint of delay of article 9.3 as a figure that governs the procedures initiated before the entry into force of the law"

Therefore, in accordance with the regulations and jurisprudence of the Supreme Court, in all

assets filed prior to the entry into force of Law 4/1999, the figure of the complaint of delay can be applied in the terms established in article 9.3. of Law 16/1985.

CONCLUSIONS.

In relation to the legal regime applicable to unresolved filed assets, and in accordance with all of the above, it is worth highlighting the following conclusions:

- In files initiated after the entry into force of Law 4/1999, the automatic expiration of the BIC declaration procedures is applied once the legal term for resolution has elapsed. In these files, the figure of the complaint of delay cannot be applied.
- In proceedings initiated before the entry into force of Law 4/1999, in accordance with the jurisprudence of the Supreme Court and the transitional provisions of Law 4/1999 and Law 39/2015, the figure of the Denunciation of arrears provided for in article 9.3 of Law 16/1985, including those filed prior to the entry into force of Law 16/1985, **this being the case of all the properties studied in this report**, in the records in the files of this General Subdirectorate for Management and Coordination of Cultural Assets, no **complaint of any delay are included**. Therefore, and in accordance with what was previously explained, **the expiration has not occurred**. The affected properties are:
 - Estación de Atocha.
 - Palacio de Buenavista.
 - Palacio de las Cortes. (Congreso de los Diputados) (Congreso de los Diputados)
 - Palacio de Zabalburu o Heredia Spínola
 - Escuelas de Aguirre (Casa Árabe)
- The aforementioned properties also enjoy the **comprehensive protection** granted by Decree 41/1995, of April 27, by which the "Villa de Madrid Campus" is declared an Asset of Cultural Interest in the category of Historical Complex, published in the Official Gazette of the Community of Madrid No. 120 of May 22nd 1995, **therefore all related real estates are protected**.

Legal Regime Area.
General Subdirectorate of Management
and Coordination of Cultural Assets.

B) Disposiciones y Actos

Ayuntamiento Pleno

1722 *Acuerdo de 24 de julio de 2018 del Pleno del Ayuntamiento de Madrid por el que se aprueba la creación del Consejo Cívico y Social de la Candidatura a patrimonio mundial de la Unesco de "El Paseo del Prado y el Retiro, paisaje de las artes y de las ciencias", y regular su composición y funcionamiento.*

El Pleno del Ayuntamiento en sesión (19/2018), ordinaria celebrada el día 24 de julio de 2018, adoptó el siguiente acuerdo:

"El expediente que da origen a la presente propuesta tiene por objeto aprobar la creación del Consejo Cívico y Social de la Candidatura a patrimonio mundial de la Unesco de "El Paseo del Prado y el Retiro, paisaje de las artes y de las ciencias" y regular su composición y funcionamiento, como órgano colegiado de impulso, asesoramiento y coordinación en la programación y el desarrollo de las iniciativas y propuestas en la organización de actividades y eventos que se desarrollen en el ámbito de la citada candidatura.

El Consejo se adscribe al Área de Gobierno competente en materia de Cultura, como órgano colegiado sin personalidad jurídica, estando integrado por representantes del Ayuntamiento de Madrid, la Comunidad de Madrid y entidades y organismos representativos de intereses sociales así como personal experto en la materia.

De conformidad con lo dispuesto en el artículo 11.1.f) de la Ley 22/2006, de 4 de julio, de Capitalidad y de Régimen Especial de Madrid, corresponde al Pleno la competencia para adoptar los acuerdos relativos a la participación en organizaciones supramunicipales.

Por otro lado el artículo 76.3 del Reglamento Orgánico del Gobierno y de la Administración del Ayuntamiento de Madrid, de 31 de mayo de 2004, determina que la Alcaldesa podrá elevar al Pleno la creación de órganos colegiados en los que por su composición política, por la participación de otras Administraciones Públicas o por la relevancia institucional de su composición o funciones, así lo estime conveniente.

En su virtud, previo dictamen de la Comisión Permanente de Cultura y Deportes, el Pleno del Ayuntamiento adopta el siguiente

ACUERDO

Artículo 1. Objeto.

El objeto del presente Acuerdo es la creación y la regulación de la composición y el funcionamiento del Consejo Cívico y Social de la Candidatura a patrimonio mundial de la Unesco de "El Paseo del Prado y el Retiro, paisaje de las artes y de las ciencias" (en adelante, la Candidatura), como órgano colegiado de impulso, asesoramiento y coordinación en la programación y el desarrollo de las iniciativas y propuestas en la organización de actividades y eventos que se desarrollen en el ámbito de la citada candidatura.

Artículo 2. Adscripción y naturaleza jurídica.

El Consejo se adscribe al Área de Gobierno competente en materia de cultura, como órgano colegiado sin personalidad jurídica propia, estando integrado por representantes del Ayuntamiento de Madrid, la Comunidad de Madrid y de entidades y organismos representativos de intereses sociales y personal experto en la materia correspondiente.

Artículo 3. Régimen jurídico.

1. El Consejo se rige por lo dispuesto en el presente Acuerdo, sin perjuicio de las normas específicas que regulen su funcionamiento interno que, en su caso, serán aprobadas en el seno del propio órgano.

2. En lo no previsto en el presente Acuerdo, será de aplicación lo dispuesto en las normas sobre órganos colegiados contenidas en el Reglamento Orgánico del Gobierno y de la Administración del Ayuntamiento de Madrid, de 31 de mayo de 2004, y en la normativa básica en materia de régimen jurídico del Sector Público.

Artículo 4. Finalidad y funciones.

1. El Consejo tiene por objeto asesorar y proponer las distintas actividades que se lleven a cabo por el Ayuntamiento de Madrid, entidades públicas y privadas, así como por los particulares que participen en la Candidatura.

2. Para el cumplimiento de las finalidades descritas, el Consejo llevará a cabo las funciones siguientes:

a) Presentar iniciativas y propuestas en la organización de actividades y eventos que se desarrollen en el espacio delimitado por la Candidatura.

b) Proponer acciones que se desarrollen en el ámbito de la Candidatura.

c) Recabar la colaboración de otras Administraciones Públicas, entidades públicas y privadas, así como de particulares para el cumplimiento de las funciones, objetivos y proyectos del Consejo.

d) Proponer, apoyar e impulsar la coordinación de las líneas de acción a corto, medio y largo plazo de los órganos municipales que inciden directa o indirectamente sobre los usos y actos que se realicen en la Candidatura.

e) Coordinar y apoyar las actividades de otras Administraciones Públicas, entidades públicas y privadas, así como de particulares que estime adecuadas en relación con la Candidatura.

3. En el desarrollo de las funciones enumeradas en el apartado 2, el Consejo, mediante acuerdo aprobado conforme a las reglas previstas en el presente Acuerdo, emitirá informes y dictámenes, aprobará planes de actuación y podrá elaborar propuestas de acuerdo o resolución que elevará, por conducto del Presidente, al órgano competente para su aprobación.

4. Los acuerdos adoptados por el Consejo no tendrán efectos directos frente a terceros.

Artículo 5. Composición.

1. El Consejo estará compuesto por la presidencia, las vicepresidencias, las vocalías y la secretaría.

2. Quienes sean miembros del órgano colegiado, así como quienes participen en sus reuniones, no percibirán remuneración alguna por el ejercicio de sus funciones.

Artículo 6. Presidencia.

1.- La presidencia del Consejo corresponderá a la persona titular del Área de Gobierno con competencias en materia de cultura.

2.- Corresponden a la presidencia las siguientes funciones:

a) Ostentar la representación del Consejo.

b) Acordar las convocatorias de las sesiones y fijar el orden del día.

c) Presidir las sesiones, moderar el desarrollo de los debates y suspenderlos por causas justificadas.

d) Dirimir los empates con su voto de calidad.

e) Asegurar el cumplimiento de las leyes.

f) Visar las actas y propuestas adoptadas por el órgano, así como las certificaciones de sus acuerdos.

g) Remitir al órgano competente los acuerdos y resoluciones del Consejo Cívico-Social para su aprobación cuando ello fuese procedente.

h) Nombrar a las personas titulares de las vocalías y la secretaría del órgano, siempre y cuando no estén designadas directamente en el artículo 8.

- i) Designar a las personas titulares de las vicepresidencias.
- j) Ejercer cuantas otras funciones sean inherentes a su condición.

Artículo 7. Vicepresidencias.

1. La vicepresidencia 1.^a del Consejo corresponderá a la persona titular de la Dirección General de Patrimonio Cultural de la Comunidad de Madrid.
2. La vicepresidencia 2.^a del Consejo corresponderá a la persona titular de la Coordinación General de la Alcaldía del Ayuntamiento de Madrid.
3. Las vicepresidencias sustituirán a la presidencia en los casos de vacante, ausencia o enfermedad, y asumirán aquellas funciones que pueda delegarle.
4. En el supuesto de que exista imposibilidad para que las vicepresidencias sustituyan a la presidencia, esta recaerá en una de las vocalías, por designación de la presidencia, con previa comunicación a la secretaría.

Artículo 8. Vocalías.

1. Serán titulares de las vocalías aquellos representantes de los siguientes órganos o instituciones.
 - Dos representantes a propuesta de la Comunidad de Madrid, con competencia en materia de Patrimonio Histórico y en Turismo.
 - Doce representantes del Ayuntamiento, designados por los concejales competentes en las siguientes materias o distritos:

- a) Obras y espacio público
- b) Archivos, museos y bibliotecas
- c) Conservación de arbolados y jardines históricos
- d) Transporte público y movilidad
- e) Patrimonio histórico y cultural
- f) Turismo
- g) Educación
- h) Participación empresarial
- i) Relaciones exteriores
- j) Distrito de Centro
- k) Distrito de Retiro
- l) Distrito de Salamanca.

- Un representante a propuesta de cada grupo político con representación en el Pleno del Ayuntamiento de Madrid.

- Un representante por cada una de las entidades e instituciones relacionadas en el anexo.

2. Corresponden a las vocalías las siguientes funciones:

- a) Asistir a las reuniones, participar en los debates y formular ruegos y preguntas.
- b) Ejercer su derecho de voto, expresar el sentido del mismo y los motivos que lo justifican.
- c) Ejercer aquellas funciones que le sean encomendadas expresamente por el Consejo.
- d) Obtener la información precisa para cumplir las funciones asignadas.
- e) Cuantas otras funciones sean inherentes a su condición.

3. Las personas titulares de las vocalías designarán a su suplente entre miembros de su institución que les sustituirá en los casos de vacante, ausencia o enfermedad. En el caso de los representantes municipales, las personas suplentes tendrán rango mínimo de Subdirección General. Dicha designación será comunicada a la secretaría del Consejo.

4. Por el Consejo se podrá autorizar la incorporación de otras entidades e instituciones.

Artículo 9. Otros asistentes.

A las sesiones del Consejo, la presidencia podrá convocar, por razón de sus funciones, conocimiento o especialización, a quienes ostenten la condición de titular de las Áreas de Gobierno, a expertos de entidades públicas y privadas, así como al personal funcionario experto.

Artículo 10. Secretaría.

1. La persona titular de la secretaría del Consejo será designada por la presidencia entre el personal funcionario adscrito al Área de Gobierno municipal, competente en materia de cultura, y no ostentará la condición de vocal.

2. Corresponde a la secretaría velar por la legalidad formal y material de las actividades del Consejo, certificar las actuaciones de la misma y garantizar que los procedimientos y reglas de constitución y adopción de los acuerdos sean respetados.

En particular, corresponden a la secretaría las siguientes funciones:

- a) Asistir a las reuniones con voz pero sin voto.
- b) Efectuar las convocatorias de las sesiones por orden de la presidencia así como las citaciones a cada miembro del órgano con arreglo a las disposiciones generales de funcionamiento de los órganos colegiados.
- c) Preparar el despacho de los asuntos.
- d) Redactar las actas de las sesiones, autorizándolas con su firma y el visto bueno de la presidencia.
- e) Expedir certificaciones de las consultas, dictámenes y acuerdos aprobados con el visto bueno de la presidencia.
- f) Recibir los actos de comunicación de cada miembro del órgano y, por tanto, las notificaciones, peticiones de datos, rectificaciones o cualquier otra clase de escritos de los que deba tener conocimiento.
- g) Ejercer cuantas otras funciones sean inherentes a su condición.

3. La presidencia del órgano nombrará suplente de la secretaría para los casos de vacante, ausencia o enfermedad, entre personal funcionario adscrito al Área de Gobierno competente en materia de cultura.

Artículo 11. Funcionamiento, convocatoria y régimen de sesiones.

1. El Consejo se reunirá en sesión ordinaria con una periodicidad mínima de cuatro meses, y en sesión extraordinaria cuando así lo decida la presidencia, a iniciativa propia o previa petición de un tercio de las vocalías.

El Consejo se podrá constituir, convocar, celebrar sus sesiones, adoptar acuerdos y remitir actas tanto de forma presencial como a distancia, salvo que sus normas internas recojan expresa y excepcionalmente lo contrario.

En las sesiones que se celebren a distancia, uno o más miembros del consejo podrán encontrarse en distintos lugares siempre y cuando se asegure por medios electrónicos la identidad de los miembros o suplentes, el contenido de sus manifestaciones, el momento en que estas se producen, así como la interactividad e intercomunicación entre ellos en tiempo real y la disponibilidad de los medios durante la sesión. Entre otros, se considerarán incluidos entre los medios electrónicos válidos, el correo electrónico, las audio y videoconferencias.

2. La convocatoria de las sesiones ordinarias se realizará por la presidencia con una antelación mínima de dos días. En el caso de sesiones extraordinarias, la convocatoria se producirá con una antelación mínima de veinticuatro horas a la celebración de la sesión.

Salvo que no resulte posible, las convocatorias serán remitidas a cada miembro del consejo a través de medios electrónicos, haciendo constar en las mismas el orden del día junto con la documentación necesaria para su deliberación y las condiciones en las que se va a celebrar la sesión.

3. Para la válida constitución del Consejo se requerirá la asistencia de la presidencia y de la secretaría o, en su caso, de sus suplentes, y de la mitad, al menos, de las vocalías, en primera convocatoria, y de un tercio de las mismas en segunda convocatoria, que se celebrará treinta minutos después.

4. No podrá ser objeto de deliberación ningún asunto que no figure incluido en el orden del día, salvo que esté presente la totalidad de miembros del órgano colegiado y sea declarada la urgencia del asunto por el voto favorable de la mayoría, decidiéndose en caso de empate por el voto de calidad de la presidencia.

5. El órgano colegiado podrá constituirse válidamente para la celebración de sesiones, deliberaciones y adopción de acuerdos sin necesidad de convocatoria previa cuando así se decida por unanimidad.

6. Los acuerdos serán adoptados por mayoría de votos, decidiéndose por el voto de calidad de la presidencia, en caso de empate.

Cuando se asista a distancia, los acuerdos se entenderán adoptados en el lugar donde tenga la sede el órgano colegiado y, en su defecto, donde esté ubicada la presidencia.

7. Cada miembro del órgano que vote en contra o se abstenga, quedará exento de la responsabilidad que, en su caso, pudiera derivarse de los acuerdos.

8. El Consejo podrá aprobar sus reglas internas de funcionamiento.

Artículo 12. Actas.

1. De cada sesión que se celebre se levantará acta por la secretaría en la que se reflejará, en todo caso, la asistencia, el orden del día de la sesión, las circunstancias del lugar y tiempo en que se ha celebrado, los puntos principales de las deliberaciones, así como el contenido de los acuerdos adoptados.

Las sesiones podrán grabarse. El fichero resultante de la grabación, junto con la certificación expedida por la secretaría de la autenticidad e integridad del mismo, y cuantos documentos en soporte electrónico se utilicen como documentos de la sesión, podrán acompañar el acta de las sesiones sin necesidad de hacer constar en ella los puntos principales de las deliberaciones.

Cuando se hubiese optado por la grabación de las sesiones celebradas o por la utilización de documentos de soporte electrónico, deberán conservarse de forma que se garantice la integridad y autenticidad de los ficheros electrónicos correspondientes y el acceso a los mismos por parte de los miembros del Consejo.

2. En el acta figurará, a solicitud de cada miembro del Consejo, el voto contrario al acuerdo adoptado, su abstención y los motivos que la justifiquen o el sentido de su voto favorable.

3. Cada miembro del Consejo que discrepe de las decisiones válidamente adoptadas podrá formular voto particular por escrito en el plazo de cuarenta y ocho horas, el cual se incorporará al texto aprobado.

4. Cada miembro tiene derecho a solicitar la transcripción íntegra de su propuesta, siempre que aporte en el acto, o en el plazo que señale la presidencia, el texto que se corresponda fielmente con su intervención, haciéndose así constar en el acta o uniéndose copia a la misma.

5. Las actas se podrán aprobar en la misma o en la siguiente sesión. La secretaría elaborará el acta con el visto bueno de la presidencia y la remitirá a través de medios electrónicos a cada miembro del Consejo, que podrá manifestar, por los mismos medios, su conformidad o reparos al texto, a efectos de su aprobación, considerándose, en caso afirmativo, aprobada en la misma sesión.

6. La secretaría podrá emitir certificación sobre los acuerdos que se hayan adoptado en la sesión sin perjuicio de la ulterior aprobación del acta. En las certificaciones de acuerdos adoptados emitidas con anterioridad a la aprobación del acta se hará constar expresamente tal circunstancia.

Artículo 13. Grupos de trabajo.

1. El Consejo podrá crear grupos de trabajo de carácter permanente para la realización de tareas de análisis, estudio y elaboración de propuestas concretas en el ámbito de la finalidad y funciones del Consejo.

2. Se podrán crear entre otros, a tal efecto, y a modo de ejemplo, los siguientes grupos de trabajo:

- Grupo de Patrimonio Histórico y Museos.
- Grupo Medioambiental.
- Grupo Social.
- Grupo de Urbanismo y Movilidad.
- Grupo de las Artes y las Ciencias.

3. La composición, funcionamiento y régimen de sesiones de los grupos de trabajo se fijarán por el Consejo.

4. Podrán formar parte de los grupos de trabajo las personas titulares de las vocalías, así como el personal de los Distritos y de las Direcciones General del Ayuntamiento de Madrid, de la Comunidad de Madrid o de cualquier institución del Consejo que, por razón de su especialización, conocimiento o competencias, sean designados por la presidencia.

Artículo 14. Dotación de medios.

El Área de Gobierno competente en materia de cultura dotará al Consejo de los medios personales y recursos necesarios para su funcionamiento, sin que ello suponga aumento del gasto público.

Disposición final primera. Habilitación de desarrollo y aplicación.

Se faculta al titular del Área de Gobierno competente en materia de cultura para dictar cuantas resoluciones sean necesarias para la aplicación y desarrollo del presente Acuerdo.

Disposición final segunda. Eficacia y comunicación.

El presente Acuerdo surtirá efectos desde el día siguiente al de su aprobación, sin perjuicio de su publicación en el "Boletín Oficial del Ayuntamiento de Madrid" y en el "Boletín Oficial de la Comunidad de Madrid", de conformidad con el artículo 77 del Reglamento Orgánico del Gobierno y de la Administración del Ayuntamiento de Madrid, de 31 de mayo de 2004.

ANEXO

RELACIÓN DE ENTIDADES E INSTITUCIONES REPRESENTADAS

Zona núcleo:

- o Real Jardín Botánico CSIC
 - o Real Academia Española de la Lengua
 - o Real Observatorio Astronómico CSIC
 - o Museo Nacional del Prado
 - o Museo Nacional Centro de Arte Reina Sofía
 - o Museo Naval
 - o Museo Thyssen-Bornemisza
 - o Museo Nacional de Artes Decorativas
 - o Museo Nacional de Antropología
 - o Bolsa de Madrid
 - o Arzobispado de Madrid.
 - o Ministerio de Agricultura
 - o Archivo de protocolos
 - o Ministerio de Sanidad
 - o Asociación de Libreros de la Cuesta Moyano
 - o Cuartel General de la Armada
 - o Cuartel General del Ejército
 - o Banco de España
 - o Congreso de los Diputados
 - o Casa de América
 - o Cámara de Comercio
 - o Fundación La Caixa
 - o Instituto Cervantes
 - o Medialab-Prado
 - o Real Conservatorio de Música de Madrid
 - o Hotel Palace
 - o Hotel Ritz
- Zona de amortiguamiento:
- o Real Fábrica de Tapices

- o Círculo de Bellas Artes
- o Ilustre Colegio Oficial de Médicos de Madrid
- o Real Academia de Jurisprudencia y Legislación
- o Patrimonio Nacional
- o Casa Árabe
- o Patrimonio del Estado
- o ADIF
- o Museo Arqueológico Nacional
- o Biblioteca Nacional
- o Agencia Estatal de Meteorología
- o Fundación BBVA
- o Fundación Mapfre
- o Fundación Contemporánea
- Instituciones madrileñas y ciudadanas:
- o FRAVM
- o Cátedra de Paisaje Urbano de la Universidad Politécnica de Madrid
- o AEPE, Asociación Española de Paisajistas
- o Asociación Amigos del Retiro
- o Asociación Madrid, Ciudadanía y Patrimonio
- o Asociación de Hostelería de Madrid
- o Club de Debates Urbanos
- o CSIC
- o ICOMOS España
- o Instituto de Estudios Madrileños
- o Hispania Nostra
- o Real Academia de Bellas Artes de San Fernando
- o Colegio Oficial de Arquitectos de Madrid
- o Colegio Oficial de Ingenieros Forestales
- o Colegio Oficial de Ingenieros Agrónomos
- o Fundación Bankia
- o Foro de Empresas por Madrid".

Lo que se hace público para general conocimiento, indicándose que contra dicho acuerdo, que pone fin a la vía administrativa, los interesados podrán interponer con carácter previo y potestativo, recurso de reposición ante el Pleno, en el plazo de un mes o directamente recurso contencioso-administrativo ante los Juzgados de lo Contencioso-Administrativo en el plazo de dos meses, contados dichos plazos a partir del día siguiente a la publicación de este anuncio en el Boletín Oficial de la Comunidad de Madrid, de conformidad con lo dispuesto en los artículos 52 de la Ley 7/1985, de 2 de abril, Reguladora de las Bases de Régimen Local, 123 y 124 de la Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas, y artículos 8 y 46.1 de la Ley 29/1998, de 13 de julio, Reguladora de la Jurisdicción Contencioso-Administrativa.

En el supuesto de interponerse recurso de reposición, no se podrá interponer recurso contencioso-administrativo hasta la resolución expresa de aquel o su desestimación presunta (artículo 123.2 de la Ley 39/2015, de 1 de octubre).

Todo ello sin perjuicio de que los interesados puedan ejercitar, en su caso, cualquier otro recurso que estimen procedente en derecho (artículo 40.2 de la Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas).

Madrid, a 24 de julio de 2018.- El Secretario General del Pleno, Federico Andrés López de la Riva Carrasco.

22 September 2022

DRAFT STATUTES OF THE "LANDSCAPE OF LIGHT CIVIC AND SOCIAL COUNCIL" ASSOCIATION.

CHAPTER I

GENERAL PROVISIONS

Article 1. Designation.

A non-profit association with legal personality and full capacity to act is constituted under the name "Consejo Cívico y Social Paisaje de la Luz" ("Landscape of Light Civic and Social Council") under the protection of Organic Law 1/2002, of 22 March, regulating the Right of Association, and complementary regulations.

In all matters not provided for in these Statutes, the aforementioned Organic Law 1/2002 of 22 March and the additional implementing provisions shall apply.

Article 2. Duration.

This association is constituted for an indefinite period.

Article 3. Purposes

Since July 2021, the "Paseo del Prado and the Retiro, Landscape of Arts and Sciences", also known as the "Landscape of Light", in the City of Madrid has been recognised by UNESCO as a World Heritage Site. The association aims to provide substantial support to the property to enhance its value for the benefit of society as a whole.

It shall therefore pursue the following goals:

- Contribute to the better dissemination, promotion and conservation of the property declared a World Heritage Site, contribute to the proposal of initiatives, and advise public administrations, thereby providing substantial support for learning and institutional consolidation, as well as guiding the management policies of the institution responsible.
- Provide a forum for dialogue and consultation to reflect on and advise on all actions affecting the "Landscape of Light".
- Analyse, assess, propose, and provide advice on the various activities and interventions to be carried out by public administrations, public or private entities and institutions, as well as by professional associations or individual citizens participating in the "Landscape of Light".

Article 4. Activities.

The following activities will be carried out to achieve these purposes:

- a) Submit initiatives and proposals regarding the organisation of activities and events within the boundaries of the "Landscape of Light".
- b) Report on and be informed of activities, actions, and initiatives of all kinds to be carried out in the area by the promoting institution or entity.
- c) Propose actions and initiatives to be undertaken within the context of the "Landscape of Light".
- d) Seek the collaboration of other public administrations, public and private entities, and individuals to fulfil the Council's functions, goals, and projects.
- e) Propose, support, and promote the short, medium, and long-term coordination of the guidelines for action of the municipal bodies that directly or indirectly affect the uses and events that take place in the "Landscape of Light".
- f) Coordinate and support the activities of other public administrations, public and private entities, and individuals it deems appropriate in relation to the "Landscape of Light".

Article 5. Registered office.

The association's registered address is No. 1, Calle Montalbán, in the municipality of Madrid, province of Madrid. It will mainly conduct its activities throughout the territory of Spain.

CHAPTER II

GENERAL ASSEMBLY

Article 6. Nature and composition.

The General Assembly is the supreme governing body of the association and shall consist of all members.

A representative of the Citizen Support Group, made up of individuals who collaborate with the association and participate in its working groups, shall be elected to participate in the General Assembly with the right to be heard but without a vote.

It shall meet regularly at least once a year, and exceptionally when so decided by the presidency or the Board of Directors, on their initiative or at the request of one-third of the members.

The General Assembly may be constituted, convened, hold its meetings, adopt resolutions, and submit minutes in person and electronically.

In meetings held online, members may be located in different places as long as their identity, the content of their statements, the time at which they occur, as well as the real time interactivity and intercommunication between them and the availability of the media during the meeting are ensured by electronic means.

Valid electronic means shall include e-mail and audio- and video-conferencing, among others.

Experts who are not members of the association may be invited to attend meetings of the General Assembly on account of their functions, knowledge, or specialisation.

Article 7. Convening a meeting.

The President shall convene ordinary sessions of the General Assembly at least one month in advance. In the case of extraordinary and urgent meetings, notice shall be given at least forty-eight hours before the meeting is to be held.

Except where this is not possible, notices of meetings shall be sent to each member of the General Assembly by electronic means, stating the agenda together with the documentation for discussion and the conditions under which the meeting is to be held.

Article 8. Agreements.

For the General Assembly to be validly constituted, it shall require the attendance of the President and the Secretary, and at least half of the members, at the first summons, and one-third of the members at the second summons, which shall be held thirty minutes later.

No matter not included on the agenda may be the subject of deliberation and decision unless all the members of the collegiate body are present and the matter is declared urgent by a majority vote in favour. In the event of a tie, a decision shall be taken by the deciding vote of the President.

Resolutions shall be adopted by majority vote, with the President casting the deciding vote in case of a tie.

When attending online, resolutions shall be deemed to have been adopted at the venue where the association has its headquarters.

Members of the General Assembly who vote against or abstain may record their individual votes in the relevant minutes

A qualified majority of the persons present or represented, which shall result when the affirmative votes exceed half of those present or represented, shall be necessary for a decision to be adopted in the following cases:

- a) Dissolution of the entity.
- b) Amendment of Statutes, including change of registered office.
- c) Disposal of fixed assets.
- d) Compensation of the members of the Board of Directors.

Article 9. Powers.

The General Assembly shall have the following powers:

- a) Approve the performance of the Board of Directors.
- b) Examine and approve the annual accounts.
- c) Elect the members of the Board of Directors.
- d) Establish ordinary or extraordinary membership fees.
- e) Approve the dissolution of the association.
- f) Amend the Statutes, including the change of the registered office.
- g) Use or dispose of assets.
- h) Approve, where appropriate, the compensation of the members of the Board of Directors.
- i) The General Assembly shall ratify all proposals approved by the working groups and authorised by the Board after being submitted by the Board.
- j) Any other powers not attributed to another corporate body.

CHAPTER III

BOARD OF DIRECTORS

Article 10. Composition.

The association shall be managed and represented by a Board of Directors consisting necessarily of a President and a Secretary.

Three Vice-Presidents, a Treasurer, and the following members shall also comprise the Board of Directors:

- Two representatives from each of the partner public administrations.
- Two representatives of partner associations.
- Two representatives of partner foundations.
- Two representatives of partner professional associations.
- Two representatives of other partners.
- A representative elected by the Citizen Support Group, a body of individuals who collaborate with the association by participating in its working groups, with the right to be heard but without a vote.

The Board of Directors can only be made up of members, provided that they are of legal age, in full use of their civil rights and are not affected by any grounds of incompatibility set out in current legislation. The same requirements, with the exception of membership, must be met by individuals acting on behalf of legal persons.

All positions on the Board of Directors shall be unpaid. They shall be appointed and dismissed by the General Assembly for a term of office of two years.

Experts who are not members of the association may be invited to attend meetings of the Board of Directors on account of their functions, knowledge, or specialisation.

Article 11. Meetings.

The Board of Directors shall meet as often as determined by its President and at the initiative or request of its members, with a minimum of 3 meetings per year. It shall be constituted when half plus one of its members are present. For its resolutions to be valid, they must be approved by a majority of votes. In the event of a tie, the President shall cast the deciding vote.

Article 12. Powers.

The powers of the Board of Directors shall include, in general, all matters pertaining to the purposes of the association, provided that they do not require the express authorisation of the General Assembly as stipulated in these Statutes.

The Board of Director's particular powers are as follows:

- a) Conduct the social activities and carry out the economic and administrative management of the association, agreeing to enter into the necessary contracts and perform the necessary actions.
- b) Execute the resolutions of the General Assembly.
- c) Prepare and submit the annual balance sheets and accounts to the General Assembly for approval.
- d) Decide on the admission of new members.
- e) Appoint delegates for a particular association-related activity.
- f) Authorise the decisions and proposals of the working groups.
- g) Report to the Plenary of the Board on all authorised proposals.
- h) Conduct all matters entrusted to it by the General Assembly.
- i) Any other powers that do not fall within the exclusive competence of the General Assembly of members.

Article 13. President.

The President shall have the following powers: to represent the association legally before all public or private bodies; to convene, chair and close the sessions held by the General Assembly and the Board of Directors, and to oversee the deliberations of both; to order payments and authorise documents, minutes and correspondence with his/her signature; to adopt any urgent measure to ensure the smooth running of the association or the conduct of its activities that may be necessary or advisable, without

prejudice to subsequently reporting to the Board of Directors.

The term of office shall be two years.

Article 14. Vice-Presidents.

There shall be three Vice-Presidencies.

The First Vice-President shall be elected by lot from among the members.

The second Vice-President shall be the person in charge of the Directorate General for Cultural Heritage of the Madrid City Council.

The third Vice-President shall be the person in charge of the Directorate General for Cultural Heritage of the Autonomous Community of Madrid.

The Vice-Presidents shall substitute the President in the order indicated, in the absence of the latter due to illness or any other cause, and shall have the same powers.

They shall also assume such functions as may be delegated to them by the President.

Article 15. Secretary.

The Secretary shall be responsible for handling the purely administrative work of the association. He/she shall issue certifications, keep the books of the association required by law and the members' file, and shall be the custodian of the entity's documentation, ensuring that the communications regarding the appointment of the Board of Directors and other association agreements that must be registered in the corresponding Registers are dispatched, as well as fulfilling documentation-related obligations as required by law.

The position of Secretary shall correspond to a representative of the Madrid City Council.

Article 16. Treasurer.

The Treasurer shall collect and keep custody of the funds belonging to the association and execute payment orders issued by the President.

Article 17. Members.

The Members shall perform the duties inherent to their position as members of the Board of Directors and those resulting from tasks delegated or work commissions entrusted to them by the Board.

Article 18. Resignations, dismissals, and substitutes.

Members may resign voluntarily by giving written notice to the Board of Directors or be dismissed if they fail to fulfil the duties entrusted to them. Vacancies arising from these reasons shall be provisionally filled by the other members until replacements are elected by the General Assembly, which shall be convened for this purpose.

Members may also stand down on the expiry of their term of office. In this case, they shall continue to hold office until such time as their replacements are appointed.

CHAPTER IV

WORKING GROUPS

Article 19. Constituting working groups.

The Board of Directors may constitute permanent or temporary working groups to analyse, study and draw up specific proposals within the scope of the purpose and functions of the association.

Among others, the following working groups may be created for this purpose, by way of example:

GT1-CITIZEN LIFE

GT2-SCIENCE AND INNOVATION

GT3-HERITAGE EDUCATION AND GENERATIONAL RENEWAL

GT4-NATURE AND URBAN LANDSCAPE

GT5- CULTURAL ACTIVITIES AND DISSEMINATION

GT6- TOURISM AND SECURITY

GT7- HERITAGE AND URBAN PLANNING.

Article 20. Composition and functioning.

The General Assembly shall determine the composition, functioning, and meeting arrangements of the working groups. In any case, the Secretary of the association and the individuals interested in collaborating with the association and who constitute the Citizen Support Group shall be members of the working groups.

The working groups shall meet at least three times a year.

The members of the association and non-member experts proposed for this purpose based on the specificity of the issues to be addressed may form part of the working groups.

Article 21. Functioning of the Working Groups.

Each working group will discuss the proposals submitted, and those approved will be cleared by the Board of Directors to be voted on by the General Assembly.

The functioning of the working groups will be as follows:

In the first phase, until the General Assembly decides otherwise, the working groups will have three coordinators or facilitators

- One member of the "Landscape of Light" drafting team.
- One member of the Madrid City Council whose professional duties are linked to the group's subject matter.
- One member of the Council who does not belong to the City Council.

The General Assembly shall review the appointment or replacement of facilitators.

The dates of working group meetings shall be submitted at least two weeks in advance.

During this period, until the meeting is held, members of the group who so wish shall propose matters that fall within the group's remit so they can be included on the relevant agenda.

To facilitate the attendance of all members of the working groups, meetings will be held in person and/or online.

The sessions shall be established as follows:

- Reading and approval, if appropriate, of the minutes of the previous meeting.
- Following the agenda, the proponents of the actions will have 5 minutes to present their proposals.
- The proposal shall then be discussed for a period not exceeding ten minutes.
- A vote shall be taken electronically and/or in person on the proposal by a show of hands.
- If half of the members of the group vote in favour, the proposal shall be approved and forwarded to the Board of Directors, who shall consider it to be authorised. The General Assembly shall endorse this proposal.
- If the action is approved, the proponent or the entity he/she represents shall be responsible for implementing the action, reporting on its progress, and providing the data arising from it.
- Discussion and voting on the proposals will be followed by a Question and Answer session.

The Secretary of the Council shall draw up the minutes of the meeting.

CHAPTER V PARTNERS

Article 22. Requirements

Membership of the association shall be open to all individuals with the legal capacity to act who have an interest in furthering the aims of the association.

Article 23. Categories

The association shall have the following categories of members:

- a) Promoters or founders, who are those involved in the act of constituting the association.
- b) Full members, who join after the association has been constituted.
- c) Honorary members, who, due to their prestige or for having contributed in a relevant way to the dignity and development of the association, are deserving of such a distinction. The General Assembly shall designate honorary members.

Article 24. Resignations and Dismissals

Members shall cease to be members as a result of one of the following circumstances:

- a) Voluntary resignation by written notice to the Board of Directors.
- b) For non-fulfilment of financial obligations, if two regular payments are not made.

Article 25. Rights

Founding and full members shall have the following rights:

- a) Take part in all activities organised by the association in the fulfilment of its goals.
- b) Enjoy all the advantages and benefits that the association can obtain.
- c) Participate in the Assemblies with the right to be heard and vote.
- d) Be eligible to vote and to stand for office.
- e) Receive information on the agreements adopted by the association's bodies.
- f) Make suggestions to the members of the Board of Directors to better achieve the goals of the association.

Article 26. Duties

Founding and full members shall have the following duties:

- a) Comply with these Statutes and the valid resolutions issued by the Assemblies and the Board of Directors.
- b) Pay the established fees.
- c) Attend the Assemblies and other events that are organised.
- d) Perform, where appropriate, the duties inherent to the position they hold.

Article 27. Rights and duties of honorary members

Honorary members shall share the same duties as founding and full members, except those provided in paragraphs b) and d) of the previous article.

They shall also have the same rights, with the exception of those set out in Articles 23 (c) and (d), and may attend meetings without voting rights.

CHAPTER VI

ECONOMIC REGIME

Article 28. Financial resources.

The financial resources envisaged to pursue the aims and activities of the association shall be as follows:

- a) Membership fees, regular or extraordinary.
- b) Subsidies, legacies, or inheritances that it may legally receive from members or third parties.
- c) Any other lawful resource.

Article 29. Assets.

At the time of its incorporation, the association has no assets.

Article 30. Accounting period

The accounting period of the association shall be annual and end on 31 December each year.

CHAPTER VII DISSOLUTION

Article 31. Dissolution.

The association shall be dissolved voluntarily when so resolved by an Extraordinary General Assembly, convened for that purpose, in accordance with the provisions of Article 9 of these Statutes.

Article 32. Liquidation and allocation of the balance

In the event of dissolution, a liquidation committee shall be appointed. After the debts have been extinguished, any surplus liquid assets shall be used for purposes which do not undermine the non-profit nature of the association.

In _____, on ____ of _____ of _____

(SIGNATURES of all the promoting members appearing as signatories of the founding act. They may also sign in the margin of each page of the Statutes).

Mr/MS

TAX ID. No. (N.I.F.)

Signed:

Mr/MS

TAX ID. No. (N.I.F.)

Signed:

Mr/MS

TAX ID. No. (N.I.F.)

Signed:

Mr/MS

TAX ID. No. (N.I.F.)

Signed: