



# litigation & arbitration

2-2013  
April, 2013

## **ORDER HAP/490/2013 OF THE MINISTRY OF FINANCE AND PUBLIC AUTHORITIES, OF MARCH 27, 2013, AMENDING THE FORMS FOR COURT FEES**

[Order HAP/490/2013](#), of March 27, 2013, amending Order HAP/2662/2012, of December 13, 2012, approving Form 696 (self-assessment) and Form 695 (application for refund of court fees) was published in the Official State Gazette (BOE) on March 30, 2013.

The Order is made under Royal Decree-Law 3/2013, of February 22, 2013 (see Litigation and Arbitration Newsletter 1-2013 of February 25, 2013) which amended Law 10/2012, of November 20, 2012, regulating the new court fees (see Litigation and Arbitration Newsletter 6-2012 of November 21, 2012).

The most notable changes brought in by the Order are as follows:

### **1. AMENDMENT OF FORM 696**

Form 696 is amended to bring it into line with the changes introduced by Royal Decree-Law 3/2013:

- Partial exemption in the administrative jurisdiction of 60% of the fee for appeals to immediately superior courts and cassation appeals filed by public officials to defend their rights under the Basic Statute for Public-Sector Employees.
- Limit on the total amount of the court fee for administrative jurisdiction on penalty decisions, to 50% of the amount of the fine imposed.
- Reduction in the variable amount payable by individuals, calculated at a rate of 0.1% of the chargeable base up to a maximum variable limit of €2,000.

### **2. AMENDMENT OF FORM 695**

Form 695 and article 2 of Order HAP/2662/2012 are amended to bring them into line with the following changes introduced by Royal Decree-Law 3/2013:

- Refund of 60% of the fee paid where the defendant fully acquiesces to the opponent's claim.

- Refund of 60% of the fee paid where the defendant public authority fully admits a plaintiff's claim in administrative proceedings.

As a result of the Order, Form 695 and article 2 of Order HAP/2662/2012 now include the possibility of applying for a partial refund of the fee in these two cases, in addition to the pre-existing cases: namely, where an agreement brings the proceeding to an end (refund of 60% of the fee) and where there is joinder of proceedings (refund of 20% of the fee).

This amendment has also led to a change in the title of Order HAP/2662/2012, of December 13, 2012—which was formerly “*Form 695 – application for refund due to out-of-court settlement of dispute or joinder of proceedings*” and is now simply “*application for refund*”, since these two cases have been added by Royal Decree-Law 3/2013. Likewise, the amendment has brought the adaptation of articles 9 and 14 of that Order.

### **3. TIME PERIOD FOR REMEDYING THE FAILURE TO FILE FORM 696 (SELF-ASSESSMENT OF COURT FEE)**

The establishment by Royal Decree-Law 3/2013 of a period of ten days in which to remedy the failure to submit a receipt proving payment of the court fee (which resulted in the amendment of article 8.2 of Law 10/2012) has also led to the corresponding amendment of Order HAP/2662/2012 (specifically, article 12.2 of that Order).

### **4. ENTRY INTO FORCE**

Order HAP/490/2013 entered into force on the day after the date of its publication in the BOE, which, as noted above, took place on March 30, 2013.

However, the above Order has postponed the entry into force of Order HAP/2662/2012 as regards Form 695. It was previously established that the provisions relating to Form 695 (contained in articles 2, 4, 5, 9, 10 and 11, as well as the provisions of articles 12.3, 13.2 and 14) would enter into force on April 1, 2013. That date has now been changed to June 1, 2013. Also, where the final decision bringing the proceeding to an end and placing on record the manner of termination, or the decision approving the joinder of the proceedings, pre-dates June 1, 2013, the time limit of four years for applying for the refund will start to run from June 1, 2013.

This publication contains information of a general nature and, accordingly, does not constitute a professional opinion or legal advice.

© April 2013. J&A Garrigues, S.L.P., all rights reserved. This work may not be used, reproduced, distributed, publicly communicated or altered, in whole or in part, in any way or in any medium or format, without the written permission of J&A Garrigues, S.L.P.