



## SUBSIDIES AND COMPENSATIONS TO VICTIMS OF TERRORISM

Act 29/2011 of 22 September, on the Recognition and Comprehensive Protection of Victims of Terrorism sets forth assistance and compensation in order to mitigate, as much as possible, the consequences of terrorist acts for the victims and their families or for individuals who have suffered damage.

The system of assistance, benefits and compensation shall be applied when acts are committed on Spanish territory or under Spanish jurisdiction (Article 6.1 of the Act). The Act also provides for the cases of terrorist acts abroad but in which only Spanish nationals shall be entitled to the aforesaid system (Article 6.2 and 3).

### IMMEDIATE ASSISTANCE AFTER A TERRORIST ATTACK

Pursuant Act 29/2011 immediate assistance to the victims shall include:

1. - **Free emergency health care** (Art. 10 of the Act) shall be ensured by the National Health System. Likewise, **emergency psychological and psychiatric support** shall also be provided.

2. - Specific information on assistance, compensation and benefits (Article 11). This information shall be personalised and adapted to the circumstances and characteristics of the persons affected by a terrorist attack, particularly in cases of victims who have greater difficulty in comprehensively accessing the information, are in a situation of disability or do not speak the language. Information on the system of assistance and compensation provided for in Act 29/2011 and on the National Health System benefits victims are entitlement to shall be provided.

3. - **Psychosocial assistance** to the victims and their families.

4. - **Coverage for expenses directly linked to the terrorist attack** (Article 12):

- the transfer, funeral, burial and/or cremation of those persons who died as a result of a terrorist attack and are not covered by an insurance policy, up to the limit of EUR 6,000
- travel expenses, temporary accommodation and maintenance



- interpretation service
- material damages

These expenses shall be paid by the Ministry of the Interior.

## SUBSIDIES AND COMPENSATIONS

### PERSONAL INJURIES

#### ➤ REDRESS FOR DEATH

- **EUR 250,000**
- Increased by a fixed amount of **20 monthly payments of the public revenue index (IPREM)** in force when the attack occurred, according to the number of children or of minors in permanent family care, economically dependent on the victim.
- **Beneficiaries** according to the priority order:
  1. The spouse of the deceased, if they were not legally separated, or person who had been living with the deceased permanently in an analogous relationship for at least two years prior to the death, unless they had children together, in which case mere cohabitation shall suffice; and the children of the deceased (half for the spouse and the other for the children).
  2. In the absence of the above, parents, grandchildren, siblings and grandparents of the deceased shall be the beneficiaries, in successive order of mutually exclusive precedence.
  3. In the absence of the above persons, the children of the cohabitee, as well as minors in the permanent family care or pre-adoption care of the deceased, if economically dependent thereon.

#### ➤ COMPENSATION FOR PERMANENT DISABILITIES

- Severe disability: **EUR 500,000**
- Absolute permanent disability: **EUR 180,000**
- Total permanent disability: **EUR 100,000**
- Partial permanent disability: **EUR 75,000**
- Increased by a fixed amount of **20 monthly payments of the public revenue index (IPREM)** of the date of the attack, according to the number of children or of minors in permanent family care, economically dependent on the victim.



- **Beneficiaries:** The person with permanent disabilities and, if he/she dies due to a cause different from the aftereffects resulting from the terrorist act, family members in the order of preference established by the Act.

#### **Advances and payments on account:**

- The Ministry of the Interior may advance **up to EUR 18,030.36**, on account of payment of the definitive assistance in those cases in which, due to the seriousness of the injuries suffered from a terrorist act, it is reasonable to assume that there will be a subsequent declaration of the victim's total permanent disability, absolute permanent disability or severe disability.
- In cases of **partial permanent disability**, advances of the **double of the IPREM in force when the injury occurred may be paid**.

#### ➤ **COMPENSATION FOR TEMPORARY DISABILITY**

- **Amount:** Double of the IPREM in force when the injury occurred, up to a limit of 18 monthly payments.
- **Beneficiary:** The disabled person.

#### ➤ **COMPENSATION FOR PERMANENT NON-DISABLING INJURIES**

- The **amount** shall be the established according to Act 35/2015 of 22 September, on the Reform of the System Assessment for Damages and Compensation caused to individuals in road traffic accidents, according to the scale resulting from the application of the social security regulations on the amount of compensation for injuries, mutilations and permanent non-disabling deformities caused by work accidents or occupational diseases.
- The total amount of compensation for permanent non-disabling injuries shall not exceed, in no way, **EUR 75,000**.
- **Beneficiaries:** victims with non-disabling injuries.

#### ➤ **Application period for redress for death and personal injuries**

- **One year** from the day on which the damage materialised. For the purposes of calculating time limits, the following shall count:
  - Personal injury on the entry date or consolidation of the aftereffects as accredited by the National Health System.



- In the event of psychological damage, the one-year period shall commence from the moment a diagnosis accrediting the causality of the aftereffects.

## OTHER SUBSIDIES AND COMPENSATIONS

### ➤ HEALTH GRANTS

Persons having suffered physical damage are entitled to reimbursement for expenses incurred in **medical treatment, prostheses and surgery**, provided that:

- The aforesaid are related to terrorist acts.
- The need therefor is accredited.
- The persons concerned are not covered by the public or private insurance system to which they belong.

**Beneficiaries:** the victims having suffered personal injuries and in the event of death, the relatives entitled to compensation for death.

A certification accrediting the non-coverage of such assistance by their health system shall be produced.

### ➤ PSYCHOLOGICAL ASSISTANCE

The victims and their relatives suffering **psychological aftereffects** resulting from terrorist acts shall be entitled to the funding of the cost of their psychological treatment, when prescribed, up to a **limit of 3,600 euros** per individualized course of treatment.

The application shall be accompanied by a medical report accrediting said need and its link to the terrorist act and the original invoices for the psychotherapy sessions.

### ➤ EDUCATIONAL GRANTS

Educational grants shall be awarded when, as a consequence of a terrorist act, there is personal damage to a student, his or her widow/er, cohabiting party or children of the deceased; or to his or her parents, siblings, tutors or guardians, preventing them from pursuing their usual occupational activities.

Said grants may be awarded to begin or to continue studies, for the amounts determined for each academic year:

1. First cycle of Pre-school Education: **EUR 1,000**
2. Second cycle of Pre-school Education and Primary Education: **EUR 400**
3. Compulsory Secondary Education: **EUR 400**
4. Baccalaureate: **EUR 1,000**
5. Intermediate and Higher Vocational Training: **EUR 1,500**
6. University Degree or equivalent: **EUR 1,500**



7. Master's Degree: **EUR 1,500**
8. Other higher studies: **EUR 750**
9. Language learning at official schools: **EUR 300**

- These sums shall be increased by 20 % when the study centre is at least 50 km from the family's place of residence and by 40% if attending said centre involves a change of residence in relation to the family residence.

The deadline for submitting applications shall be three months, counted from the date of the payment of the registration fee for the course for which the aid is requested.

## MATERIAL DAMAGE

### Redressable damage:

- Damage to homes, business and industrial premises or their equipment, headquarters of political parties, trade unions or civil society organisations, as well as damage done to vehicles.
- Redress shall be subsidiary to any other compensation recognised by the Public Administrations or derived from insurance policies, and shall be reduced to the amounts received for these concepts.
- Redress may not in any case exceed the value of the loss incurred.
- Damage to public properties shall not be compensated.

### ❖ Damage to homes:

- **Compensation may be paid** for damage to the structure, installations and furniture of **habitual residencies** which it is necessary to restore in order to recover their former habitability, excluding those elements deemed sumptuary by the Administration.
- In the event of damage to residences **not considered habitual**, redress shall comprise **50% of the value of the damage**, up to a **limit of EUR 113, 680**.

### - Temporary accommodation:

When as a result of a terrorist attack, the persons concerned must **temporarily leave their homes** while repair work is done on the damaged homes, the Ministry of the Interior may contribute to pay the expenses incurred for **temporary accommodation** by those persons, with the following ceilings:

- EUR 90 per day, if said temporary accommodation is in a hotel establishment.
- EUR 1,500 per month, if in rented housing.



❖ **Damage to business or industrial premises**

- Restoration of damage to the structure, installations, furniture and equipment necessary to ensure the resumption of the activity of said business or industrial premises, up to a maximum of EUR 113,680 per premise.
- In exceptional cases and, in particular, in the event of cessation of business activity that may imply the loss of jobs, the granting of loans aimed at restarting said activity may be subsidized.

❖ **Damage to vehicles**

- Damage to private vehicles, as well as to vehicles for inland transport of people and goods.
- The vehicle must be covered by a compulsory insurance policy in force at the time when the damage occurred, when such a policy is required according to the regulations for said insurance.
- Redress shall comprise the sum needed to repair the vehicle and, in the event of destruction of the vehicle, or if its repair costs more than its market value, compensation shall be equivalent to the market price of a vehicle having similar characteristics, with a maximum limit of EUR 30,500.
- Redress shall be subsidiary to any other compensation recognised by the Public Administrations or derived from insurance policies, and shall be reduced by an amount equal to the sums received as redress or compensations, if this is the case.

Application period: a year from the date on which the damage occurred.

➤ **EXCEPTIONAL ASSISTANCE**

The Ministry of the Interior may grant **exceptional assistance to mitigate situations of personal or family need** that are fully or insufficiently covered by the assistance and compensations scheme, in the following cases:

- a. In the event of **personal damage**, assistance may cover social, health, psychological or educational needs.
- b. In the event of **material damage**, such assistance may cover the adaptation or change of housing when the consequences of the terrorist attack so require, as well as any other personal or family needs resulting from the terrorist act.

Such assistance shall be compatible with the ordinary assistance.

Advance payment may be granted, provided that it doesn't exceed 70% of the sum to be foreseeably granted. This advance payment shall also be applied to medical expenses, relocation of concerned persons and temporary housing.



## PROCEDURE FOR THE RECOGNITION OF SUBSIDIES AND COMPENSATIONS

The procedure for the recognition of subsidies and compensations shall be initiated by means of an application from the person concerned.

The application shall be formalized using the official application form available for its completion and submission on the website of the Ministry of the Interior:

<http://www.interior.gob.es/es/web/servicios-al-ciudadano/ayudas-y-subsidios/a-victimas-de-actos-terroristas/modelos-de-solicitud>

And at the electronic headquarters on the website of the Ministry of the Interior:  
<https://sede.mir.gob.es> ,

Applications shall be accompanied by documents accrediting the victim's status or, when appropriate, the degree of kinship to the victim.

Applications may be presented at:

- Post offices, in the manner established by the regulations.
- Diplomatic missions and consular representations of Spain abroad.
- Registries/ Assistance offices in the area of registers of any Administration.

Applications may also be submitted online at the central e-registry of the Ministry of the Interior: <https://sede.mir.gob.es>

### ➤ **Time limit for decisions on the applications**

A year, with the exception of the educational grants, in which is reduced to 6 months.

### ➤ **Common requirements for recognition:**

- When, by virtue of a final judgement, the persons concerned are recognised as being entitled to compensation for the actions and damages under civil liability.
- When, without any judgement, court proceedings have been undertaken or penal proceedings have been initiated for the prosecution of offenses.

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