



**Bizkaiko Foru Aldundia**    **Diputación Foral de Bizkaia**

Lan eta Trebakuntza  
Saila

Departamento de Empleo y  
Formación

**REGIONAL COUNCIL DECREE No. 43/2000 of 3rd of April governing the Elkartegiak Programme for the year 2000.**

*CONSIDERATIONS*

*The Regional Council Department for Employment and Training, considering the Elkartegiak Programme as a useful and effective tool for the creation of employment, in collaboration with the Public-Sector Company Azpiegitura, S.A., provides Elkartegis (Business Centres) to house newly-created business projects or projects resulting from the expansion requirements of existing companies, in advantageous conditions.*

*During 2000 the Elkartegiak Programme will continue to give priority support to small and medium-sized enterprises, and in particular to newly created companies which fall into the category of "Social Economy" or those which have been set up by young people or the long-term unemployed, as well as those whose staff include persons with particular difficulties in entering the job market.*

*The benefits of the Elkartegiak Programme are also open to non-profit making associations working in the field of the promotion of employment among vulnerable or disadvantaged groups*

*On this basis, the regulations which shall govern the Elkartegiak Programme for the year 2000 are hereby established.*

*At the proposal of the Regional Council Deputy of the Department for Employment and Training, and following deliberation and approval by the Governing Council of this Regional Council at a meeting held on 3 February 2000, the following provisions are hereby made:*

*PROVISIONS*

*Article 1: Objectives*

*The measures contained in this Regional Council Decree are intended to provide support to small and medium-sized enterprises in Bizkaia and non-profit making associations working in the field of the promotion of employment among vulnerable or disadvantaged groups requiring a location for the performance of their business activities by placing the Elkartegiak / Business Centres at their disposal.*

*Article 2: Benefits*

*The benefits of the Elkartegiak Programme consist of the possibility of occupying one of the industrial pavilions located in the Elkartegiak Business Centres in Barakaldo, Alonsotegi, Basauri, Larrabetzu, Mungia and Trapaga, all of which are owned by Azpiegitura, S.A.*

*The Elkartegiak Business Centres are provided with the necessary facilities and also provide companies therein basically with the following services:*

- Surveillance
- Reception
- Telephone switchboard, fax, photocopier.
- Parking space
- Gardening services
- Meeting rooms
- Canteen and first-aid post

*Article 3: Beneficiaries*

*The following shall be eligible to avail of the benefits set out in this Decree:*

- a) *non profit-making associations which perform their activities in the field of promotion of employment among vulnerable or disadvantaged groups, provided they meet the following requirements:*
  1. *Their official company and/or tax residence must be in the Historical Territory of Bizkaia.*
  2. *They must have made all due payments of taxes, public law obligations and Social Security contributions.*
- b).- *companies under any legal constitution (except non profit entities), joint ownership enterprises and individual entrepreneurs, whether they have begun their activities during 2000 or have been operating since an earlier date, provided they meet the following requirements:*
  1. *Their official company and/or tax residence must be in the Historical Territory of Bizkaia.*

2. *They must have made all due payments of taxes, public law obligations and Social Security contributions.*
3. *They must be up to date in their payments of monies due to Azpiegitura, S.A., where applicable, for the previous use of industrial modules located in the Elkartegiak Business Centres. Their business partner or partners must not have participated in the administration of companies considered to be debtors of Azpiegitura, S.A. as a result of non-payment of monies due as tenants thereof.*
4. *Companies must be incorporated and registered and joint ownership must be set up and in possession of a tax identification number prior to 31 December.*
5. *On the date of application, in the case of companies with business activities, the "average workforce" during 2000 in work centres located in Bizkaia must be of less than 50 workers. It must also be accredited that said "average workforce" has not been reduced from that of the last quarter of 1999. For these purposes, the "average workforce" shall be considered to be the result of dividing the number of workers declared in Social Security contribution forms (TC-1, TC-2, Self-employed, etc.) corresponding to work centres located in Bizkaia by the number of months of activity during the period of reference.*
6. *Natural or corporate persons or the partners thereof, if the applicant is a corporate person, must not be the owners of properties located in Bizkaia in which business activities are currently being conducted.*

*Notwithstanding, this condition shall not apply to applicant persons or bodies in any of the following situations:*

*I) Those who need to change premises for any of the following reasons:*

*a) Either as a result of extension thereof, or as a result of urban zoning, whereby they are no longer covered by the urban regulations.*

*b) Where they possess premises situated in urban areas and conduct processing or marketing activities which are unsuitable in residential areas.*

*In either of the above cases, the need to change premises must be evidenced and accredited by the applicants for analysis and assessment during processing of the file by the Department for Employment and Training of the Regional Council of Bizkaia and Azpiegitura, S.A.*

*II) Those who conduct their activity in more than one premises, with the co-existence of properties belonging to the company or its partners together with other properties which are not owned by them, provided they meet the following requirements:*

*a) The usable surface area of the properties which are not owned by the applicant company or its partners must represent more than 50% of the total surface area used by the company.*

*b) The number of workers whose work stations are located in the property which does not belong to the applicant company or its partners must represent more than 50% of the company's total workforce.*

*The Department for Employment and Training may request from the interested parties and/or from any other public body, any data it deems necessary in order to ensure compliance with the requirements set out in this article.*

*Compliance with the requirements set out in Points 1 and 2 in Section a) and b) of this article must be accredited, where relevant, with the submission of the application, and in all cases at the moment of awarding and throughout the rental period of the modules.*

*Article 4 : System of occupancy in the Elkartegiak Business Centres.*

#### *I. GENERAL SYSTEM*

*The occupancy system set out in this section shall apply to all Elkartegiak - Business Centres set out in Article 2 of this Decree except:*

*· Barakaldo Elkartegi.*

*- Modules resulting from the subdivision of Pavilion No. 17 of the Trapaga Elkartegi.*

*Companies benefiting under the Elkartegiak Programme which are included in this general system may rent industrial pavilions by means of a lease contract with a purchase option entered into with Azpiegitura, S.A.*

*The lease with purchase option shall have an initial period of 3 years, which may be extended at the discretion of the lessor for a further 2 years.*

On completion of the initial period of 3 years rental, benefiting companies may opt to purchase the module they have occupied as tenants. The prices and conditions of this purchase will be set out in the lease contract entered into with Azpiegitura, S.A. at the time of initial access to the Programme. *The purchase option may be exercised by benefiting companies or by a leasing institution contracted by them.*

## II. SYSTEM IN THE BARAKALDO ELKARTEGI AND IN THE MODULES RESULTING FROM SUB-DIVISION OF PAVILION 17 OF THE TRAPAGA ELKARTEGI

### A) Priority access.

*The following shall be given priority in locating in the Barakaldo Elkartegi and in the modules deriving from subdivision of Pavilion 17 of the Trapaga Elkartegi:*

#### 1. Newly-created companies meeting any of the following conditions:

- *Companies which provide employment to unemployed young people under 30 in the area of the Left Bank of the Nervión and Mining Area. Companies providing innovative services or products.*
  - *Companies set up under the auspices of the Company Practises for Young People Plan, run by DEMA or beneficiaries of the Regional Council Department for Economic Promotion's Company Creation Programmes.*
2. *Existing companies moving for reasons of well-grounded expectations of growth and job creation.*  
3. *Non-profit making associations indicated in Article 3 of this Decree.*

### B) Main activity.

*The main activity of both newly-created and existing companies must pertain to services connected to industry and be included in one of the following headings of the National Classification of Economic Activities (C.N.A.E.)-93 (Royal Decree 1.560/1992, of 18 December 1992):*

*Category 61.-- Coastal trading or trading on inland waterways.*

*Category 64.-- Correct and Telecommunications.*

*Category 72.-- Computer activities.*

*Category 73.-- Research and Development.*

*Category 74.13.-- Market and public-opinion survey services.*

*Category 74.14.-- Commercial and administrative consultancy services.*

*Category 74.2.-- Technical architectural and engineering services and other activities related to technical advice.*

*Category 74.3.-- Technical testing and analysis services.*

*Category 74.4.-- Advertising services.*

*Category 74.5.-- Personnel selection and placement.*

*Category 74.7.-- Industrial cleaning services.*

*Category 74.81.-- Photographic services.*

*Category 74.82.-- Packing and packaging activities for third parties.*

*Category 74.83.-- Secretarial and translation services.*

*Category 74.841.-- Specialist design services.*

*Category 92.11.-- Film and video production.*

*Category 92.12.-- Film distribution.*

*Category 92.2.-- Radio and television services.*

*The maximum period of tenancy of the modules in the Barakaldo Elkartegi and modules resulting from subdivision Pavilion 17 of the Trapaga Elkartegi shall be 3 years. This period may not be extended and shall not include a purchase option.*

### C) Entrepreneurial premises in the Barakaldo Elkartegi.

*As well as the office modules, the Barakaldo Elkartegi also contains an entrepreneurial premises, consisting of a polyvalent area divided into small offices provided with basic furniture and equipment which may be used free of charge during a limited period of time by individuals requiring a space to develop their business idea.*

*The entrepreneurial premises is also provided with areas fitted out for holding meetings and business contacts, and an area provided with computer and office equipment to be used publicly by any entrepreneurs who need to extend their business information (through Internet) or their own training.*

*The conditions of access and the system of occupancy in the entrepreneurial premises in the Barakaldo Elkartegi shall be established by Azpiegitura, S.A.*

*In any type of system, prior to the signing of the lease contract, the beneficiary must provide evidence to Azpiegitura, S.A. that it has taken out an insurance policy for any damage which might be caused during the course of its activities. registration - where applicable - in the Economic Activities Tax, and evidence of its having applied for and/or obtained any authorisations and administrative licences which may be necessary for the performance of the beneficiary's business activity.*

#### Article 5: System of use of industrial pavilions

Beneficiaries must begin and/or conduct all their activity in the industrial pavilions, except for activities conducted in branches or offices of an exclusively commercial nature. The entitlement to use industrial pavilions is personal and non-transferrable and may not be leased out or conveyed totally or partially, even free of charge or for value.

#### Article 6: Rent rebates.

*During the first two years of occupancy of the Elkartegiak Business Centres, only applications submitted by newly-created companies meeting any of the five conditions listed below may benefit from rent rebates.*

- Those which are incorporated as co-operative companies of associated labour or social integration, worker's co-operatives or worker's private limited companies.
- Those which are founded in their majority by unemployed women.
- Those which are founded by unemployed persons who have taken part in the Department for Employment and Training's training and/or employment Programmes.
- Those formed mainly by unemployed young people under 30.
- Those whose workforce includes at least 10% (minimum 1 worker) of unemployed persons from groups with particular difficulties in accessing the job market: long-term unemployed, persons over 45, women with family responsibilities, persons with problems of social rehabilitation and those with physical, mental or sensorial handicaps recognised by the Regional Council's Social Action Department in the corresponding certificate which must be submitted by the interested parties. In all cases, entitlement to rebate shall only be made on the basis of staff working under conditions of full time employment according to the activities of each company as regulated in current labour provisions.

*If the company fails to meet the conditions required for entitlement to rebates in the rent or to meet the requirement for payment of due rent, it shall automatically cease to benefit from same.*

*Granting of the aforementioned rebates in the rent gives the following entitlements:*

- First year's rent: rebate of 70% of the current monthly rent.
- Second year's rent: rebate of 30% of the current monthly rent.
- Where the company is set up under the auspices of the Company Practises for Young People Plan (DEMA), of the Department for Employment and Training, a rebate of 70% of the current monthly rent shall be applied for the first two years.

*Article 7: Selection criteria:*

*In the process of deciding on the applications, the selection criteria to be used shall be: creation and maintenance of employment, economic and financial viability, production process, product or service provided by the company and expectations for growth in same. If, after application of these criteria, two or more applicants should remain in equal positions, companies which meet the conditions set out in Article 6 of this Regional Council Decree shall have preference for location in an Elkartegi.*

*Article 8: Period for submission of applications*

*The period for submission of applications shall begin on the day following publication of this Decree in the Boletín Oficial de Bizkaia (Official Regional Council Gazette of Bizkaia), and shall end on 15 December 2000. The application-report, together with the associated documents set out in same, must be submitted to the Register of the Department for Employment and Training of the Regional Council of Bizkaia, within the opening hours of said register (8.30 a.m. to 1.30 p.m., Monday to Friday) without prejudice to the terms of Article 38.4 of Law 30/92, dated 26 November, governing the Legal Systems of Public Administration and Common Administrative Procedure.*

*Article 9: Processing procedure*

1. *Persons wishing to avail of the benefits established in this decree must submit the duly completed application form, which shall be available to applicant companies from the Department for Employment and Training, C/ Obispo Orueta No. 6, Bilbao and in the Elkartegiak Business Centres themselves from the date of commencement of the period for submission of applications.*
2. *The Department for Employment and Training may require those applying for the benefits covered in this Decree to provide any complementary documents and/or information which it deems necessary for a fuller understanding and assessment of the application submitted.*
3. *If the applications, when received, should be found not to be fully completed, or should not be accompanied by the necessary documentation, the interested person or company shall be required to rectify the lack or provide the missing documents in a period of 10 days, and shall be notified that if they should fail to do so their application shall be deemed to have been rejected, by means of a resolution which must be made for this purpose, in accordance with the terms of Articles 71.1 and 42.1 of Law 30/92, dated 26 November, governing the Legal Systems of Public Administration and Common Administrative Procedure and by Law 4/99 of 13 January 1999.*
4. *Pursuant to the terms of Article 3 of this Decree, and prior to the decision on each application, the requirement that the applicant should be up to date with the payment of tax, public law obligations, and - where required - Social Security payments shall be corroborated. To this end, the Department for Employment and Training shall request from the Department of Treasury and Finances a certificate accrediting the tax situation of the applicant. Should said certificate show the existence of outstanding tax debts for which an extension period has not been granted, the application shall be rejected.*
5. *Once the applications have been analysed by Azpiegitura, S.A. and by the Infrastructures Service, they shall be processed by the General Office for Infrastructure, Training and Employment, and decided upon by an express and individual resolution of the Regional Council Deputy of the Department for Employment and Training.*

*The decision shall be notified to the company with an indication, where applicable, of the period of execution of the corresponding contract.*

*Said decision shall conclude administrative action, and interested parties may make an discretionary request for reversal to the Regional Council Deputy for Employment and Training, without prejudice to the possibility of their submitting any other they may deem fit.*

6. *The maximum period for a resolution of the applications shall be thirty working days from the date of submission of all documents and complementary information required for processing of the file. If said period has passed without an express resolution having been passed, they may be deemed to have been rejected.*
7. *Law 30/92, of 26 November, governing the Legal Systems of Public Administration and Common Administrative shall be applicable to any matters not covered in this decree regarding administrative procedure.*

#### **ADDITIONAL PROVISIONS.**

##### **I.-**

*Companies which on the date of application of this Regional Council Decree already occupy industrial pavilions in the various Elkartegis, may enter into lease contracts for industrial pavilions other than those they currently occupy, to be chosen from among those offered at any time by Azpiegitura S.A.*

*Likewise, companies referred to in the paragraph above or, where applicable, the leasing company contracted by same may enter into a purchase option with Azpiegitura, S.A. regarding the industrial pavilions occupied under the general system.*

*Companies availing of the terms in the paragraphs above must be up to date in the payment of their taxes, public law obligations and Social Security contributions, and any payments deriving from the contract previously entered into with Azpiegitura, S.A.*

##### **II.-**

*Companies which on the date of publication of this Regional Council Decree have been granted industrial modules in the BIC-BEAZ in Sondika under the auspices of the annual regulations made since 1991 by Regional Council Decrees regarding granting of industrial modules in the BIC-BEAZ in Sondika may opt to lease unoccupied industrial pavilions situated in any of the Elkartegis mentioned in Article 2 provided they are up to date in the payment of their taxes, public law obligations, Social Security contributions, and payments deriving from the agreement previously entered into with the Regional Council of Bizkaia and BEAZ, S.A.*

##### **III.-**

*The monetary amounts included in this regulatory provision shall be established in pesetas with the corresponding counter-value in euros at the fixed rate of exchange rounded off to two decimal places, in accordance with Article 11 of Law 46/98 on Introduction of the Euro.*

#### **FINAL PROVISIONS**

##### **I.-**

*The Regional Council Deputy for Employment and Training is authorised to issue any provisions and enter into any agreements which he or she deems necessary for the development and application of this decree.*

##### **II.-**

*This Regional Council decree shall come into force on the day following its publication in the Boletín Oficial de Bizkaia (official Regional Council Gazette of Bizkaia).*

*Bilbao, this third day of April, two thousand.*

**LAN ETA TREBAKUNTZAKO FORU DIPUTATUA  
REGIONAL COUNCIL DEPUTY FOR EMPLOYMENT AND TRAINING**

*Sabino Arana Gorostiaga*