



**Comunidad
de Madrid**

DECREE 15/2023, OF 1 MARCH OF THE GOVERNING COUNCIL CREATING AND REGULATING THE COMMUNITY OF MADRID INVESTMENT ACCELERATOR.

(Nota Este texto es meramente informativo. La Aceleradora de Inversiones se regula única y exclusivamente, por el Decreto 15/2023, de 1 de marzo, del Consejo de Gobierno, por el que se crea y regula la aceleradora de inversiones de la Comunidad de Madrid, publicado en el Boletín Oficial de la Comunidad de Madrid de 6 de marzo de 2023)*

This text is for information purposes only. The Investment Accelerator is governed solely and exclusively, by the Decree 15/2023, of 1 March, of the Governing Council, creating and regulating the Community of Madrid Investment Accelerator, published in the Official Gazette of the Community of Madrid of 6 March 2023

The Community of Madrid is Spain's most attractive region for inward investment. It hosts the headquarters of many multinational corporations and is a magnet for both national and international talent. Attracting investment is a driver of job creation, added-value generation, business vitality and, ultimately, the best social safeguard.

Administrative hurdles are considered to be one of the main obstacles to fostering business competitiveness. Reducing them would boost economic activity and employment growth. Likewise, and in relation to foreign investment, in the Spanish Barometer of the Business Climate 2020 of the Spanish Institute of Foreign Trade (ICEX), Multinationals for the Spain Brand and IESE indicated that bureaucracy was the most negative aspect as rated by foreign companies, and stressed that a reduction of the administrative burden would contribute towards a growth in investment. In the latest 2022 update of the report, bureaucracy was still identified as one of the primary weaknesses.

In order to boost competitiveness and attract more investment projects of higher added value, an interdepartmental and potentially interadministrative, collegiate body needs to be created to ensure that projects that generate wealth and employment for the Community of Madrid can be processed quickly and efficiently by the Government bodies. The administrative burdens and documentary requirements associated with its operation, which are in any case optional, are offset by the benefits derived from the coordinating action that the Accelerator can generate, as well as the speeding up of the processing as a result of declaring a project to be of special interest.

One of the goals of the Community of Madrid Government is to adopt and implement policies to stimulate the economy, improve regulation and the business climate and to foster the creation of new Spanish and foreign investment projects.



In line with the above objectives, the Accelerator will make it possible to identify and introduce measures to streamline administrative procedures, thereby improving the business climate and boosting the competitiveness of the Community of Madrid.

The functions performed by the Accelerator are exercised within the framework of promoting economic development and within the objectives set by national economic policy, in accordance with Article 26.1.17 of the Statute of Autonomy of the Community of Madrid, as well as in accordance with the provisions of Article 26.1, paragraphs 1 and 3 of the aforementioned Statute.

This decree creates and governs the Accelerator as a collegiate body that brings together the various departments whose responsibilities affect the establishment of business investment initiatives, taking into consideration the provisions of Articles 20, 21 and 22 of Law 40/2015, of 1 October, on the Public Sector Legal Framework, of supplementary application in the Community of Madrid, supported by the Investment Acceleration Technical Unit, a permanent working group made up of technical staff, as well as, where appropriate, specific working groups appointed by the Accelerator for each investment project.

Considering the provisions of Royal Decree 203/2021, of 30 March, which approves the Regulation of the activity and operation of the public sector via electronic means, as well as Article 14 of Law 39/2015, of 1 October, legal persons, among others, are obliged to communicate with the Public Administration bodies electronically in order to carry out any administrative procedure. The third section of this article goes on to state that, by regulation, administrations may enforce the obligation to communicate with them by electronic means for certain procedures and certain groups of individuals who, due to their economic or technical capabilities, professional activity or other reasons, can demonstrate that they have access to and the availability of the necessary electronic means.

Given the size of the investment projects to be channelled by the Accelerator, the sponsors are understood to have substantial economic and technical capabilities, with access to the necessary electronic means. For this reason, online processing is envisaged for both natural and legal persons at all stages of the procedure.

The Decree is structured into expository provisions and operative provisions which govern the object and nature of the Accelerator, its purpose, composition, operation, functions, definition and procedure for declaring a project as being of special interest and the effects of the declaration. Projects of special interest are defined primarily on the basis of investment and employment criteria, as well as other characteristics that determine how they are classified, taking into account



their contribution to the digital or green transition, their added value, the quality of jobs created, the repercussion or impact on territorial cohesion and the socio-economic development of the Community of Madrid, among others. The additional and final provisions define the interadministrative cooperation with local authorities, the amendment of Decree 234/2021, of 10 November, of the Governing Council, which establishes the organisational structure of the Regional Department of Economy, Taxation and Employment, the authorisations and the coming into force of the Decree. It includes two annexes: the application model and the content of the report.

This draft regulation is consistent with the principles of good regulation established in article 129 of Law 39/2015, of 1 October, as well as with the provisions of article 2 of Decree 52/2021 of 24 March, of the Governing Council, which regulates and simplifies the procedure for drafting general regulatory provisions in the Community of Madrid, complying with the principles of necessity and effectiveness, proportionality, legal certainty, transparency and efficiency.

The Decree complies with the principle of necessity and effectiveness, since the creation of the Accelerator meets the general interest of economic development, its purpose being to facilitate the processing of projects that generate an increased volume of investment, job creation and added value for the economy of the Community of Madrid. In this respect, the creation of this structure is the most appropriate instrument for speeding up investment projects.

Furthermore, the principle of proportionality is fulfilled, as the provision contains the regulation that is essential to meet the objectives pursued, as there are no other less restrictive methods or measures that entail a lower cost and use of public resources.

The principle of legal certainty is also satisfied, since the content of the Decree complies with the relevant State and regional legislation. It is also compliant with the principle of transparency, because it follows all public consultation, hearing and public information procedures.

Lastly, it adheres to the principle of efficiency, because the procedure established is optional for investment project promoters and the documentation to be submitted by the interested parties is reduced to a minimum, limited to only the documentation required to identify the project and understand its scope.

For the drafting of this decree, the mandatory reports on coordination and regulatory quality have been requested from the Regional Department of the Presidency, Justice and the Interior, on the social impacts from the Regional Department of Family, Youth and Social Policy, from the general technical secretariats of the regional departments, from the General Technical Secretariat



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of the Regional Department of Economy, Taxation and Employment and the report from the Government Attorney's Office.

By virtue, thereof and in accordance with the provisions of Article 21.g) of Law 1/1983, of 13 December, on the Government and Administration of the Community of Madrid, in agreement with the Legal Advisory Committee, at the proposal of the Regional Councillor of Economy, Taxation and Employment, following deliberation by the Governing Council, at its meeting on the day of

HEREBY STIPULATES

Article 1. Object and nature.

1. The purpose of this Decree is the creation of the Investment Accelerator of the Community of Madrid, hereinafter the Accelerator, as well as the regulation of its aims, functions, composition, organisation and operation.

2. The Accelerator is an interdepartmental collegiate body attached to the Regional Department of Economy, through the Deputy Regional Department to which these responsibilities are assigned.

Article 2. Purpose of the Community of Madrid Investment Accelerator

The purpose of the Accelerator is to streamline the processing of investment projects that are considered to be of special interest for the Community of Madrid due to their economic importance, the jobs created or the existence of other criteria laid down in Article 8.

Article 3. Composition of the Investment Accelerator

1. The Accelerator comprises the following members:

a) Chair. The Accelerator shall be chaired by the head of the Deputy Regional Department of Economy.

b) Permanent members.

1. The head of the Directorate General of Economy as a member representing the regional department having responsibilities in matters of the Economy.



2. The head of the Deputy Regional Department responsible for the Environment as a member representing the Regional Department responsible for the Environment.

3. The head of the Deputy Regional Department of Territorial Planning as a member representing the Regional Department with responsibility for Urban and Territorial Planning.

c) Non-Permanent members.

Depending on the field or area of responsibility which the project in question affects, and in order to ensure that all the territories and areas of action are represented in this collegiate body, if convened by the Accelerator, the following may form part of it:

1. The heads of the Deputy Regional Departments responsible in the matter, thereby ensuring representation of all the areas of responsibility affected.

2. A representative of the local council in whose municipality the investment project is to be established, provided they have signed the collaboration agreement.

To this end, the municipalities that have signed a collaboration agreement with the regional department responsible for the economy may participate in the Accelerator meetings on projects of special interest that are being implemented in their geographic area, provided that they have been convened.

d) Secretary. The secretary shall be a career civil servant of subgroup A1, belonging to the Regional Department of Economy, appointed by the President of the Accelerator, who shall attend the meetings with the right to speak but not to vote.

2. The members may be accompanied by other members of their respective departments or of their municipality who perform advisory functions, with the right to speak but not to vote.

3. The following may attend the sessions of the Accelerator, without being members, with the right to speak but not to vote and by invitation of the Chair of the Accelerator:

a) One representative for each Government Administration body whose participation is of interest due to his/her areas of responsibility.

b) For the investment projects, technical advisors with expertise in the field.



c) In the case of international investment projects, one person representing the Community of Madrid Regional Government body that is responsible for attracting investment to the region.

4. The appointment of the members of the Accelerator and their permanence on it will continue for as long as they hold these positions in the department or body they represent.

5. Membership of the Accelerator will not give rise to any remuneration or compensation, nor will attendance at meetings or participation in working groups.

Article 4. Functions of the Investment Accelerator

1. The Accelerator will have the following functions:

a) Receive applications and forward them to the Technical Unit and to the other regional departments and municipalities whose procedures are affected.

b) Approve the application for the declaration of a project of special interest for the Community of Madrid by unanimous vote of its members, or reject it if any of its members consider that it does not meet the requirements established in article 8.

c) Consider applications to be withdrawn in the cases described in Article 9.3.

d) Monitoring the progress of the processing of investment projects before the relevant bodies of the Community of Madrid and, where appropriate, the local corporation of the municipality concerned and Government Administration bodies.

e) Promote and coordinate the actions of the various public bodies and agencies involved in the processing of projects, without prejudice to the authority of each administration involved.

f) Identify potential administrative barriers during the processing of investment projects and make proposals to optimise and improve procedures, in coordination with the Interdepartmental Commission for the Reduction of Administrative Burdens and the Simplification of Regulations of the Community of Madrid, without prejudice to the authority of other bodies of the Community of Madrid and, in particular, of the management centre responsible for the quality of the services of the Community of Madrid.

g) Carry out any other actions entrusted to it so that it may better fulfil its aims in relation to the functions of the Accelerator, in accordance with the legal system.

2. Projects of regional scope that are processed in accordance with the provisions of articles 33 to 50, both inclusive, of Law 9/1995, of 28 March, on Territorial



Policy, Land and Urban Planning Measures, shall be excluded from the scope of application of this decree and, therefore, from the functions of the Accelerator.

Article 5. Operation of the Investment Accelerator

1. For the body to be validly constituted, the attendance, in person or remotely, of the chair, the secretary and at least half of its members shall be required.
2. In the event of vacancy, absence or illness, the chair and the members of the Accelerator will notify the secretary or, failing this, the chair of the Accelerator, so that substitutes can be appointed, who must be at least of the rank of director general and will be appointed by the heads of the corresponding regional departments or bodies. In the case of local authorities, their representatives and their deputies shall hold positions equivalent to those of the regional departments and shall be appointed in accordance with their rules of operation.
3. Should any of the reasons for abstention listed in article 23 of Law 40/2015 of 1 October occur, the members of the Accelerator must notify the head of the corresponding regional or local authority so that a substitute may be appointed who is not affected by the cause of abstention.
4. The Accelerator will meet at least once a month whenever an application is pending.
5. The legal framework applicable to the Accelerator is that established in this decree and in articles 15 and following of Law 40/2015, of 1 October.

Article 6. Investment Project Acceleration Technical Unit

1. The Accelerator will be assisted in its operation by the Investment Acceleration Technical Unit, an administrative unit providing technical support, made up of technicians from the regional departments with permanent representation, who will be appointed by the Chair of the Accelerator at the proposal of the corresponding department.

Likewise, a representative of the local council where the investment project is to be implemented may be invited to form part of the Technical Unit in order to study a specific project, provided that the corresponding collaboration agreement has been signed; as well as civil servants from the regional departments that may be affected, who may participate in that project as non-permanent members of the Accelerator; and a representative of each body of the Government Administration whose presence is required for the successful completion of the project, thereby guaranteeing the presence of all the areas of responsibility affected.



2. The Investment Project Acceleration Technical Unit will have the following functions:

- a) Receive and undertake a preliminary study of the applications for a project of special interest forwarded to the Accelerator, checking that it includes the details and the documentation required by law. It may ask the project sponsor to provide any paperwork deemed necessary to complete or rectify the information submitted.
- b) Inform the Accelerator of the investment projects whose applications have not been adequately resolved.
- c) Request any reports needed to compile all the necessary information about the nature and content of the project submitted.
- d) Inform the Accelerator whether or not the project meets the requirements laid down in article 8 of the Decree.
- e) Act as interlocutor with the interested party, as well as with the rest of the departments, municipalities and, where appropriate, Government Administration bodies involved in setting up the project, in order to gather the information necessary to allow the Accelerator to track the progress of the project.
- f) Draw up the stage-by-stage plan or timetable to be handed over to the investor when a project is declared to be of special interest.
- g) Carry out any other actions entrusted to it by the Accelerator for the best fulfilment of its objectives.

Article 7. On the Technical Working Groups

The Accelerator may agree to setting up the technical working groups it deems appropriate to perform the functions set out in this decree, and in particular, to monitor projects considered to be of special interest and to inform the Technical Unit of the progress of their application.

Article 8. Definition of Projects of Special Interest for the Community of Madrid.

1. The Accelerator may declare business initiatives to be developed in its territory, whether for their installation, expansion or improvement, to be projects of special interest for the Community of Madrid if they are consistent with the economic, social and/or territorial development of the Community of Madrid and meet at least one of the following requirements:

- a) They generate fifty or more jobs with permanent, full-time contracts or equivalent.



b) They involve an investment in fixed assets, excluding real estate assets, equal to or more than EUR 10 million, except in the case of energy facilities.

c) For energy facilities, the investment in fixed assets, excluding real estate assets, must be equal to or more than EUR 24 million.

If only the investment requirement is met, sufficient impact on the local or regional economy based on the use or procurement of utilities, suppliers, services or the retention of employment, among others, must be demonstrated.

2. However, the Accelerator may declare other investment projects that do not meet the above criteria to be projects of special interest for the Community of Madrid, if they have an impact on the improvement of the Madrid production model or contribute to the rebalancing of the Madrid economy due to, among other aspects, their potential impact on territorial cohesion and the socio-economic development of the region, their contribution to the digital or environmental transition, their investment in R&D&I, their added value, their nature as driving force projects in the value chain, the quality of the employment created or others, by means of a reasoned report forming an integral part of the agreement proposal that the Technical Unit will issue and submit to the Accelerator for assessment and enabling it to issue the declaration of project of special interest.

3. In all cases, the projects must provide evidence of their maturity and financial technical and economic viability.

Article 9. Procedure for the declaration of Project of Special Interest for the Community of Madrid.

1. Applications for the declaration of a project of special interest for the Community of Madrid must be submitted by registering, exclusively by online means, with the Accelerator, and by completing the standardised form included in Annex I.

Applications, including statements of responsibility and a standardised report, available on the website in Spanish and English, must be submitted electronically, together with any required accompanying documentation, through the Electronic Register of the relevant Regional Department of Economy, or through the other electronic registers provided for in article 16.4.a) of Law 39/2015, of 1 October.

In order to submit the application electronically, it is necessary to have one of the recognised or qualified electronic signature certificates that are operational in the Community of Madrid and issued by providers included in the "Trusted List of



Certification Service Providers" or any other electronic signature system that the Community of Madrid considers valid under the terms and conditions specifically established for each type of signature.

Interested parties must provide the administrative process with the details and documents required by the Public Administration bodies, in accordance with the provisions of the applicable regulations. They also have the right not to provide documents that are already in the possession of the Administration concerned or have been already prepared by any other Administrative body.

As applicants are obliged to correspond with the Administration online, notification will be made by electronic means in accordance with the provisions of article 43 of the same legal text. To this end, the applicant must be registered with the Electronic Notification Service of the Community of Madrid, and can access it via this link: <https://www.comunidad.madrid/servicios/administracion-digital-punto-acceso-general>.

2. The application form, Annex I, must be accompanied by at least one project report containing the indicative content shown in Annex II, as well as the statements of compliance with the requirements and characteristics described in the project report confirming the veracity of the data in the application form and the additional documentation, which may be submitted in Spanish or English. However, the Community of Madrid will require the translation of any document deemed necessary to issue the declaration of project of special interest if it is not submitted in Spanish.

3. The Investment Acceleration Technical Unit will conduct a preliminary study of the content of the documentation submitted, and may require the applicant to provide or rectify the information submitted within a period of ten days, indicating that, if this is not done, the application will be considered to have been withdrawn, subject to a prior agreement to be issued under the terms set out in article 21 of Law 39/2015, of 1 October.

The Technical Acceleration Unit may at any time request such reports as it deems necessary to reach a decision, both from the interested party and from other departments and local authorities, justifying the reasons for requesting them in its petition.

4. Once the procedure has been completed and immediately before drafting the proposed resolution, the administrative file will be made available to the interested parties so that, within a period of ten days, they may present their allegations and submit whatever documents and supporting evidence they deem relevant, in accordance with the provisions of article 82 of Law 39/2015, of 1



October. Once the hearing has been held, the Investment Acceleration Technical Unit will issue an agreement proposal to be submitted to the Accelerator.

5. The Accelerator will assess the applications submitted and will issue the corresponding agreement regarding the classification of the project as being of special interest for the Community of Madrid.

This declaration shall be notified to the project promoter or its representatives, and to the relevant regional and local authorities. The declaration will be accompanied by the delivery of a stage-by-stage plan or timeline specifying the administrative deadlines the project will need to meet, so that the investor is aware of the timeframe they have to work with.

6. The maximum period for issuing the agreement is thirty working days, as from the date on which the application was entered into the electronic register of the administrative body responsible for processing it. Once the aforementioned period has elapsed without an express agreement having been notified, the interested party may consider his or her application to have been granted on the grounds of administrative silence.

7. The decisions adopted by the Accelerator will put an end to administrative proceedings, in accordance with the provisions of article 114 of Law 39/2015, of 1 October, and may be appealed by means of an appeal for reconsideration before the Accelerator or challenged directly before the contentious-administrative courts, as established in article 123 of Law 39/2015, of 1 October.

Article 10. Effects of the declaration.

1. The declaration of a project of special interest for the Community of Madrid, in accordance with the requirements and procedure regulated in this decree, shall result in the adoption of the agreement for preferential and urgent processing by the heads of the administrative bodies responsible for the procedures that may affect the project, and who are members, permanent or otherwise, that have participated in the declaration of the project of special interest by the Accelerator.

The effects of the declaration will be effective from the date on which the resolution declaring the project of special interest is issued, unless another date is stipulated in said resolution, in accordance with the provisions of article 39 of Law 39/2015, of 1 October.

The loss of effect of the declaration will occur upon completion of the administrative procedures required to implement the project in the Community of Madrid.



The declaration of urgency and preferential processing shall have the consequences established and foreseen in the specific regulations applicable to the procedure in question, and failing this, in accordance, respectively, with the provisions of Articles 33 and 71 of Law 39/2015, of 1 October.

2. In the event of their participation, and for projects declared to be of special interest, the local councils must coordinate with the Investment Acceleration Technical Unit to study the procedures involved and monitor the investment projects as they are processed, as well as to agree on the application to the procedure of urgent processing and priority clearance.

3. The existence of any of the circumstances listed below may result in the loss of the status of project of special interest and its effects:

a) Failure to comply with any of the criteria required to be granted the status of a project of special interest.

b) Stoppage of the activities involved in the development of the project attributable to any of the participants in the project for a period of more than six months.

c) Due to any other cause that reveals a loss of viability during the development of the project.

The loss of the status of project of special interest shall be determined by the Accelerator by unanimous agreement of its members, following a hearing with the interested party, within a period of no less than ten days and no more than fifteen days.

An agreement on the loss of the status of a project of special interest shall bring the administrative process to an end. This agreement may be appealed by means of an appeal for reconsideration before the Accelerator or challenged directly before the contentious-administrative courts, as established in articles 114 and 123 of Law 39/2015, of 1 October.

Single additional provision. Interadministrative cooperation with local authorities

The Regional Department of Economy will inform the local authorities of the Community of Madrid of the creation of the Accelerator and of the possibility of signing the appropriate collaboration instrument with the Community of Madrid.



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First final provision. Amendment to “Decree 234/2021, of 10 November, of the Governing Council, which establishes the organisational structure of the Regional Department of Economy, Taxation and Employment.”

A new letter is added to the second additional provision of " Decree 234/2021, of 10 November, of the Governing Council, establishing the organisational structure of the Regional Department of Economy, Taxation and Employment", with the following wording:

“m) Community of Madrid Investment Accelerator.”

Second final provision. Authorisations

The head of the Regional Department of Economy is empowered to issue any provisions that may be necessary for the enactment and execution of this Decree.

The head of the Regional Department of Economy is hereby empowered to issue any instructions that may be necessary for the application of this Decree, as well as to approve any amendments that may be made to the application forms in Annex I, and to the translation into English, where appropriate.

Third final provision. Coming into effect.

The Decree will come into effect twenty days after its publication in the Official Gazette of the Community of Ma