



**GENERAL TERMS AND CONDITIONS TO BE APPLIED IN THE PROCEDURES  
FOR THE SALE OF MOVABLE ASSETS, BY MEANS OF ELECTRONIC PUBLIC  
AUCTION, CALLED BY THE GOVERNMENT DELEGATION FOR THE  
NATIONAL PLAN ON DRUGS THROUGH THE ESCRAPALIA PLATFORM  
(SURUS INVERSA S.L.)**

**1. IDENTIFICATION AND BACKGROUND TO THE DISPOSAL.**

**1.1. CENTRE OF INTEREST:** Government Delegation for the National Plan on Drugs.

**1.2. ORDER NUMBER:** 2024\_01

**1.3. OBJECT OF THE DISPOSAL.**

The purpose of the auction is the sale of the goods entrusted in the aforementioned order to the company SURUS INVERSA S.L., which appear in the inventory of goods confiscated for illicit drug trafficking and other related crimes managed by the Government Delegation for the National Plan on Drugs, and which have been declared suitable for the fulfilment of the purposes established in article 2 of Law 17/2003, of 29th May.

**2. AWARD PROCEDURE.**

Disposal shall be carried out by electronic public auction.

Participation in the auction means that the bidder is aware of and accepts the state of the property at the time of the auction, as well as the acceptance of these specifications in all their terms.

**3. NOTICE OF INVITATION TO TENDER.**

The auction will be announced on the escrapalia.com platform, managed by the company SURUS INVERSA S.L. and on the website of the Government Delegation for the National Plan on Drugs (<https://pnsd.sanidad.gob.es/delegacionGobiernoPNSD/fondoBienesDecomisados/home.htm>). In addition, other public or private media may be used to publicise the call for applications.

**4. ELIGIBILITY REQUIREMENTS.**

**4.1. GENERAL LEGAL REQUIREMENTS.**

Natural and legal persons, Spanish or foreign, who have the capacity to contract in accordance with the rules contained in the Civil Code, on general capacity for all types of contracts and, in particular, for the contract of sale, may participate in the procedure, provided that they are not subject to any of the prohibitions to contract established in article 71 of Law 9/2017, of 8 November, on Public Sector Contracts, which transposes into Spanish law the Directives of the European Parliament and of the Council 2014/23/EU and 2014/24/EU, of 26 February 2014.





On the other hand, they may not be awarded the goods:

- A) Staff working in the Government Delegation for the National Plan on Drugs and in the rest of the Ministry of Health.
- B) Members of the Security Forces and Corps and civil servants of the State Tax Administration Agency and the staff of the Asset Recovery and Management Office, in relation to goods in whose seizure, conservation, maintenance or any other activity subsequent to the seizure they have had any kind of participation.
- C) Officials of the Economic and Financial Delegations, in respect of assets in the administration of which they have been involved.
- D) The valuers, in respect of the goods included in the auction, if they have been involved in the valuation thereof.
- E) In general, those who are included in any of the situations referred to in Article 1.459 of the Civil Code.

This shall be checked prior to the signature of the award agreement.

#### 4.2. CONSTITUTION OF GUARANTEES.

In order to participate in the auction, it will be necessary to previously provide a guarantee that will be defined in the "Description" section of each of the lots described on the escrapalia.com platform. This guarantee entails the commitment, on the part of the potential buyers, of the participation exclusively of interested users, as well as avoiding possible distortions in the final price.

**The guarantee or security for the lots contained in Order 2024\_01 is set at 5% of the appraised value.**

The lodging of the security gives the right to bid for the lot for which it has been lodged.

To request the return of the deposit, each bidder shall go to the auction portal and in the main menu, using the drop-down menu, find their identification, accessing the "Deposit management" section.

In no case shall the guarantee be considered as a payment on account of the amount of the auction auction result by the successful bidder, and therefore the amount of the aforementioned guarantee shall not be deducted from the award price of the asset or assets awarded; without prejudice to the provisions of sections 8.1, 9.1 and 10.2 of these specifications with regard to the forfeiture of the guarantee.

#### 5. DOCUMENTATION TO BE SUBMITTED BY SUCCESSFUL TENDERERS.

Prior to the commencement of the auction, each party interested in participating in the same must have lodged the **deposit in** the manner established in the previous section.

Once the auction of each lot has ended, a **Subsequent Approval** process will be initiated, in which the identification documentation and the responsible declaration (Annex I) of the bidder proposed to be awarded the contract will be verified to ensure that they are correct, and, following this verification, the successful bidder will receive a Payment Order.

Once the payment has been confirmed, the Government Delegation for the National Plan on Drugs will issue the award resolution.





## 6. EXHIBITION OF GOODS.

Those interested in participating in the auction will be able to visit the good or goods included in each lot, by registering via the corresponding button in the "Visit date: Register me" section of the Escrapalia application (escrapalia.com).

For visits, full name, ID card number and user name must be entered in the aforementioned application. Once the corresponding data has been received, the address and exact time of the visit will be confirmed. During the visit, each of the goods may be inspected in detail, and may be assisted by the experts or technicians they deem appropriate. Vehicles may not be moved or driven around the facility or depot where they are located.

The valuation of the goods to be auctioned has taken into account their age, the time they have been deposited and their current condition, as well as the availability or not of legal documentation of the goods to be auctioned. It is not ensured that in all cases and with regard to vehicles, the availability of keys and/or their documentation is not guaranteed, this circumstance being included, where applicable, in the description of each lot to be offered at auction.

Consequently, the successful bidders may not claim any type of liability or economic compensation as a consequence of the current defects of the goods, which may be known beforehand by the interested parties by examining them during the days of the exhibition. Likewise, the successful bidders will not be able to claim responsibility or compensation from the Government Delegation for the lack or insufficiency of the legal documentation of the goods.

The Government Delegation for the National Plan on Drugs reserves the right to withdraw any lot or goods included in each auction, giving reasons for this circumstance by means of an informative note that will be published on the website of the Government Delegation for the National Plan on Drugs. Likewise, this circumstance will be reflected in the Escrapalia application (escrapalia.com).

Nor will the withdrawal of these lots give rise to any compensation to tenderers for having lodged the security.

## 7. CONDUCT OF THE AUCTION.

The auctions will be carried out in accordance with the provisions of these terms and conditions and the Terms and Conditions of Use of the Escrapalia auction portal (escrapalia.com).

These terms are detailed in

[www.escrapalia.com](http://www.escrapalia.com) (<https://www.escrapalia.com/es/terminos-de-uso>)

The figures indicated as bidding rates do not include the Transfer Tax, when applicable, which the successful bidder is obliged to pay in accordance with the provisions of Royal Decree 828/1995, of 29 May, approving the Regulation of the Transfer Tax and Stamp Duty.

The current year's vehicle tax is also not included, the payment of which will be paid by the successful bidder, in the event that the goods to be auctioned include motor vehicles.





## 8. PROPOSAL AND AWARD OF THE GOODS.

### 8.1. PROPOSAL FOR THE AWARD OF THE GOODS.

The award proposal shall be made to the tenderer offering the highest price.

The tenderer submitting the most economically advantageous offer will have **3 working days** to submit the documentation referred to in this section (**Subsequent Approval** process).

In this **Subsequent Approval** process, the identification documentation, listed below, and the Responsible Declaration (Annex I) of the bidder proposed to be awarded will be verified and, following this verification, the successful bidder will receive a Payment Order. Once the payment has been confirmed, the award decision will be made.

After verifying that this documentation has been correctly submitted and that it accredits the capacity to be awarded each lot, a payment document (Payment Order) will be sent to you. Once this document has been issued, you will have **3 working days** to complete the payment of the lot or lots awarded. Failure to provide the identification documentation and/or payment will result in the forfeiture of the deposit deposited, **as well as any right to the lot.**

#### DOCUMENTATION TO BE SUBMITTED:

##### 1. Spanish bidders

- ◆ Natural person:
  - Copy of ID card, equivalent document or passport.

When the financial proposal is not submitted by the tenderer himself, it shall also include:

- Copy of the D.N.I., equivalent document or passport of the representative.
- Original, certified copy or authenticated copy of the Power of Attorney of the representative.

- ◆ Legal entity:
  - Original, certified true copy or certified true copy of the Deed of incorporation or modification registered in the Mercantile Register, where this is required under the applicable mercantile legislation. If not, the deed or document of incorporation, amendment, articles of association or founding act, stating the rules governing its activity, registered, where appropriate, in the corresponding official register.

- Copy of the Tax Identification Card.
- Copy of the D.N.I., equivalent document or passport of the person presenting the proposal on behalf of or as proxy of the company,
- Original, certified copy or certified copy of the power of attorney of the person submitting the tender.

##### 2. Foreign bidders

All documentation submitted must meet the formal requirements necessary to produce full legal effects in Spain and must be translated into Spanish.

- ◆ Natural person:
  - Copy of passport or document equivalent to ID card.

Likewise, the duly completed ANNEX 1 (**responsible declaration**), which is attached to these specifications, must be submitted. By means of this declaration, provided for in article 69 of Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations, the interested party declares, under their responsibility, that they do not incur in any of the prohibitions to contract with the Administration indicated in article 71 of Law 9/2017, on Public Sector Contracts, which transposes into Spanish law the Directives





of the European Parliament and of the Council 2014/23/EU and 2014/24/EU of 26 February 2014, nor in the exclusions from participation listed in point 4.1 of these specifications.

Likewise, in this declaration, the interested party declares that he/she submits to the jurisdiction of the Spanish courts and tribunals, of any order, for all incidents that, directly or indirectly, may arise, expressly waiving any foreign jurisdiction that may correspond to him/her.

## 8.2. AWARDING OF THE ASSETS.

Once the auction has ended, the Subsequent Approval process (documentary review) has been completed and payment has been made, the Government Delegation for the National Plan on Drugs, through the Award Coordination Committee, will propose the bidder who has submitted the winning bid as the successful bidder.

The successful bidder may not transfer the asset or assets acquired at the auction to third parties without complying with the corresponding registration procedures for the assets awarded in his name.

## 8.3 NOTIFICATION OF THE AWARD.

The company SURUS INVERSA S.L. will provide the Government Delegation for the National Plan on Drugs with information on the lots sold, the successful bidder for each lot and the sale price of each lot. The Delegation will proceed to communicate the award decision to the successful bidders in writing, by fax, e-mail or any other procedure that provides a record of its receipt.

For the rest of the interested parties, the communication will be made through publication of the auction amounts of each lot on the notice board of the Government Delegation for the National Plan on Drugs, in accordance with article 45 of Law 39/2015 of 1 October, of the Common Administrative Procedure of Public Administrations, as well as through publication on the website of this Government Delegation.

# 9. OBLIGATIONS OF THE SUCCESSFUL TENDERER.

## 9.1 PAYMENT OF THE PRICE AND OTHER EXPENSES AND CONSEQUENCES OF NON-PERFORMANCE.

For the lots included in the auctions carried out through the platform escrapalia.com, managed by the company SURUS INVERSA S.L., the successful bidder of each lot must, after receiving the Payment Order, proceed to pay the amount of his bid, if it is the most advantageous, in favour of the company SURUS INVERSA S.L., without deducting from the price of the auction the amount of the deposit constituted, which may be requested to be returned after payment has been made, through the escrapalia.com platform and returned by the aforementioned company.

Each successful bidder will have **3 working days** from receipt of the Payment Order to complete payment for the lot or lots awarded. If payment is not made within this period, the security deposit will be forfeited, as established in section 4.2 of these terms and conditions, the procedure for which is specified in the Terms and Conditions of Use of the escrapalia.com auction platform.

<https://www.escrapalia.com/es/terminos-de-uso>

Except for duly justified reasons, the successful tenderer who does not submit the identification documents and/or does not make payment, and who does not notify this within the specified period or who withdraws his tender, will automatically forfeit his right to the lot. In this case, the forfeiture of the guarantee will be agreed, without prejudice to the compensation to the Administration for any damages that may have been caused by





The Government Delegation for the National Plan on Drugs may decide to take civil, administrative and/or criminal action to defend the interests of the Administration, or to initiate such civil, administrative and/or criminal action as the Government Delegation for the National Plan on Drugs may agree to adopt.

The Government Delegation for the National Plan on Drugs will expressly notify the corresponding resolution to the successful bidder in the circumstances indicated in the previous paragraph, awarding the lot to the second highest bidder, if there is one, or in the last case, to the third highest bidder. If the third bidder withdraws, the DGPNSD will take the appropriate decision.

Likewise, the successful bidder must comply with the tax obligations related to the transfer of ownership of the awarded goods.

The successful tenderer of a vehicle with national registration plates must apply to the Traffic Headquarters of the province corresponding to his domicile, within 30 days of the award of the contract, for the renewal of the vehicle registration certificate in his name, in accordance with the provisions of article 32.3 of the General Vehicle Regulations, approved by Royal Decree 2822/1998 of 23 December 1998.

In the case of a foreign-registered vehicle, the successful tenderer must comply with the current regulations issued for this purpose by the Dirección General de Tráfico.

In the case of the award of Spanish flag vessels, the purchasers must register the change of ownership at the corresponding Maritime Captaincy.

## 9.2. PAYMENT OF COSTS TO BE BORNE BY THE SUCCESSFUL TENDERER.

Any tax liability or duly justified expenses related to the conduct of the procedure shall be borne by the successful tenderers, which could include, but are not limited to, the following:

- In the case of vehicles, the tax on mechanical traction vehicles for the current year, and all the expenses involved in the documentation necessary to put the vehicle into circulation, move it and get it ready for use.
- The mechanical traction vehicles subject to the aforementioned tax have been in a situation of temporary deregistration prior to their sale. By virtue of the provisions of article 92 of the revised text of the Ley Reguladora de las Haciendas Locales (Real Decreto Legislativo 2/2004, de 5 de marzo), vehicles in this situation are not considered to be roadworthy and the tax does not accrue. In the event that, once the award of a vehicle has been formalised, the purchaser receives the liquidation of this tax corresponding to a period prior to the sale, the purchaser will not be obliged to pay the tax.
- In the case of vessels, ships and naval craft, the costs of registration, flagging and registration of vessels, ships and naval craft, the relevant taxes and duties, transfer costs and the costs of the necessary documentation, certificates or any other requirements for putting them to sea or into service.
- Likewise, any expenses that may arise from the deposit and custody of the goods awarded once **five working days** have elapsed for the delivery of the good or goods, taking into account the provisions of section 10.1 of these specifications, shall be borne by the successful bidder. Once the aforementioned five-day period has elapsed, the successful bidder is subrogated in all legal relations, from that moment onwards, derived from the deposit of the awarded goods.

The aforementioned taxes and charges must be paid to the Administrative Unit or entity concerned.





### 9.3. DATA PROTECTION.

In accordance with the provisions of Organic Law 15/1999, of 13 December, on the Protection of Personal Data (LOPD) and its implementing regulations, approved by Royal Decree 1720/2007, of 21 December, the successful tenderer will at all times guarantee the confidentiality of personal data and data of any kind to which it may have access as a result of its participation in this procedure.

## 10. OBLIGATIONS OF THE ADMINISTRATION.

### 10.1. DELIVERY OF THE AUCTIONED GOODS.

Deliveries shall be made on the days and at the times indicated in the auction. 48 hours prior to the corresponding date, an e-mail must be sent to the depositary indicating, in all cases, the successful bidder's NIF or the CIF of the successful bidder's company, the DNI of the person who will remove the good or goods and the description of the necessary means to be used for their removal. Withdrawals will be carried out during the timetable established by each depositary. The owner and winner of each lot will be responsible for making the removal on the day and at the time established. The buyer will be responsible for the handling, loading, security and transport of the awarded goods, including all costs and risks associated with the removal.

In those cases where this is contemplated and in order to minimise the risks associated with multiple awardees with different means of loading, the company SURUS INVERSA S.A. may develop this service from a supplier managed by it.

The successful tenderer or buyer will be responsible for damage to the goods in the depot, including spills or leaks of hazardous substances, which may occur during the removal process. The purchaser or his agent shall clean up any spillage or repair any damage resulting from the process.

In the event of the impossibility of removing the goods awarded within the indicated deadlines, an extension of the deadline may be requested, although neither SURUS INVERSA S.L., nor the Government Delegation for the National Plan on Drugs will be responsible for the goods that are not removed within the initial deadline.

If the good(s) are not withdrawn within the period foreseen or extended, it shall be understood that the purchaser has waived all rights to the goods, including the price of the same. In these cases of extension of the withdrawal period, a penalty equivalent to the daily cost of the goods not withdrawn may be applied in accordance with the rates and prices of each warehouse, multiplying this rate by the number of days elapsed.

The Government Delegation for the National Plan on Drugs will notify the Directorate-General for Traffic of the change of ownership of the motor vehicles awarded in accordance with the result of the auction. In no case shall this notification be made until the full price has been paid to the company SURUS INVERSA S.L. and the successful bidder has withdrawn the asset or assets awarded.

### 10.2. RETURN OF THE GUARANTEES LODGED.

Once the effects for which the guarantee was provided have been fulfilled, unsuccessful bidders may request the return of the guarantee on the auction portal (escrapalia.com), once the lot has been awarded.

The successful bidders may request the return of the security lodged, once they have paid the amount of the auction, the other expenses and removed the asset or assets that have been awarded to them.





To request the return of the security deposit, each bidder shall go to the auction portal and, in the main menu, locate their identification through the drop-down menu, accessing the "*Security deposit management*" section.

The security shall not be returned to successful bidders who withdraw after the auction.

## 11. CAUSES FOR TERMINATION OF THE AWARD.

The causes for which the alienation is understood to be terminated shall be those established in general terms by the Civil Code for obligations and contracts and, specifically, those established by the Civil Code for the contract of sale.

If, due to unforeseen impossibility of delivery of the goods, for reasons not attributable to the successful bidder, a refund of the price paid is required, the Government Delegation for the National Plan on Drugs will issue a resolution agreeing the termination of the sale and ordering the company SURUS INVERSA S.L. to refund the amount paid in favour of the successful bidder, if such causes are appreciated.

In the same cases, if the successful bidder has also incurred expenses as a result of the steps taken to take material possession of the purchased asset, the successful bidder may claim the reimbursement of such expenses, with supporting documentation. In these cases, such a claim will be processed as a claim for asset liability of the State Administration (articles 66 and following of Law 39/2015 of 1 October, of the Common Administrative Procedure of the Public Administrations).

**THE DEPUTY DIRECTOR-GENERAL FOR MANAGEMENT**  
**Signed electronically: María del Carmen Sanz Iribarren**





ANNEX I - RESPONSIBLE DECLARATION

Auction: .../2024

Natural Person

D./Dª...:
with ID card:
in his/her own name, or authorising D./Dª.:
with D.N.I.:

Legal Entity

D./Dª.: (Proxy or representative) with
D.N.I.:
on behalf of (Company Name): with
N.I.F.:

and address for notifications at (Town and province):

Calle/Plaza:
Postcode:
Contact telephone (landline and mobile): E-mail:
Fax:

DECLARES UNDER HIS OWN RESPONSIBILITY:

- 1. Have the capacity to contract in accordance with the rules contained in the Civil Code on general capacity for all kinds of contracts and, in particular, for the contract of sale.
2. Not to incur in any of the prohibitions to contract with the Administration indicated in article 71 of Law 9/2017, of 8 November, on Public Sector Contracts, which transposes into Spanish law the Directives of the European Parliament and of the Council 2014/23/EU and 2014/24/EU, of 26 February 2014.
3. Not to be in any of the exclusions to participate in the Auction referred to in the point 4.1 of the general conditions of the tender.
4. Expressly submit to Spanish jurisdiction with the consequent waiver of any other jurisdiction (only for foreign bidders).
5. YES NO I authorise notification by e-mail and undertake to acknowledge receipt of all communications I receive by e-mail in connection with my participation in this direct sale procedure.
And for the record, I hereby sign this document, for the purpose of participating in the Auction indicated in the heading, convened by the Government Delegation for the National Plan on Drugs.

At....., a.....de.....de.....de.....
Signature of the tenderer (essential) Signature of the authorised person (essential)

We inform you that, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.
The personal data provided by you on this form will be processed solely and exclusively for the purposes of managing your participation in the sale procedure. Under no circumstances will the data be communicated or transferred to third parties without t h e express consent of the data subject, except in those cases provided for by law. You may revoke your consent and exercise your rights of access, rectification, deletion, opposition, limitation of processing or portability by means of the corresponding notification to the Controller of the Processing of your data. You may also file a complaint with the Spanish Data Protection Agency (AEPD) if you consider that your rights have been infringed. Prior to filing a complaint with the AEPD, you can contact the Data Protection Delegate.

Responsible for Treatment: Adjudication Coordination Board, Government Delegation for the National Plan on Drugs, Plaza de España, 17, MADRID HYPERLINK "mailto:subastaspsnd@sanidad.es" subastaspsnd@sanidad.es
Delegate for Data Protection (DPD) of the Ministry of Health, excluding the Public Bodies attached to the Department: HYPERLINK "mailto:delegadoprotecciondatos@mscbs.es" delegadoprotecciondatos@sanidad.es
Spanish Data Protection Agency (AEPD), c/ Jorge Juan 6, 28001 MADRID ( HYPERLINK "http://www.aepd.es" www.aepd.es).
HTMLCONTROL Forms.HTML:Checkbox.1
HYPERLINK "http://www.insht.es/portal/site/insht/menuitem.1f1a3bc79ab34c578c2e8884060961ca?vgnextoid=90b932251f193610VgnVCM1000008130110aRCRD&vgnextchannel=25344a78a651110VgnVCM100000d0c0ca80RCRD" He leído y consiento.

