
Communication on the new Best Practices Code

Unión de Créditos Inmobiliarios, S.A.
Establecimiento Financiero de Crédito

Index

Best Practices Code - Royal Decree-Law 6/2012 of 9 March 2012, which was amended by Royal Decree-Law 19/2022 of 22 November.

The purpose of this Royal Decree-Law is to establish measures aimed at restructuring the mortgage debt of those who are experiencing extraordinary difficulties in meeting their payments, as well as mechanisms to make mortgage foreclosure procedures more flexible.

Best Practices Code - Royal Decree-Law 19/2022 of 22 November Establishing a Best Practices Code to alleviate the rise in interest rates on mortgage loans on primary residences, amending Royal Decree-Law 6/2012, of 9 March, on urgent measures for the protection of mortgage debtors without resources, and adopting other structural measures to improve the mortgage loan market.



**Best Practices
Code - Royal
Decree-Law
6/2012**

The regulatory evolution of the protection for mortgage debtors without resources began with Royal Decree-Law 6/2012, of 9 March, on urgent measures for the protection of mortgage debtors without resources, the contents of which include the annex of the Best Practices Code for the viable restructuring of debts secured by mortgages on primary residences (BOE of 10 March 2012).

New regulations have been added to this first provision, reinforcing the content and scope of application of the measures initially adopted, all in accordance with Law 1/2013 of 14 May 2013 on measures to strengthen protection for mortgage debtors, debt restructuring and social renting (BOE of 15 May 2013), Royal Decree-Law 5/2017 of 17 March 2017 on urgent measures to protect mortgage debtors without resources (BOE of 18 March 2017), Law 5/2019 of 15 March 2019, which regulates real estate credit contracts (BOE of 16 March 2019) and Title III of Royal Decree-Law 19/2022 of November 2019, which establishes a Best Practices Code to alleviate the rise in interest rates on mortgage loans on primary residences, amending Royal Decree-Law 6/2012, of 9 March, on urgent measures for the protection of mortgage debtors without resources, and adopting other structural measures to improve the mortgage loan market (BOE of 23 November 2022).

We hereby inform our customers and any other interested parties that, in accordance with the set of measures contained in the aforementioned protective regulations, **UNIÓN DE CRÉDITOS INMOBILIARIOS, S.A., ESTABLECIMIENTO FINANCIERO DE CRÉDITO** (hereinafter, UCI), **VOLUNTARILY ACCEPTED THE BEST PRACTICES CODE FOR THE VIABLE RESTRUCTURING OF DEBTS WITH MORTGAGE GUARANTEES ON PRIMARY RESIDENCES** (BOE of 21 October 2014) and the other successive versions that improve the content of the Best Practices Code, regulated in the Annex to **Royal Decree-Law 6/2012, of 9 March**.

In accordance with the above, a series of mechanisms have been established to allow the restructuring of the mortgage debt of those who are experiencing extraordinary difficulties in meeting their payments. Therefore, with regard to individuals, those customers and their guarantors who have signed loan or credit agreements with the institution secured by a mortgage on their primary residence, who have difficulties in meeting their payments and who meet the requirements and conditions established in the articles of Royal Decree-Law 6/2012, of 9 March; of Law 1/2013, of 14 May, Royal Decree-Law 5/2017 of 17 March; of Law 5/2019; and in Title III of Royal Decree-Law 19/2022, may avail themselves of this code and submit a request to UCI for its application.

Likewise, with regard to non-debtor guarantors and mortgagors who are in the exclusion threshold, they may demand that before claiming the guaranteed debt from them, even if they have expressly waived the benefit of excussion in the contract, that the assets of the main debtor be previously exhausted, without prejudice to the application to the latter, where applicable, of the measures provided for in the Best Practices Code.

In accordance with the ANNEX to Royal Decree-Law 6/2012, of 9 March, and its corresponding improvements in protections for mortgage debtors without resources, we must inform you that there are four measures included in the Best Practices Code:

(1) restructuring of the mortgage debt (2) reduction of the outstanding capital (3) dation in payment of the main residence—these three measures must be consecutive, the order indicated must be observed, and only if one is not viable should the next one be studied—and (4) the right to rent in the event of foreclosure of the primary residence

First. Mortgage debt restructuring.

Aimed at achieving a viable restructuring of the mortgage debt in order to achieve medium and long-term viability thereof. This measure may not be exercised by debtors who are in foreclosure proceedings once the announcement of the auction has been made.

It should be noted that this first phase, viable restructuring of the mortgage debt, includes:

i. Five-year grace period for principal repayments.

The principal corresponding to the instalments of that period may either be rolled into a final instalment at the end of the loan or pro-rated into the remaining instalments, or a combination of both.

Notwithstanding the above, if the increase in the strain posed by the mortgage burden on the family income has increased by less than 1.5 and the family unit is not in one of the family circumstances of special vulnerability defined in Article 3.1.b), the grace period shall be two years.

ii. Extension of the repayment period up to a total of forty years from the granting of the loan.

Notwithstanding the above, if the increase in the strain posed by the mortgage burden on the family income has increased by less than 1.5 and the family unit is not in one of the family circumstances of special vulnerability defined in article 3.1.b), the extension of the repayment period will be up to seven years, without exceeding the period of forty years from the granting of the loan.

iii. Reduction of the applicable interest rate during the grace period to Euribor minus 0.10.

In any case, for fixed-rate loans, the current fixed rate shall apply during the grace period.

Notwithstanding the above, if the increase in the strain posed by the mortgage burden on the family income has increased by less than 1.5 and the family unit is not in one of the family circumstances of special vulnerability defined in article 3.1 b), the interest rate applicable during the grace period will be such that it represents a reduction of 0.5 per cent of the net present value of the loan in accordance with the regulations in force.

In any case, clauses limiting the lowering of the interest rate provided for in mortgage loan contracts shall become indefinitely inapplicable.

In addition, institutions may consolidate all debts incurred by the debtor.

No compensation costs will be incurred for early repayment of the credit or mortgage loan requested during the ten years following the approval of the restructuring plan.

Second. Complementary measures.

Debtors whose economic and financial situation makes the restructuring plan envisaged in the previous paragraph unfeasible may request a reduction in the outstanding principal to be repaid. In order to apply this measure, which may be requested by the debtor who is in a foreclosure procedure in which the announcement of the auction has already taken place, the institution will have the power to accept or reject this request.

Third. Alternative measures to foreclosure.

Within twenty-four months of the request for restructuring, debtors included in the scope of application of article 2 of Royal Decree-Law 6/2012, of 9 March, on urgent measures for the protection of mortgage debtors without resources, for whom the restructuring and complementary measures, if applicable, are not viable in accordance with the provisions of RDL 6/2012, may request dation in payment of their primary residence under the terms set out in this section. In these cases, the institution will be obliged to accept the delivery of the mortgaged property by the debtor to the institution itself or to a third party designated by it, thus definitively cancelling the debt.

Debtors who have an approved and ongoing restructuring plan and who become aware of their inability to make payments twenty-four months after the request for restructuring may also submit such a request. In this case, the institution will consider the possible delivery of the mortgaged property by the debtor to the institution itself or to a third party designated by it, thus definitively cancelling the debt.

These measures will not be applicable in cases that are in foreclosure proceedings in which the auction has been announced, or in which the property is under additional liens.

Fourth. Right to rent in the event of foreclosure of the primary residence.

The foreclosed mortgagor whose repossession has been suspended in accordance with the provisions of Article 1.1 of Law 1/2013, of 14 May, on measures to strengthen protections for mortgage debtors, debt restructuring and social renting, may request and obtain from the foreclosing creditor of the property, or person acting on behalf of the creditor, the rental of the property for a maximum annual rent of 3 per cent of its value at the time of the approval of the auction, determined according to an appraisal provided by the foreclosed party and certified by an approved appraiser in accordance with the provisions of Royal Decree-Law 24/2021, of 2 November, on the transposition of European Union directives on covered bonds, cross-border distribution of collective investment undertakings, open data and re-use of public sector information, exercise of copyright and related rights applicable to certain online transmissions and to radio and television broadcasts, temporary exemptions for certain imports and supplies, for consumers and for the promotion of clean and energy-efficient road transport vehicles.

The application referred to in the previous paragraph may be made within twelve months of the entry into force of Royal Decree-Law 19/2022, of 22 November, which establishes a Best Practices Code to alleviate the rise in interest rates on mortgage loans on primary residences, amending Royal Decree-Law 6/2012, of 9 March, on urgent measures for the protection of mortgage debtors without resources, and adopting other structural measures for the improvement of the mortgage loan market, for foreclosed parties who were already beneficiaries of the suspension and from the time of the suspension for those who benefit from it thereafter.

This lease shall be for a period of one year, which may be extended at the discretion of the lessee for a period of five years. By mutual agreement between the foreclosed party and the successful tenderer, it may be extended annually for an additional five years. The minimum time limits regulated in Article 9 of Law 29/1994 of 24 November 1994 on Urban Leases shall not apply to these periods.

Conditions for applicants.

1.- Debtors of a credit or loan secured with a mortgage on a primary residence shall be considered to be in the exclusion threshold when they meet all of the following circumstances:

- a) That the total income of the members of the family unit does not exceed the limit of three times the annual Public Indicator of Multiple Effect Income for fourteen payments.

For these purposes, the family unit shall be understood to be that made up of the debtor, his or her spouse who is not legally separated, or registered domestic partner, and the children, regardless of their age, residing in the dwelling, including those linked by a relationship of guardianship, custody or foster care.

The limit provided for in the previous paragraph shall be four times the annual Public Indicator of Multiple Effect Income for fourteen payments in the event that any of the members of the family unit has a declared disability of more than 33 per cent, a situation of dependency or an illness that is accredited as permanently incapacitating for work, or five times this indicator, in the event that a mortgagor is a person with cerebral palsy, mental illness or intellectual disability, with a recognised degree of disability equal to or greater than 33 per cent, or a person with a physical or sensory disability, with a recognised degree of disability equal to or greater than 65 per cent, as well as in cases of serious illness that is accredited as incapacitating the person or their caregiver for work.

- b) That, in the four years prior to the time of application, the family unit has suffered a significant change in its economic circumstances, in terms of difficulties in accessing housing, or family circumstances of special vulnerability have arisen during this period.

For these purposes, a significant change in economic circumstances shall be understood to have occurred when the strain posed by the mortgage burden on the family income has increased.

It is also understood that the following are in a particularly vulnerable family circumstance:

1. Large families, in accordance with current legislation.
2. Single-parent family unit with dependent children.
3. The family unit of which a minor is a member.
4. The family unit in which any of its members has a declared disability of more than 33 per cent, a situation of dependency or an illness that is accredited as permanently incapacitating for work.

5. The family unit with which one or more persons live in the same dwelling who are linked to the mortgage holder or his/her spouse by a family relationship up to the third degree of consanguinity or affinity, and who are in a personal situation of disability, dependency, or serious illness that is accredited as temporarily or permanently incapacitating for work.

6. The family unit in which there is a victim of gender-based violence or of trafficking or sexual exploitation.

7. The debtor over the age of sixty, even if he or she does not meet the requirements to be considered a family unit according to the BPC regulations.

c) That the mortgage payment is more than 50 per cent of the net income received by all the members of the family unit. This percentage will be 40 per cent when any of the members of the family unit is a person with a declared disability of more than 33 per cent, a situation of dependency or an illness that is accredited as permanently incapacitating for work, or a person with cerebral palsy, mental illness, or intellectual disability, with a recognised degree of disability equal to or greater than 33 per cent, or a person with a physical or sensory disability, with a recognised degree of disability equal to or greater than 65 per cent, as well as in cases of serious illness that incapacitates the person or their carer for work. For the purposes of points (a) and (b), social security pensioners who are recognised as having a total, absolute or severe permanent disability pension, and pensioners of passive classes who are recognised as having a retirement pension or a pension for permanent incapacity for service or for unfitness for work shall be deemed to be disabled to a degree equal to or greater than 33 per cent.

2.- For the application of the complementary and alternative measures to foreclosure referred to in sections 2 and 3 of the annex to RDL 6/2012 (application of a debt reduction and dation in payment), the following requirements must also be met.

- a) That all the members of the family unit lack any other sufficient assets or patrimonial rights with which to pay the debt.
- b) That it is a credit or loan secured by a mortgage on the only home owned by the debtor or debtors and granted for the purchase of the same.
- c) That it is a credit or loan that lacks other real or personal guarantees or, in the case of the latter, lacks other assets or sufficient patrimonial rights with which to meet the debt.
- d) In the case of co-debtors who are not part of the family unit, they must be included in circumstances under points a), b) and c) above.

3.- The concurrence of the circumstances referred to in section 1 shall be accredited by the debtor before the creditor entity by means of the presentation of the following documents:

- a) Receipt of income by the members of the family unit:
 1. Certificate of income and, where applicable, certificate relating to the filing of Wealth Tax, issued by the State Tax Administration Agency or the competent body of the Autonomous Community, where applicable, in relation to the last tax year.
 2. Last three payslips received.
 3. Certificate issued by the entity managing the benefits, showing the monthly amount received as unemployment benefits or subsidies.
 4. Certificate accrediting social salaries, minimum insertion income, minimum living income or similar social assistance aid granted by the State, the Autonomous Communities and local bodies.
 5. In the case of self-employed workers, if they are receiving unemployment benefit, the certificate issued by the managing body stating the monthly amount received.
- b) Number of persons living in the dwelling:
 1. Family record book or document accrediting registration of domestic partnership.
 2. Certificate of census registration for the people registered in the dwelling, with reference to the time of presentation of the supporting documents and the previous six months.
 3. Declaration of disability, dependency or permanent incapacity for work.
- c) Ownership of property:
 1. Certificates of ownership issued by the Land Registry in relation to each of the members of the family unit.
 2. Deeds of sale of the property and of the constitution of the mortgage guarantee and other supporting documents, where applicable, of the rest of the real or personal guarantees constituted, where applicable.
- d) Declaration of responsibility by the debtor or debtors regarding compliance with the requirements for being considered to be in the exclusion threshold according to the model approved by the committee set up to monitor compliance with the Best Practices Code.

Conditions of the dwelling.

Application of the Best Practices Code will be extended to mortgages constituted as security for loans or credits, when the acquisition price of the mortgaged property does not exceed 20 per cent of that which would result from multiplying the size of the property by the average price per square metre for free housing shown in the Housing Price Index prepared by the Ministry of Development for the year of acquisition of the property and the province in which the property is located, with an absolute limit of 300,000 euros. Properties acquired before 1995 will take the average reference price for 1995 as the reference price.

However, only mortgages constituted as security for loans or credits granted, when the acquisition price of the mortgaged property does not exceed that which would result from multiplying the size of the property by the average price per square metre for free housing shown in the Housing Price Index prepared by the Ministry of Development for the year of acquisition of the property and the province in which the property is located, with an absolute limit of 250,000 euros, will be eligible for the measures provided for in section 3 of the Code (dation in payment). Properties acquired before 1995 will take the average reference price for 1995 as the reference price.

Processing of applications.

To request the application of the Best Practices Code measures, you must send your request and the indicated documentation through the UCI Customer Website (Private Area). If you have any questions about this code, please consult the section on the Best Practices Code on our website www.uci.com or contact us by calling our customer service number 912.063.795 or by e-mail at codigobuenaspracticas@uci.com. Our network of commercial offices open to the public is also at your disposal.

Further information.

In the following link you will find the consolidated regulations of Royal Decree-Law 6/2012, of 9 March, on urgent measures for the protection of mortgage debtors without resources.

<https://www.boe.es/buscar/act.php?id=BOE-A-2012-3394>

Consequences of the improper application by the debtor of the measures for the restructuring of the real estate mortgage debt.

1. The debtor of a credit or loan secured by mortgage who has benefited both from the restructuring measures established in this chapter and from the provisions of the Best Practices Code without meeting the requirements set out in article 3 shall be liable for the damages that may have been caused, as well as for all the expenses generated by the application of these flexibility measures, without prejudice to the liabilities of any other kind to which the debtor's conduct may give rise.
2. The amount of damages and costs may not be less than the benefit unduly obtained by the debtor through the application of the rule.
3. Any debtor who voluntarily and deliberately seeks to place or maintain him or herself in the exclusion threshold with the aim of obtaining the application of these measures will also incur liability, with the accreditation of this circumstance corresponding to the entity with which the loan or credit has been arranged.



**Best Practices
Code - Royal
Decree-Law
19/2022**

With the publication of Royal Decree-Law 19/2022, of 22 November, establishing a Best Practices Code to alleviate the rise in interest rates on mortgage loans on primary residences, amending Royal Decree-Law 6/2012, of 9 March, on urgent measures for the protection of mortgage debtors without resources, and adopting other structural measures to improve the mortgage loan market (BOE of 23 November 2022) and the Resolution of 23 November 2022, of the Secretary of State for the Economy and Business Support, publishing the Agreement of the Council of Ministers of 22 November 2022, approving the Best Practices Code of urgent measures for mortgage debtors at risk of vulnerability (BOE of 24 November 2022), establishes a set of measures to strengthen the protection of middle-class mortgage debtors at risk of vulnerability due to the rise in interest rates, in order to alleviate the financial burden of the loan taken out on their primary residence, creating a new Best Practices Code through which effective solutions are provided for these debtors, provided that they can prove they meet the eligibility requirements for these measures.

The explanatory memorandum of Royal Decree-Law 19/2022 of 22 November and the Resolution of 23 November 2022 state that the complicated international situation is causing, among other things, the increasing rise in interest rates on variable rate loans, specifically Euribor, and that this has a significant impact on the financial situation of families, which may mean that eligible debtors may have to face difficulties in paying the mortgage payment on their primary residence. Aware of this situation, we inform our clients that **UNIÓN DE CRÉDITOS INMOBILIARIOS, S.A., ESTABLECIMIENTO FINANCIERO DE CRÉDITO** (hereinafter, UCI), **HAS VOLUNTARILY ADHERED TO THE NEW BEST PRACTICES CODE FOR MORTGAGE DEBTORS AT RISK OF VULNERABILITY.**

This protective regulation provides for the creation of a new Best Practices Code, of a transitional nature, with a duration of two years— through 31 December 2024. UCI's adherence to the Code means that it is committed to adopting the measures envisaged in this new Code, thereby helping to alleviate the financial burden of middle-class mortgagors who may be at risk of vulnerability due to rising interest rates.

The measures referred to in this new Best Practices Code will apply to natural persons who are holders of loans or credits secured by real estate mortgages on the debtor's or the non-debtor mortgagor's habitual residence, the purchase price of which does not exceed 300,000 euros, constituted until 31 December 2022.

Mortgage debtors who are eligible under the provisions of Royal Decree-Law 19/2022 of 22 November may choose to novate their mortgage loan in one of the following ways:

- a) Extension of the total term of the loan up to a maximum of 7 years, with the option for the mortgagor to fix the instalment at its amount on 1 June 2022 or at the amount of the first instalment for those loans in which this is charged after that date, for a period of 12 months from the time the novation is made through a total or partial grace period on the principal, unless the total grace period on the principal is not sufficient to fix the instalment at that amount, in which case only a total grace period on the principal will be applied. The unamortised principal shall bear interest at a rate of 0.5 per cent reduction of the net present value of the loan in accordance with the regulations in force. In any case, the extension of the deadline may not lead to a reduction in the amount of the instalment below that which was being paid on 1 June 2022.
- b) Conversion of the interest calculation formula of the initial loan from a periodically revisable variable rate formula to a fixed rate formula. The offer made by the institution in this case may have the fixed rate freely offered by the institution.

Conditions for applicants.

Eligible debtors at risk of vulnerability must meet all of the relevant criteria listed below:

- a) That the total income of the members of the family unit does not exceed the limit of 3.5 times the annual Public Indicator of Multiple Effect Income for fourteen payments. For these purposes, the family unit shall be understood to be that made up of the debtor, his or her spouse who is not legally separated, or registered partner and the children, regardless of their age, residing in the dwelling, including those linked by a relationship of guardianship, custody or foster care.

The limit provided for in the previous paragraph shall be 4.5 times the annual Public Indicator of Multiple Effect Income for fourteen payments in the event that any of the members of the family unit has a declared disability of more than 33 per cent, a situation of dependency or illness that is accredited as permanently incapacitating him/her for work, or 5.5 times this indicator, in the event that a mortgagor is a person with cerebral palsy, mental illness or intellectual disability, with a recognised degree of disability equal to or greater than 33per cent, or a person with physical or sensory disability, with a recognised degree of disability equal to or greater than 65per cent, as well as in cases of serious illness that is accredited as incapacitating the person or his/her caregiver for work.

b) That, in the four years prior to the time of application, the family unit has suffered a significant change in its economic circumstances, in terms of difficulties in accessing housing, or family circumstances of special vulnerability have arisen during this period.

For these purposes, a significant change in economic circumstances shall be understood to have occurred when the strain posed by the mortgage burden on the family income has been multiplied by at least 1.2.

It is also understood that the following are in a particularly vulnerable family circumstance:

1.º The family unit in which any of its members has a declared disability of more than 33per cent, a situation of dependency or an illness that is accredited as permanently incapacitating for work.

2.º The family unit with which one or more people live in the same home who are linked to the mortgage holder or their spouse by a family relationship up to the third degree of consanguinity or affinity, and who are in a personal situation of disability, dependency or serious illness that is accredited as temporarily or permanently incapacitating for work.

3.º The family unit in which there is a victim of gender-based violence or of trafficking or sexual exploitation.

c) That the mortgage payment is more than 30per cent of the net income received by all the members of the family unit.

For the purposes of points (a) and (b), social security pensioners who are recognised as having a total, absolute or severe permanent disability pension, and pensioners of passive classes who are recognised as having a retirement pension or a pension for permanent incapacity for service or for unfitness for work shall be deemed to be disabled to a degree equal to or greater than 33 per cent.

Documentary accreditation of the above circumstances by the debtor before the creditor entity by means of the presentation of the following documents:

a) Receipt of income by the members of the family unit:

1.º Certificate of income and, where applicable, certificate relating to the filing of Wealth Tax, issued by the State Tax Administration Agency or the competent body of the Autonomous Community, where applicable, in relation to the last tax year.

2.º Last three payslips received.

3.º Certificate issued by the entity managing the benefits, showing the monthly amount received as unemployment benefits or subsidies.

4.º Certificate accrediting social salaries, minimum insertion income, minimum living income or similar social assistance aid granted by the State, the Autonomous Communities and local bodies.

5.º In the case of self-employed workers, if they are receiving unemployment benefit, the certificate issued by the managing body stating the monthly amount received.

b) Number of persons living in the dwelling:

1.º Family record book or document accrediting registration of domestic partnership.

2.º Certificate of census registration for the people registered in the dwelling, with reference to the time of presentation of the supporting documents and the previous six months.

3.º Declaration of disability, dependency or permanent incapacity for work.

c) Ownership of the goods:

1.º Certificates of ownership issued by the Land Registry in relation to each of the members of the family unit.

2.º Deeds of sale of the property and of the constitution of the mortgage guarantee and other supporting documents, where applicable, of the rest of the real or personal guarantees constituted, where applicable.

d) Declaration of responsibility by the debtor or debtors regarding compliance with the requirements for being considered at risk of vulnerability according to the model approved by the committee set up to monitor compliance with the Best Practices Code.

Conditions of the dwelling.

This new Best Practices Code will apply to natural persons who are holders of loans or credits secured by real estate mortgages on the debtor's or the non-debtor mortgagor's habitual residence, whose acquisition price does not exceed 300,000 euros, constituted until 31 December 2022.

Temporal scope of application of the measures.

The protective measures set out in this new code may be requested for a period of two years, with a deadline for applications on 31 December 2024.

Processing of applications.

To request the application of the Best Practices Code measures, you must send your request and the indicated documentation through the UCI Customer Website (Private Area). If you have any questions about this code, please consult the section on the Best Practices Code on our website www.uci.com or contact us by calling our customer service number 912.063.795 or by e-mail at codigobuenaspracticas@uci.com. Our network of commercial offices open to the public is also at your disposal.

Further information

In the following links you will find the regulations of Royal Decree-Law 19/2022 of 22 November establishing a Best Practices Code to alleviate the rise in interest rates on mortgage loans on primary residences and the Resolution of 23 November 2022 of the Secretary of State for the Economy and Support for Business.

<https://www.boe.es/eli/es/rdl/2022/11/22/19/con>

[https://www.boe.es/eli/es/res/2022/11/23/\(1\)](https://www.boe.es/eli/es/res/2022/11/23/(1))

Consequences of the improper application by the debtor of measures for mortgagors at risk of vulnerability

1. The debtor of a credit or loan secured by mortgage who has benefited both from the restructuring measures established in this chapter and from the provisions of the Best Practices Code without meeting the requirements set out in article 3 shall be liable for the damages that may have been caused, as well as for all the expenses generated by the application of these flexibility measures, without prejudice to the liabilities of any other kind to which the debtor's conduct may give rise.
2. The amount of damages and costs may not be less than the benefit unduly obtained by the debtor through the application of the rule.
3. Any debtor who voluntarily and deliberately seeks to place or maintain him or herself in the exclusion threshold with the aim of obtaining the application of these measures will also incur liability, with the accreditation of this circumstance corresponding to the entity with which the loan or credit has been arranged.