



Spain Report

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Sustainable Governance
Indicators 2017

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Executive Summary

After several years of recession, social unrest has eroded legitimacy and public trust in Spain's political system. The shift from a traditional two-party into a multiparty system is a notable result of these developments. In addition to the traditional parties such as the Popular Party (PP) and the Spanish Socialist Party (PSOE), this multiparty system now includes the leftist anti-establishment party Podemos and the liberal progressive Ciudadanos (C's). An inconclusive election in late 2015 led to another inconclusive election only six months later, resulting in a state of impasse under a caretaker government that had neither the willingness nor the legitimacy to pursue reforms. Nevertheless, policy outcomes in most economic domains continued to bear the fruits of economic reforms previously implemented. At the same time, however, centrifugal tensions in Catalonia remained strong.

Spain's economic recovery continued through 2016, showing 3.2% growth, the same figure as the previous year. This figure was much higher than other large euro zone economies (e.g., Germany reached 1.8% and Italy 0.9% in 2016) and the euro zone as a whole (1.8%). Spain was hit hard by a deep double-dip recession (2008 – 2013), but adjusted more quickly than expected after implementing a radical austerity program and some structural reforms (e.g., labor-market reforms, monitoring public finances, banking-sector recapitalization). Exports, foreign investment and domestic demand fueled this growth, along with a productivity increase following a painful process of internal devaluation. Cheaper oil, record figures in tourist arrivals, better access to finance and credit (as a result of European Central Bank policies after 2012), and a grant of increased flexibility in meeting European Commission fiscal targets also helped.

The Spanish economy remained smaller in 2016 than in 2008, and Spaniards' income lower as well, but if projections are correct, the situation will be reversed in a few months. The unemployment rate has fallen to 18.7% from an all-time high of 26% in the first quarter of 2013, but is nonetheless unsustainable. It is premature to assume the country is now on a truly sustainable economic path, as bank lending remains limited, public debt has reached approximately 100% of GDP (forcing conditions of fiscal austerity to be maintained), current-account deficits may re-emerge, the labor market continues to languish, and inequality is becoming more extreme. Deficit levels

also remain far from the 3% target, though they have been reduced from an all-time high of almost 11% in 2009 to 4.5% in 2016. For its part, tax policy has been strongly influenced by the economic crisis and short-term considerations, including elections, but lack a comprehensive underlying logic.

Several weaknesses persist. Spain collects less in taxes relative to wealth than most other European countries, making ambitious education, welfare and environmental policies difficult. Investment in R&D accounts for just 1.2% of GDP, as compared to European Union and OECD averages that are above 2%. Education policy faces serious problems of quality and equity. Social exclusion remains a perennial problem, with 22% of Spaniards living at risk of poverty. Social services and family support for women combining parenting and employment are quite modest. In addition, increasing life expectancies are leading to an unsustainable population pyramid – the worst in Europe – which, in combination with the crisis effects, has reopened debate on the future of the Spanish social-security system.

However, there are some positive trends in policy areas such as health care (a well-considered system, despite recent budgetary cuts), the integration of immigrants (Spain remains study after study as the most tolerant country in the EU), safety and security. The country's international position has also improved both with regard to multilateral political governance (as a member of the U.N. Security Council since January 2015) and the global financial system. Nevertheless, Spain's engagement in external campaigns to promote development and other global public goods remains quite limited.

The crisis has not eroded the relatively high quality of democracy. However, opaque party financing and several corruption scandals (most cases under investigation have their origins in the housing bubble years) materialized as significant challenges for the future. The very limited capacity of citizens to participate through legally binding referendums remains a weakness of the political system. In addition, Spaniards abroad, whose numbers have recently grown substantially, face onerous red tape, barriers to political participation and occasional technical failures in the administrative work of consular departments. Media pluralism and independence could be improved as well.

Key Challenges

Spain is no longer seen as the euro zone member whose troubles are most likely to put the single currency in peril. Instead, it is seen more as a success story thanks to the reforms implemented by the Spanish government in recent

years. This is especially well received by Germany, which is in need of good news (regarding its austerity-patronized recipe) from the South at a time when two important processes for the European Union are converging: Managing the Brexit and reflections regarding the future of EU integration. Spain, with regained self-confidence as its economic recovery seems to be robust, is trying to fill the political vacuum (at least partially) in terms of the leadership left by the UK.

The Spanish economy is growing at a stable pace of 3%. Some changes in the economic model, with a strong internationalization of small-to-medium enterprises (SMEs) and a subsequent increase of exports have been promoted. However, external factors have helped (and continue to help) foster this growth, which will not continue if the country's profound domestic problems are not addressed soon. On the fiscal front, the persistent gap between public spending and tax receipts will oblige Spain either to implement additional austerity measures or – more appealingly – to collect more revenue by making the tax system more efficient and reducing high levels of tax evasion. Deficit levels are still very high and although Brussels is inclined to help, much more progress will have to be made in this regard. Also, sustainable improvement in this developed European economy requires much more emphasis on innovation and education. Evidence suggests that the current Spanish education and R&D systems are hindering the move toward a more knowledge-based economy.

With regard to the remarkable unemployment problem, especially among youth and those who have now been out of the labor market for several years, the government has to develop and implement job-creation policies with involving more than simple wage cuts. Needed reforms include policies to improve human capital and expand R&D, increase competition in goods and services markets, end labor-market dualities, reduce energy costs, and find an effective and capable means of redistributing income while reducing inequality. The recent growth has not made a difference in many Spaniards' lives, and the combination of austerity and internal devaluation of the last years has increased social exclusion and inequality. That said, unemployment levels have fallen continually (by approximately eight points in the last four years), but unemployment remains unsustainable (above 18%) and many of the jobs created are not of much quality.

The internal-devaluation strategy, in combination with austerity measures, has had a worrisome effect on social policy that requires strategic attention. Management of the crisis has amplified inequality and undermined every social program. The need to maintain social cohesion has itself taken on the aspect of a secondary crisis, as there is a short-term risk that adjustment costs

may become unsustainable, and a longer-term risk that spending cuts in health care, education, inclusion and family policies may increase social tensions. Interestingly, widespread support is found among the Spanish population to carry measures dealing with this increasing inequality. The aging population represents another major challenge. The average Spaniard today lives 81.6 years, the birth rate is extremely low (1.3) and forecasts suggest that one-third of Spain's population will be aged 64 or over by 2050 (as compared to 17.4% in 2012). Addressing this problem is obviously connected with future immigration patterns and the integration of foreign workers, but also requires addressing the sustainability of the pay-as-you-go pension system. Remarkably, given the large inflow of foreigners followed by a deep economic crisis, Spanish society has thus far not fallen to the pitfalls of xenophobia, although this may change with the next generation.

The government showed little concern for environmental sustainability, despite the country's risky position with regard to global problems such as desertification and climate change, as well as the concerns voiced by Spaniards and Spanish Commissioner of Climate Action and Energy Miguel Arias Cañete. Particularly worrying is the situation of Madrid and Barcelona, where pollution levels are too high too many times a year. Spain, which needs to import most of its energy, has even decided to reduce its earlier investment in developing renewable energy sources.

The results of the elections of December 2015 and June 2016 have finally led to a single-party Popular Party government with no absolute majority and external support needed. This means the PP will have to strike compromises with other parties in the Congress on various issues, including budgetary issues. Due to ideological (and tactical) reasons, it will be difficult to do so with the parties on the left, in particular the socialists, PSOE, and Podemos. Ciudadanos will be the source of the most solid support, though it will not be enough to get legislation passed. This means the PP will have to count on other minor groups as well, including the Basque moderate nationalists and Canary Islands regionalists. With that potential instability in mind, it would not be extremely strange to see elections being called before the term ends in 2020.

The push for independence in Catalonia, one of the country's wealthiest regions and by no means in a situation that could be labelled as "oppressive," endangers political stability in Spain and threatens constitutional turmoil. Political positions in both Madrid and Barcelona are very distant, particularly with regard to the referendum that the Government in Catalonia wants to hold. The situation is very complex, as there are many other important actors with different views on this regard. Podemos, for example, is in favor of the "right

to decide,” but would not like Catalonia to split from Spain. Therefore, despite the important strengths possessed by Spain’s current democratic system, a revisiting of the constitutional pact seems ultimately inevitable.

Within the new, increasingly pluralistic landscape (following the emergence of Ciudadanos and Podemos), the opportunity for profound reform is actually greater than ever. Spain’s political system has changed dramatically, and this turning point may produce either positive or negative developments. Citizens may become more involved in and critical of long-standing governance defects such as the excessive concentration of power in party machines and the lack of transparency within the state administration. According to polls, Spaniards still support the fundamental pillars of Spanish democracy (economic and social modernization, a sustainable welfare state, a semi-federal state and Europeanism), but demand new institutional arrangements that involve reducing privileges to politicians, expanding power-sharing and improving sustainable governance.

Policy Performance

I. Economic Policies

Economy

Economic Policy
Score: 7

Spain's economic recovery was again solid in 2016, as the economy expanded by 3.2%, the same figure as the previous year. This figure is much higher than that featured in other large euro zone economies such as Germany (1.8%), France (1.2%) and Italy (0.9%) for 2016. Since 2013, Spain has shown strong performance, with the economy adjusting quickly after a deep double-dip recession that lasted five years (2008 – 2013). Spending cuts and some structural reforms as part of the government's National Reform Program (labor market, control of public finances, banking-sector recapitalization) proceeded at a rapid pace, unit labor costs fell significantly and productivity rose. Most encouragingly, exports began booming as early as 2011 despite the strength of the euro, and after 2012, FDI increased as well. The economy began to grow strongly once sovereign risk was reduced to sustainable levels and Spain's access to finance was expanded (a result of ECB policies that contrasted with rigid pre-2012 monetary and exchange-rate policies). The European Commission's decision to grant more flexibility in meeting fiscal targets was also of help, as was the decline in oil prices and the arrival of 75 million tourists in 2016. Finally, this recovery has been also driven by domestic demand. Yet dangers still lurk. The Spanish economy remained smaller in 2016 than in 2008, and Spaniards' income lower as well, but if projections are correct, the situation will be reversed in a few months. Anyhow, it remains to be seen if the country has embarked upon a truly sustainable economic path, as bank lending remains limited, the public deficit is high (forcing the retention of fiscal austerity policies), inequality is severe, and unemployment rates remain at astonishing levels (18.7% in autumn 2016).

Citation:

May 2016, Assessment of the 2016 Stability Programme for Spain (European Commission)
http://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/20_scps/2016/09_es_scp_en.pdf
September 2016, Financial Times: "Spanish economy prospers despite continued political stalemate"
<https://www.ft.com/content/4a09a4e6-706e-11e6-9ac1-1055824ca907>

Labor Markets

Labor Market
Policy
Score: 6

Though still quite high compared to other OECD countries, unemployment rates in Spain began to fall in early 2013, as the Spanish economy entered recovery. The jobless rate reported by the Spanish Statistics Institute (INE) was 18.7% at the end of 2015, having fallen from an all-time high of 27% in the first quarter of 2013. The average rate over the past 40 years was around 16%. Despite some improvement, the Spanish labor market continues to languish under problems that public policies have been unable to solve. Perhaps the three most significant ones include: 1) a lack of flexibility in the labor force (insufficient mobility, few part-time contracts); 2) a high share of undeclared work (which also means the actual unemployment rate is not as extreme as official figures indicate); and above all, 3) the aforementioned dual labor market, which is a serious source of inequality. Analysts also point to the existence of several contract modalities, a flawed social dialogue and expensive compulsory social-security contributions. Finally, public-spending cuts have reduced the prevalence of active labor-market programs designed to help the unemployed find work (e.g., training).

Citation:

Economically Active Population Survey (EAPS-EPA) Quarter 3/2016. Spanish statistics institute INE. http://www.ine.es/dyngs/INEbase/en/operacion.htm?c=Estadistica_C&cid=1254736176918&menu=ultiDatos&idp=1254735976595

Taxes

Tax Policy
Score: 5

Spain collects less in taxes relative to wealth than do most other euro zone countries. Tax revenue totaled 37.3% of GDP in the period under review, as compared to an EU average around 45% (47.9% in France, 43.5% in Italy or 40.6% in Germany). At the end of 2015, the governing center-right Popular Party (PP) government amended the personal-income-tax system, with generous tax cuts before the inconclusive elections held in December. According to Spain's finance minister, who was caretaker during most of 2016, this change was compatible with the goal of reducing the public deficit, as it is assumed that the economic-stimulation effect may counterbalance reductions in some tax rates.

Tax policy only partially achieves the objectives of equity, competitiveness and sufficiency in Spain. The country's currently high levels of public deficit and debt (see "Budgets" section) highlight the deeply unbalanced relationship between public revenues and spending. Although this may be attributed to the crisis that shook the country from 2008 to 2013, previous budget surpluses

(from 2005 to 2007) were largely derived from the real-estate boom, and vanished once the bubble burst. Nevertheless, expenditures continued to grow. Tax policy is more difficult to assess with regard to equity and competitiveness. Vertical equity exists in principle (with strongly progressive income taxes and different VAT rates on products and services), but horizontal equity suffers due to 1) corporate-tax engineering, 2) the prevalence of fraud (which is much easier for companies and professionals to commit than for medium- and low-income taxpayers) and 3) the scope of the underground economy, from which the state does not collect taxes at all. Finally, recent increases in indirect taxation may have rendered the tax system less competitive.

Although the Spanish tax-collection agency (AEAT) is generally efficient, it has limited resources. A more radical reform of the taxation agency, which would expand its human, ICT and financial resources, is clearly needed.

Citation:

Heritage Foundation (2015). Index of Economic Freedom

Budgets

Budgetary Policy
Score: 6

Despite 2016 being an interim year in Spanish politics, with a caretaker government in office after the December 2015 inconclusive elections, the budget for 2016 had been passed before the elections taking advantage of the previous absolute majority enjoyed by Prime Minister Rajoy's party. This has been the first year since his arrival to office in 2011 in which budgetary policy has somewhat softened the austerity measures. Nevertheless, despite four years of public spending cuts, neither the deficit (approximately 4.5% GDP at the end of 2016) nor public debt (99% of GDP) have been significantly reduced. Spain has the highest deficit in the European Union (France, with 3.4%, is the second), and its public-debt-to-GDP ratio is the seventh-highest in the EU (after Greece, Italy, Portugal, Ireland, Belgium and Cyprus). Thus, even if the fiscal restraint since 2011 has succeeded in reducing long-term public-sector borrowing costs, it would be premature to conclude that Spanish budgetary policy has realized the goal of fiscal sustainability. However, the spending cuts have been achieved with great effectiveness both by the central and regional governments (see "Task Funding"). This fiscal policy was implemented through a scheme introduced by the Organic Law 2/2012 on Budgetary Stability and Financial Sustainability of Public Administrations. The commitment to a balanced budget and the creation of the Independent Authority for Fiscal Responsibility (AIReF) in 2013 have allowed Spain to regain fiscal credibility abroad. By the end of 2016, Spain's risk premium had reached its lowest level since early 2010, and the Commission appeared likely to grant additional flexibility delaying achievement of the deficit objective of 3.0% of GDP until the end of 2017. In any case, financial stability

today depends more on the ability to increase revenues than on new austerity measures. If economic growth consolidates, and the ECB continues its current expansionary monetary policy, the long-term sustainability of Spain's public finances will continue to improve.

Citation:

European Commission Economic Forecast Autumn 2016:
http://ec.europa.eu/economy_finance/eu/countries/spain_en.htm

Research and Innovation

R&I Policy
Score: 4

Research and technology policy remained a weak point during the period under review, as evidenced by the low number of patents registered, the relatively poor international ranking of universities and the decreasing level of spending on R&D. Indeed, in 2016, just 1.22% of GDP went to research and development, compared with an EU average of more than 2% (which was the Spanish target for 2010). While the crisis is certainly responsible for the decline, the draconian cuts implemented in recent years have exacerbated a situation already needing attention. It is clear that the government's post-housing-bubble pledge to promote a new model of economic growth based on brainpower rather than construction has not been reflected in the budget. All indicators of public or private support for innovation in Spain are far below those in the advanced-economy leaders; for example, the country is ranked 18th among the 28 EU member states in R&D spending and 19th in the EU Innovation Scoreboard. Nevertheless, according to the Cotec Report on Technology and Innovation, some positive signs regarding R&D investment were evident in 2016, largely thanks to European Commission funding and private investment (which accounts for more than half of Spain's total R&D spending). Spain also came out relatively well in the latest Nature Index (published in 2016), which tracks the affiliations of high-quality scientific articles published in 68 science journals; in this, Spain was the 11th most prolific country worldwide (although with a small decline as compared with the previous year in which it ranked 10th).

Citation:

William Chislett. 2016. A New Course for Spain: Beyond the Crisis. Madrid: Elcano Institute European Commission, European Innovation Scoreboard 2016 <http://ec.europa.eu/DocsRoom/documents/18062>

Global Financial System

Stabilizing Global
Financial Markets
Score: 7

Though aware of its limitations as only a medium-sized power and indebted economy, Spain behaves as an important partner in international forums and tries to contribute actively to improving the regulation and supervision of

financial markets. This participation has been given weight by its role as one of the countries hit particularly hard by the global economic crisis and the financial instability lasting from 2008 to 2013. It participates in the G-20 meetings as a “permanent guest,” and sits on the Financial Stability Board. It is also part of the IMF system (with 1.94% of the votes) and the World Bank (1.74%). As a member country in all five agencies of the World Bank Group, Spain holds shares in each (including international financial institutions such as the International Bank for Reconstruction and Development (IBRD) and the International Development Agency (IDA), which offer loans to developing countries). It has also been engaged within the OECD in the fight against tax havens, with a particular focus on its neighboring territories of Andorra and Gibraltar. In 2015, Spain also announced its participation in the Asian Infrastructure Investment Bank project promoted by the Chinese government. At the European regional level, Spain is a member of the European Union and is the fourth most important state within the euro zone. It has pushed hard in recent years for a banking union and for the European Central Bank to take a more active role in strengthening the single European currency. It has also sought to strengthen regulation of rating agencies. Within the private sector, the Madrid stock exchange plays an influential role, while Banco Bilbao Vizcaya Argentaria (BBVA) and Santander are very important international banks.

Citation:

IMF Members’ Quotas and Voting Power, and IMF Board of Governors

<http://www.imf.org/external/np/sec/memdir/members.aspx#Sweb.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/WBEUROPEEXTN/SPAINEXTN/0,,contentMDK:20811636~menuPK:2205720~pagePK:141137~piPK:141127~theSitePK:292395,00.html>

Spanish contribution to the debate on the Economic and Monetary Union Governance, June 2015. www.realinstitutoelcano.org/wps/wcm/connect/2e5c958048999ee1be41befc4b6f1e4a/contribucion-espana-debate-gobernanza-union-economica-monetaria.pdf?MOD=AJPERES&CACHEID=2e5c958048999ee1be41befc4b6f1e4a

II. Social Policies

Education

Education Policy
Score: 6

Despite the Spanish education system’s outstanding improvement since the 1980s with regard to equity and efficiency, Spaniards largely regard educational outcomes within their country as mediocre. This perception is based in part on Spanish universities’ poor international rankings (only 18 of the country’s 70 made it into the 2015/2016 QS World University Rankings) as well as the country’s unexceptional PISA test results. In fact, the country’s education system was only ranked the 24th most efficient out of 35 OECD countries. One

of the reasons for the overall bad results, although effects differ strongly across regions, is a curriculum regarded as out of date, a rote system of learning, teaching quality requiring improvement, and the large number of students who repeat years. The level of government spending on education is also an important factor; in 2016, education spending was one point of GDP below the OECD average. This concern regarding the state of the education system has created the social and political momentum needed for reforms in recent years but budgetary austerity has meant that only a few relatively inexpensive regulatory measures targeting quality and efficiency in resources allocation have been implemented; moreover, these have come at the expense of fairness in access. Equality of opportunities has been undermined since 2011 as a result of education spending cuts, an increase in fees, and a stiffening of conditions for obtaining funding and scholarships, all of which has served to exclude poor students from the system.

Therefore, the Spanish education system still suffers problems of quality and equity. Particular trouble points include access to preschool education and the socioeconomic class segmentation between students in public schools and those attending publicly funded private schools, normally affiliated with the Catholic Church.

Citation:

Spain's PISA results (2015):

<https://www.oecd.org/pisa/pisa-2015-results-in-focus.pdf>

Social Inclusion

Social Inclusion
Policy
Score: 5

Societal exclusion remains a perennial problem for Spain: 22.3% of Spaniards live at risk of poverty. Those at a higher risk of marginalization include immigrants, unemployed youth and elderly people with minimal pensions. Particularly serious is the child-poverty rate of nearly 30%, according to different reports published by the Council of Europe's Commissioner for Human Rights or the Spanish statistical authority (INE). Women (in particular those in precarious employment and heading a single-parent family) are more vulnerable than men. Finally, the share of employed people living under the poverty threshold is also very high, one of the worst cases in the EU. Two back-to-back recessions (2008 – 2009 and 2010 – 2013) further impoverished vulnerable households and broadened the gap between the poorest and wealthiest sectors of the population. Spain's Gini coefficient (0.35) places the country as more unequal than Germany, France, Italy or the United Kingdom. While it performs better than the United States and Japan on this issue, it is more unequal than most European states. The combined impact of economic difficulties (rising unemployment rates along with cuts in salaries and benefits)

and austerity measures (affecting health care, education, social services and disabled-person support programs) have exacerbated marginalization. The National Action Plan on Social Inclusion for the 2013 – 2016 period has clearly proved insufficient, and privately run social organizations have been unable to fill the service-provision gap. Nonetheless, Spain is on par with the OECD average in terms of welfare spending on pension, family, health and integration policies as a share of GDP.

The situation is better with regard to areas of discrimination not associated with poverty, particularly regarding gender equality within institutions and the rights accorded to homosexuals (see “Non-discrimination”).

Citation:

Mayo 2016, INE: Encuesta de Condiciones de Vida

<http://www.ine.es/prensa/np969.pdf>

Junio 2016, El País: “Most Spaniards see a lot more inequality as a result of the crisis, survey shows”

http://elpais.com/elpais/2016/06/03/inenglish/1464940697_566789.html

EU Social Justice Index 2016

http://www.social-inclusion-monitor.eu/uploads/tx_itao_download/Social_Justice_Index_2016.pdf

Health

Health Policy
Score: 7

The Spanish national health care system is relatively well-thought out and it largely achieves the criteria of quality, inclusiveness and cost efficiency. According to a Bloomberg Index, Spain is the sixth healthiest country in the world (and OECD data show it has the second-highest life expectancy, after Japan). Low mortality rates from all causes of death (including heart diseases, cancer, transport accidents or infant mortality) demonstrate the effectiveness of the policy. However, rates of mental illnesses, diabetes and drug consumption are higher than the European averages.

Spaniards’ self-perceptions of their own health status and their opinions regarding the national health care system reflect a degree of satisfaction that is quite high in cross-OECD comparison. Access to a core set of high-quality health services is guaranteed through a public insurance system that covers 99% of the population. However, the number of practicing doctors, nurses and hospital beds per 1,000 residents is relatively low. Moreover, the general quality of this system has deteriorated in recent years due to austerity measures (although health care spending still accounts for approximately 9% of GDP, close to the OECD average). The most recent reports emphasize deficiencies related to waiting lists, patient rights and sickness prevention. There is also interregional inequality. The system has recently become more cost efficient, particularly with regard to pharmaceutical spending. However, the system’s sustainability is at risk over the medium and long term, as a consequence of the aging population (one out of five Spaniards will be older than 65 by 2025) and the subsequent increase in the incidence of chronic diseases.

Citation:

OECD. 2015. Health at a Glance: How does Spain compare? www.oecd.org/spain/Health-at-a-Glance-2015-Key-Findings-SPAIN.pdf

February 2016, The Guardian: “Which country has the world’s best healthcare system?”

<https://www.theguardian.com/society/2016/feb/09/which-country-has-worlds-best-healthcare-system-this-is-the-nhs>

Families

Family Policy
Score: 5

Public spending on social services designed to support women in combining parenting with employment, never ambitious in Spain to start with, were cut back considerably further as a result of the economic crisis and the associated budgetary constraints. The country’s very low fertility rate is one partial outcome of the timidity of Spanish family-support policies.

Traditional family patterns (in which mothers focus on household work and child care duties) have changed in Spain, but this has resulted more from slow sociological developments than from any explicit family-support policy. Moreover, traditional gender roles that remain deeply rooted among Spaniards keep women in an unequal position. Although the Ministry of Employment has sought to force employers to comply with non-discrimination legislation, there is still a wage and pension-value gap of close to 20% between men and women. Women’s labor-market participation rate is also much lower than that of men. In 2016, the employment rate among women was approximately 40%, as compared to 50% among men. The moratorium in implementing the National System of Dependency (governing care for dependent people) has made it more difficult for women to remove themselves from the burden of family care. Further measures are needed to facilitate a culture of shared responsibility for child care. A corporate culture of “presenteeism” within the workplace does not help. Subsidies to families have also been significantly cut back. However, in 2016 was implemented a tax reform decided in 2015 to benefit large families (i.e., three or more children), in parallel with taxpayer deductions amounting to €100 or €200 per month depending on the number of children. The government also approved a Comprehensive Plan to Support Families for the 2015 – 2017 period and the parliament passed in October 2016 equal parental leave for fathers.

Citation:

October 2016, The Local: “Spain approves equal parental leave for fathers”

<http://www.thelocal.es/20161019/spain-approves-equal-parental-leave-for-fathers>

Eurobarómetro especial 428, on Gender Equality

http://ec.europa.eu/justice/gender-equality/files/documents/eurobarometer_report_2015_en.pdf

Pensions

Pension Policy
Score: 7

Spanish pension policy targets its objectives both through a public pension scheme and by offering favorable tax relief for those enrolled in private pension schemes. It largely achieves the goals of poverty prevention and fiscal sustainability, but only moderately meets standards of intergenerational equity. The pension system represents the largest single piece of public spending (more than €120,000 million). Despite the cuts suffered in salaries and subsidies as a result of the austerity measures and internal devaluation, Spanish pensioners have maintained their purchasing power during the crisis years. Moreover, whereas the poverty rate among Spain's general population is 22% (and nearly 30% among children), the rate among the elderly is only 12%. Thus, it seems that poverty prevention among older generations has succeeded and that the elderly are less economically vulnerable than active but unemployed workers or other young inactive people without social benefits. It cannot be said, however, that the current system ensures equity across generations – pensioners, the active labor force and youth. As a matter of fact, intergenerational equity is not an explicit goal and fair burden-sharing is not explicitly defined. The model (with the exception of private pension plans publicly subsidized through favorable tax treatment) is instead based on the pay-as-you-go methodology in which current contributors to the insurance system pay the expenses for the current generation of recipients. Although there are accumulated reserves and the rights of new retirees have always been respected so far, the model is based on the (doubtful) expectancy that the following generation will be able to cover the necessities of the previous generation. These shifting demographics, in combination with longer life expectancies, are leading to an unsustainable population pyramid that is worse in Spain than anywhere else in Europe. Combined with the impact of the crisis, these developments have refueled debates over the long-term fiscal sustainability of the Spanish social-security system. Pessimistic forecasts show a growing deficit and an increase in the weight of pensions in relation to GDP from 8% in 2005 to 15% in 2050. It is very doubtful that the country will be able to maintain a sufficient employment-population ratio or increase productivity enough to compensate for societal aging under the current system.

Citation:

February 2016, Javier Díaz-Giménez and Julián Díaz-Saavedra, "The future of Spanish pensions"
<http://javierdiazgimenez.com/res/PEN3-PAP.pdf>

Integration

Integration Policy
Score: 7

Spain ranks 11th out of 38 advanced Western democracies in the latest available edition of the Migrant Integration Policy Index, and is a particularly progressive

country regarding the issues of family reunions and permanent residence. Even though the government has taken little action in this area, the Spanish population's degree of tolerance toward immigrants is striking. In contrast to most comparable EU countries, no relevant xenophobic populist parties exist and violent attacks on immigrant groups are very rare. These achievements are even more striking given the very high unemployment rates and the fact that some five million immigrants have arrived in Spain in only the last decade (constituting up to 12% of the population). Apart from some western Europeans looking for a second home, most immigrants during the 2000 – 2010 period came from poorer countries, many of them Romanians, Latin Americans and Africans in search of jobs and better living conditions. The underlying cultural tolerance is bolstered by the fact that most immigrants are first-generation, and in the case of Latin Americans, share a common language and cultural links with the native population (Ecuadorians, Colombians and Bolivians represent 25% of the total foreign-born population). Furthermore, many immigrants enjoy dual nationality due to the country's links with its old colonies. With regard to the Muslim population, Moroccans comprise 20% of Spain's immigrants, with most of them being moderate and well-integrated into Spanish society. However, some radical groups involved have also been identified.

Citation:

September 2015, Pew Research: "What Americans, Europeans think of immigrants"

<http://www.pewresearch.org/fact-tank/2015/09/24/what-americans-europeans-think-of-immigrants/>

Migrant Integration Policy Index (2015)

<http://www.mipex.eu/>

Safe Living

Safe Living
Conditions
Score: 8

In terms of homicides, Spain is the safest country among Western nations with more than 3 million inhabitants. Compared with other OECD and European countries, Spain performs quite satisfactorily in protecting citizens against security risks and public confidence in the police force is high. The official data shows that violent crimes rate is one of the lowest in the world, although the figures are somewhat higher for assaults or muggings.

Considering the high unemployment and budgetary cuts on law and order policies, the overall situation can be considered quite successful. It is precisely this effectiveness that made the recent law on public safety (Organic Law 4/2015 "de protección de la seguridad ciudadana") so controversial. In the eyes of its critics, the new regulation has much more to do with trying to repress political protest (see "Civil Rights" and "Political Liberties") than with increasing the protection of citizens. Nonetheless, the government of Spain and its citizens are now more concerned that they are a principal target of Islamic extremism, though the Spanish intelligence and police communities have demonstrated their effectiveness in fighting this risk in recent years.

Citation:

Spain: Reject Flawed Public Security Bill <https://www.hrw.org/news/2015/03/09/spain-reject-flawed-public-security-bill>

SIDIR 2016

http://www.realinstitutoelcano.org/wps/portal/web/riecano_es/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/gonzalezhenriquez-martinezromera-sistema-indicadores-distancia-imagen-realidad-sidir-caso-espanol-3ed-2016

Global Inequalities

Global Social
Policy
Score: 4

Budget cuts severely restricted the funding available for policies and instruments designed to enhance Spain's influence abroad; development cooperation suffered, as did more general contributions to global public goods. Since 2009, the country's official development-aid (ODA) budget has declined by 70%. According to a report published by the development NGO Oxfam Intermón, Spain has seen Europe's largest cutbacks with regard to international development support. Currently, Spain gives just 0.14% of its GDP to official development assistance, far below 2008 levels when Spain peaked at around €5 billion in international development aid, or 0.45% of its GDP. At that time, that was seventh-highest aid share among the world's donor countries. However, the budget passed at the end of 2015 included an overall ODA budget equal to 0.21% of Spain's GDP in 2016, representing a 39% increase as a share of GDP. Today, Spain – even though it is still engaged in a number of international development-promotion efforts – performs poorly in comparison with the other members of the Development Cooperation Directorate (DCD) of the OECD. In addition, the focus of Spanish external action since 2011 under the Rajoy government has been more business-oriented, which has meant less political attention has been given to development and fewer contributions have been made to global public goods. Notwithstanding this, the multiannual Cooperation Director Plan for the 2013 – 2016 period has tried at least to introduce more coherence with other policies (e.g., trade), fostering specialization, and better aligning the country's efforts with other EU member states' development strategies.

Citation:

OECD Development Co-operation Peer Reviews: Spain 2016 http://www.keepeek.com/Digital-Asset-Management/oced/development/oced-development-co-operation-peer-reviews-spain-2016_9789264251175-en#page18

III. Environmental Policies

Environment

Environmental
Policy
Score: 5

Spain enjoys exceptionally diverse natural habitats; however, government policy has not provided sufficient safeguards regarding sustainability and general environmental quality.

Concerning climate, a report released by the international NGO WWF shows a decrease in greenhouse-gas emissions since 2008, although those emissions are not yet within the maximum threshold allowed by the Kyoto Protocol, and may again increase now that the economy is recovering. More worryingly, the Spanish government has aggressively rolled back economic incentives for renewable energy development since 2011, while in 2015, the Ministry of Industry and Energy announced new fees on consumers who use batteries to store electric power produced by their own solar panels. Decisions such as these have jeopardized Spain's previous leadership role with regard to solar power and wind energy. As the country is extremely dependent on external energy supplies, government strategy during the period under review was aimed at encouraging energy savings through a pricing policy. Air quality remains a big problem in big capitals such as Madrid and Barcelona, but local governments in both cities say to be determined to reduce pollution. Regarding water resources, Spain was one of the few EU member states to delay completion of its river-basin management plans and the European Commission has recently taken the country to the EU Court of Justice for not properly treating waste water. In terms of protecting natural resources and biodiversity, the assessment is mixed. On the one hand, the reform of the Sea Coast Law (Ley de Costas) in 2013 deregulated some coastal activities which will likely lead to the resumption of coastal construction projects. On the other hand, the recent expansion of the network of national parks continued the trend of improving safeguards for wildlife ecosystems. Finally, and despite public spending cuts, Spain is now a global reference country in the prevention of forest fires thanks to the increasingly professionalized forestry services in regional autonomous communities and the Ministry of Agriculture and Environment.

Citation:

January 2016, El País: "Madrid to ban all cars from center if pollution reaches critical levels"
http://elpais.com/elpais/2016/01/21/inenglish/1453389022_667074.html

Commission takes Spain to Court over waste water treatment presenting a risk to public health
http://europa.eu/rapid/press-release_IP-14-2129_en.htm

Global
Environmental
Policy
Score: 5

Global Environmental Protection

Spain is formally committed to existing international conventions seeking to preserve natural resources, and participated in the various U.N. COP climate-change meetings, including the decisive 2015 Paris conferences. During the review period, Spain supported some foreign projects (such as wind farms in developing countries and emissions-trading projects) aimed at helping the country comply with the Kyoto Protocol and reducing national CO2 emissions so as to meet its obligations. Unfortunately, according to the 2015 edition of the annual European Environment Agency (EEA) report, Spain has not achieved its energy and climate-mitigation targets. In addition to this, although in part because of the long interim political situation, Spain was not able to ratify the Paris Agreement on climate change during 2016.

Thus, it cannot be said that the Spanish government is actively contributing to international efforts to design and advance global environmental-protection regimes. In fact, Spain's past efforts in renewable-energy development might have been wasted. Since 2012, the government has demonstrated little domestic initiative, and has not acted as an agenda-setter within international frameworks. The Ministry of Foreign Affairs and Cooperation does not work closely with the Spanish Climate Change Office. The only notable external leadership has been Spain's cultivation of the Ibero-American Network of Climate Change Offices (RIOCC), building on historical ties with Latin America.

Citation:

Paris Agreement - Status of Ratification

http://unfccc.int/paris_agreement/items/9444.php

November 2016, "Government approves submission to Parliament of Paris Agreement on Climate Change"

<http://www.lamoncloa.gob.es/lang/en/gobierno/councilministers/Paginas/2016/20161111-councilofministe.aspx>

Quality of Democracy

Electoral Processes

Candidacy
Procedures
Score: 10

Spain's legal and administrative regulations for validating party lists and candidacies (basically, Organic Law 5/1985 on the electoral regime and Organic Law 6/2002 on parties) is fair and flexible. This was demonstrated in December 2015 when new parties, such as Podemos or Ciudadanos, participated for the first time in the general elections with each winning one-third of seats in the parliament. To participate, parties and coalitions must simply present a series of documents to the Register of Political Parties at the Ministry of Interior. Virtually every Spanish adult is eligible to run for public office. Non-Spanish EU citizens are eligible to run in local and European Parliament elections. In local elections, non-EU citizens whose countries reciprocally allow Spaniards to be candidates are also eligible. Legislation on gender parity (Organic Law 3/2007) requires party electoral lists to have a balanced gender representation, with each sex accounting for at least 40% of the total number of candidates. Fair and nondiscriminatory registration is protected by a number of guarantees overseen both by the electoral administration and the courts, including the Constitutional Court through a fast-track procedure. The only restrictions on candidacies contained in the electoral law apply to specific public figures (the royal family, some public officials, judges, police officers and members of the military) and those who have been convicted of a crime. In the 2000s it was approved the possibility of declaring illegal parties deemed to be "irrefutably" associated with conduct "incompatible with democracy, prejudicial to constitutional values, democracy and human rights" (a provision introduced to suspend parties directly or indirectly connected with now dissolved ETA terrorism in the Basque Country). Today, the EH Bildu coalition (a radical force generally considered to be the successor to extreme-nationalist Basque political organization Batasuna) is legal and has important political responsibilities at various levels of government, although some of its former leaders cannot compete as candidates because they have a criminal record.

Citation:

August 2016, The Washington Post: "Pro-independence Basque leader*s election candidacy blocked"
https://www.washingtonpost.com/world/europe/pro-independence-basque-leaders-election-candidacy-blocked/2016/08/24/4d6345d0-69ec-11e6-91cb-ecb5418830e9_story.html

July 2016, The Economist: "Revolution cancelled"
<http://www.economist.com/news/europe/21701516-another-centre-right-government-weaker-one-revolution-cancelled>

Media Access
 Score: 8

All Spanish democratic parties or candidates have access to the public media without unreasonable or systematic discrimination. The electoral law (Organic Law 5/1985) regulates strictly the access to public television and public radio networks during electoral campaigns. The system is even very rigid, allocating times for free advertisement slots (paid advertising is not allowed) and news coverage. Thus, parties receive a free slot of 10, 15, 30 or 45 minutes every day, depending on their share of the vote in the previous elections. A similar system operates with regard to news coverage, where the time allocated to each party is also proportional to the previous electoral results. New candidates or parties find it difficult to gain public media access in this system, though it did not prevent Podemos and Ciudadanos from achieving their electoral gains in December 2015 and June 2016.

Regarding private media, a reform of the electoral law in 2011 extended the aforementioned system of proportional news coverage during the electoral period to privately owned television stations. Apart from this special regulation for campaigns, the largest media organizations have a strong tendency to favor the mainstream parties or the more well-known candidates in their day-to-day coverage; in particular the PP and nationalist leaders in Catalonia (empirical work shows a significant connection between media and parties with the same political orientation). For parties not represented in parliament and which therefore have no legal guarantee to broadcast time, the situation is more difficult. They must rely on the internet and small direct digital TV channels.

In short, the Spanish media system as a whole does not provide all political positions with absolutely fair and balanced access to the media, but pluralist coverage is indeed achieved.

Citation:
 Mayo 2016, El Confidencial: "Iglesias y Rivera manejan mejor los medios que Rajoy y Sánchez, según estudio"
http://www.elconfidencial.com/ultima-hora-en-vivo/2016-05-18/iglesias-y-rivera-manejan-mejor-los-medios-que-rajoy-y-sanchez-segun-estudio_912541/

Voting and
 Registrations
 Rights
 Score: 9

Every Spanish citizen 18 years and over has the right to vote. The extent to which this suffrage can be exercised is absolute, and apart from minor errors, no discrimination or any other significant exclusion has existed in recent elections. Only those suffering specific mental disabilities or who have been judged guilty in certain criminal cases (always by a court) may lose their

political rights. All citizens are automatically included in the electoral register (Censo Electoral), which is as a rule updated correctly. Adequate opportunities for casting an advance ballot are also provided in case of illness, absence or simple incapacity to attend the polling station on the day of election. The turnout rate has on average been somewhat more than 70% since 1977, though the last election (26 June 2016) had a turnout rate of 66.5%. The only two notable problems are related to immigration and emigration. The 5 million foreigners who live in Spain are not entitled to vote in national elections, and naturalization is not easy even for foreign residents of long standing. However, this restriction is common to all advanced democracies. Moreover, EU citizens can already vote in local and European Parliament elections, and even non-EU citizens are entitled to cast ballots in local elections if their home countries reciprocally allow Spaniards to vote. Regarding Spanish emigration, citizens living overseas may face onerous red tape that discourages participation in elections, as well as occasional technical failures in the administrative work of consular departments. Although 90% of the some 2 million Spaniards abroad are registered in the CERA (the electoral census of emigrants), a legal change passed in 2011 (Ley Orgánica 2/2011) with the declared aim of preventing fraud has limited their right to vote. As a result, turnout rates among Spanish expatriates are now extremely low (under 5%), and parties have discussed reopening the 2011 reform. Some emigrants' associations claim these restrictions were politically motivated under a government that fears a surge in protest votes among young emigrants who have left the country in search of a job.

Citation:

Junio 2016, El Confidencial: "El "horror" del voto rogado, contado en primera persona"

http://www.elconfidencial.com/elecciones-generales/2016-06-26/voto-rogado-extranjero-testimonios-elecciones-generales-26j_1223232/

Party Financing
Score: 5

Party-financing legislation was reformulated in 2015 (Ley Orgánica 3/2015) as part of an anti-corruption plan seeking to increase transparency and impose sanctions for violations, passed following the emergence of a significant number of scandals in recent years. The previous, less strict law was ineffectual in preventing opaque donations received by think tanks and charities associated with parties, backdoor funding in the form of the cancellation of parties' bank loans or debts, and even plainly illegal direct financing in large volumes (such as the famous Gürtel and Barcenas cases, involving the PP or the Palau case, involving the nationalist Catalan CDC).

Under the current rules, political parties are deemed private associations with a mixed revenue system. They are assigned funds from the public budget in proportion to their parliamentary representation, but can also collect private money from individuals (including the largely insignificant membership fees)

and corporations. The new law imposes spending thresholds in electoral campaigns, and the contributions made by businesses are at least in theory subject to limits and conditions (for example, anonymous donations are forbidden, and companies that supply goods or services to the state cannot contribute to campaigns). The Audit Office (Tribunal de Cuentas) is the body charged with auditing the parties' accounts, but has no capacity to control them effectively. On the one hand, this office suffers from a lack of political independence, since its members are appointed by the parties themselves. On the other, it lacks staff resources and suffers delays in the publication of audit reports.

Citation:

Ley Orgánica 3/2015:

www.boe.es/diario_boe/txt.php?id=BOE-A-2015-3441

Popular Decision-
Making
Score: 4

Two modes of popular decision-making (apart from representative elections) enable Spain's citizens to express their political opinions on key issues directly. The first mode is the popular legislative initiative (iniciativa legislativa popular), which enables the public to put a measure in front of the legislature. However, this is limited due to the high number of signatures required, as well as other political and legal obstacles such the fact that initiatives are not allowed on matters concerning fundamental rights, the state's institutional structure, taxation, international affairs or the prerogative of pardon. Historically, even when the 500,000-signature threshold has been reached, the huge majority of those initiatives have been dismissed by the Board of the Congress of Deputies. All proposals awaiting approval in 2015 were either rejected or expired at the end of the year. The second means of popular decision-making relates to the option of submitting political decisions of special importance to all citizens in a referendum. However, Spaniards have been asked to vote in only three national referendums since democratization (the latest one to ratify the failed EU Constitutional Treaty in 2005). In addition to this, some referendums to approve or reform the Statutes of Autonomy have taken place in regions with devolved powers. Since 2012, a very lively debate has been unfurling in Catalonia and the rest of Spain on the legal right to hold a secession referendum similar to that held in Scotland in 2014. Finally, at the local level, consultative (i.e., non-binding) referendums are held more often, but even these relatively uncommon, and prior authorization must be obtained from the central and regional governments. Other recent subnational open-government initiatives (such as "Decide Madrid" or "Ireikia" in the Basque Country) also represent interesting direct-communication channels between the public and the various levels of the government administration.

Citation:
Decide Madrid:
<https://decide.madrid.es/?locale=en>
Irekia:
www.irekia.euskadi.eus/en

Access to Information

Media Freedom
Score: 7

After 2012, when the government in power during the review period passed a decree reducing the autonomy of the Radiotelevisión Española (RTVE), the public broadcasting group lost some of its political neutrality. However, it would be unfair to regard the national television station as a simple government tool, as in the period prior to the early 2000s, when manipulation was almost systemic. The Radio Nacional de España (RNE), the main national public radio station, has also been criticized recently for a loss of impartiality and credibility. However, the election of RTVE's president still depends on the parliament, and the situation may thus change under a new multiparty scenario in which governments no longer enjoy absolute majorities. In fact, all parties (including the PP) have agreed to appoint the next RTVE president on a consensus basis following the 2016 elections.

The situation with regard to regional public-broadcast groups is probably worse, with incumbent governments openly promoting their partisan political objectives. This has long been the case in Andalusia and in Madrid, but is also observable in other regions such as Catalonia, where the public broadcasting corporation used to be far more pluralistic. However, since 2012, it has openly supported the pro-secession views of the nationalist regional government. With regard to private broadcasting operations, media groups are of course formally independent, but the parties in office (at both the national and regional levels) have traditionally sought to support those newspapers, radio and television stations ideologically closest to them (through regulation of the audiovisual sector or with generous subsidies). However, some important private television networks have actively promoted the emergence of Podemos (We Can), the new anti-establishment party, through the provision of very considerable airtime (see "Media Access").

Citation:
Agosto 2016, Eldiario.es: "Pacto de Investidura PP-Cs"
http://www.eldiario.es/politica/DOCUMENTO-investidura-firmado-Ciudadanos-PP_0_552944928.html

Media Pluralism
Score: 8

In terms of media demand, citizens have become more interested in politics during this era of crisis as they seek solutions to ongoing problems. However, economic adversity also limits participatory resources. The empirical evidence

shows that the two processes – a stronger motivation to acquire knowledge, but fewer resources to do so – are running somewhat in parallel. Even if print media show reduced sales, the Spanish population’s growing access to the Internet (with a penetration rate of approximately 75%) and the widespread use of social networks have encouraged the proliferation of electronic newspapers and independent blogs that counterbalance oligopolistic trends and guarantee that certain opinions can be expressed in public debate. In the 2015 – 2016 period, the trend of relative concentration in the ownership of TV stations continued, with a similar though more moderate effect evident among print newspapers. With regard to television, the Italian company Mediaset is the leading group in the country (owning the most-viewed TV channel, Telecinco, as well as Cuatro and other minor channels). This is followed by Grupo Planeta (including both the right-wing Antena 3 and the more leftist channel La Sexta). Then comes the public broadcaster Televisión Española, and finally regional public-television networks and other small private stations (some of them very conservative). The radio market is dominated by the center-left SER station followed by the center-right Onda Cero, the Cadena Cope (that belongs to the Catholic Church) and the publicly owned Radio Nacional de España (RNE). With respect to print and electronic journalism, the main newspaper is the very influential center-left El País. Other nationwide newspapers include the center-right El Mundo and the conservative ABC, published by the Vocento Group, which also owns many local newspapers in the Basque Country and other regions. In Catalonia, the moderate nationalist La Vanguardia is the market leader. There is no print newspaper that represents genuinely left-leaning ideas, but progressive digital publications such as publico.es and eldiario.es have enjoyed considerable growth. There are also significant liberal and conservative digital media such as elconfidencial.com and the new elespanol.com. The country’s most-read information websites are the electronic versions of print newspapers.

Citation:

Abril–Mayo 2016, Audiencia de Internet en el EGM

<http://www.aimc.es/-Audiencia-de-Internet-en-el-EGM-.html>

Access to
Government
Information
Score: 6

The first specific law enabling free and easy access to government information in Spain is only three years old (Law 19/2013 on “transparencia, acceso a la información pública y buen gobierno”). Despite being new, this legislation establishes some limits to the freedom of information. According to the Madrid-based NGO Access Info Europe, Spain still scores comparatively low for four reasons: 1) some institutions (including the parliament and the royalty) are not rendered completely transparent by the law, 2) access to information is not recognized as a fundamental right, 3) the oversight body (the so-called Transparency Council) is not fully independent, and 4) the transparency website has shortcomings (with most data available only upon

request). Nevertheless, the 2013 legislation did significantly improve access to government information by imbuing public policies with a higher degree of transparency. A team of around 40 civil servants works for the transparency website, and under the existing procedure, requests for information must receive a reply within 30 days. If the answer is not forthcoming or is unsatisfactory, citizens may turn to the Transparency Council, which decides whether there are data-protection or other security issues that justify withholding the information.

Citation:

February 2016, Spanish Government Sues Over Disclosure Rulings

<http://www.freedominfo.org/2016/02/spanish-government-sues-over-disclosure-rulings/>

October 2016, Global Civil Society Critiques Lack of Transparency in Spain

<https://www.access-info.org/frontpage/26527>

November 2016, Spanish Transparency Council confirms that Agendas of Cabinet meetings of the Government is public information

[https://www.access-info.org/wp-](https://www.access-info.org/wp-content/uploads/Resoluci%C3%B3n_CTBG_%C3%8DndicesConsejoMinistros_AIE.pdf)

[content/uploads/Resoluci%C3%B3n_CTBG_%C3%8DndicesConsejoMinistros_AIE.pdf](https://www.access-info.org/wp-content/uploads/Resoluci%C3%B3n_CTBG_%C3%8DndicesConsejoMinistros_AIE.pdf)

Civil Rights and Political Liberties

Civil Rights
Score: 7

A controversial new law on public safety (Ley Orgánica 4/2015 “de protección de la seguridad ciudadana”) was passed in 2015. This so-called gag law (ley mordaza) has been widely regarded as an anti-protest instrument, with the aim of reducing the tide of demonstrations against the government’s austerity policies, and has thus been resisted strongly by the opposition and activists. It includes a new system of executive fines imposed for insulting (or sometimes simply criticizing) police officers, as well as for taking part in public unauthorized demonstrations (see also “Political Liberties”).

Conversely, the new law also introduces civil-rights guarantees, and makes some timid progress on racial profiling by police in the course of carrying out street searches. Under the new regulation, police searches must be carried out by a member of the same sex as the person being searched, and can only be conducted for the purpose of preventing or investigating a crime. People who fail to supply ID can be taken to a police station only in order to prevent a crime, or if they have already committed a misdemeanor. Apart from these specific cases, state institutions generally respect and protect civil rights, and the rights guaranteed by the constitution and in ordinary legislation are enforced, even if some infringements may occur in practice (for example, concerning illegal immigrants). Separately, the systematic delays and lack of adequate resources (both human and technological) in the Spanish courts are factors that serve to undermine the effective protection of fundamental rights to some degree.

Citation:

Abril 2016, The Guardian: "Spanish journalist fined under controversial 'gag law'"

<https://www.theguardian.com/world/2016/apr/08/spanish-journalist-fined-under-controversial-gag-law>

Political Liberties

Score: 8

Spain is classified as an advanced democracy by various indices, including the Freedom House "Freedom in the World" index and the Economist Intelligence Unit's index of democracy. The country's institutions are generally effective at protecting political liberties, though there are occasionally incidents of infringements on political liberties. The 1978 Spanish Constitution outlines the political liberties that must be respected by state institutions. Fundamental rights and public freedoms (included in Section 1, Chapter 2, Part I of the constitution) are subject to special protections. The political liberties subject to special protection against government (or even private) interference or violation include: the freedoms of ideology, religion and worship; the right to freely express and spread thoughts, ideas and opinions without any form of prior censorship; the right to peaceful unarmed assembly, with no need to notify local authorities in advance unless demonstrations are being held in public places; the right of association; the right to freely join a trade union; and the right to individual and collective petition.

The period under consideration was characterized by the controversial entry into force of a law on public safety (Ley Orgánica 4/2015 "de protección de la seguridad ciudadana"). The new piece of legislation introduced several measures potentially affecting political liberties, including penalties for insulting police officers, as well as fines for interrupting public events or protesting in unauthorized demonstrations outside the parliament (see also "Civil Rights").

Citation:

Freedom House: Freedom in the World, Spain 2016

<https://freedomhouse.org/report/freedom-world/2016/spain>

The Economist Intelligence Unit's Democracy Index

<https://infographics.economist.com/2017/DemocracyIndex/>

Non-discrimination

Score: 7

Any discrimination based on birth, race, sex, religion, opinion or any other personal or social condition or circumstance is forbidden in Spain (according to the constitution and all important international and European treaties signed by Spain that are relevant to counteracting marginalization). In addition, any individual, whether a national citizen or not, can invoke a special expedited procedure in the courts asking the state to protect him or her against any form of discrimination. As a result, cases of explicit discrimination are extremely rare. The Ministry of Health, Social Services and Equality; the ombudsperson; and other regional agencies are active in monitoring discrimination. Of course, this does not mean that occasional public discrimination and, above all,

indirect social discrimination are never observed, particularly in the cases of women, the elderly, persons with disabilities, and ethnic and linguistic minorities. For example, there are still relevant wage differences between men and women, and few women sit on the boards of companies. The approval of equal parental leave for fathers may prove a positive development.

Though there are instances of discrimination toward Muslim immigrants and the Roma, a survey conducted by the Pew Research Center in 2016 showed that Spaniards express fewer fears than other Europeans regarding minorities, but also tend to express less negative views about immigration. It is true that anti-Muslim views are comparatively common (50% of Spaniards have an unfavorable opinion of Muslims, although the community represents only 3.5% of the total population), and some tensions emerge from time to time, but it is also true that the state tends to offer protection to minority communities. Spain is also considered to be a pioneer in fighting discrimination against homosexuals and women, although the Rajoy government was less active in this realm than its predecessor. The main national agency tasked with monitoring equality and anti-discrimination efforts is the Institute for Women and Equal Opportunities. Nevertheless, Spain has not yet adopted a comprehensive anti-discrimination law and the European Parliament declared in a 2015 report that “there are some concerns about whether the law in Spain is in complete compliance with the EU directives on racial and employment equality.”

Citation:

October 2016, The Local: “Spain approves equal parental leave for fathers”

<http://www.thelocal.es/20161019/spain-approves-equal-parental-leave-for-fathers>

July 2016, Pew Research: “Negative views of minorities, refugees common in EU”

<http://www.pewglobal.org/2016/07/11/negative-views-of-minorities-refugees-common-in-eu/>

Rule of Law

Legal Certainty

Score: 8

The general administrative procedure in Spain is consistent and uniform, assuring regularity in the functioning of all administrative levels. During 2015, a new piece of legislation (Ley 39/2015, del Procedimiento Administrativo Común de las Administraciones Públicas) was passed with the aim of modernizing basic administrative law and improving legal certainty. In theory, this principle holds across the Spanish public sector, but it is also true that citizens and the business sector sometimes complain about unpredictable decisions. At the political level, for example, some policy reversals have undermined Spanish credibility among foreign investors (for example, the government’s changes in taxation, the decision to cut the regulated revenue rates received by renewable-energy generators, or the moratorium on new hotels approved by local Barcelona authorities in 2015). Within the

administrative bureaucracy, however, there is some scope for discretion and less transparency than what one might infer from the formal provisions (see “Access to Government Information”). Furthermore, even if the executive acts on the basis of and in accordance with the law, strict legal interpretations may in fact produce some inefficiency in certain aspects of the administration. This can be observed in the rigid system of personnel recruitment; working methods that depend on clear departmental command rather than flexible cross-organization teams; a preference for formal hierarchy rather than skills when making decisions; and the reliance on procedure regardless of output effectiveness, for example. This prevailing legalistic approach also serves to perpetuate abuses in some cases, since citizens are generally reluctant to appeal administrative acts in the courts as a consequence of the high costs and long delays associated with this process.

Citation:

Ley 39/2015, del Procedimiento Administrativo Común de las Administraciones Públicas
www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10565

Judicial Review
 Score: 7

The judicial system is independent and it has the capacity to control whether the Spanish government and administration act according to the law. Specialized courts can review actions taken and norms adopted by the executive, effectively ensuring legal compliance. The administrative jurisdiction is made up of a complex network, including local, regional and national courts. In addition, the Constitutional Court may review governmental legislation (i.e., decree laws) and is the last resort in appeals to ensure that the government and administration respect citizens’ rights. During the period under review, a number of criminal cases related to separate scandals demonstrated that courts can indeed act as effective monitors of activities undertaken by public authorities (see “Corruption Prevention”).

Today, two important factors undermine the efficacy of judicial review in Spain. The first is the lack of adequate resources within the court system, leading to systematic delays (the Executive Opinion Survey published by the World Economic Forum and other similar opinion polls show that most Spanish respondents find the judicial system to be too slow, in such a way that benefits bad-faith competitors). The second problem is the difficulty some judges appear to experience in reconciling their own ideological biases (mostly conservative, given their generally upper-middle-class social origins) with a condition of effective independence; this may hinder the judiciary’s mandate to serve as a legal and politically neutral check on government actions.

Appointment of
 Justices
 Score: 6

Appointments to the Spanish Constitutional Court (Tribunal Constitucional, TC), the organ of last resort regarding the protection of fundamental rights and conflicts regarding institutional design, take place through a highly politicized and usually long process. According to the constitution, the TC consists of 12

members. Of these, four are appointed by the Congress of Deputies, requiring a supermajority of three-fifths of this body's members, and four by the Senate, requiring the same supermajority vote (following a selection process in which each of the 17 regional parliaments formally nominate two candidates). Additionally, two members are directly appointed by the government, and two by the General Council of the Judiciary (Consejo General del Poder Judicial, CGPJ). All 12 TC members have a tenure period of nine years, with one-third of the court membership renewed every three years. Selecting and appointing a successor to a justice who had died in April 2015 proved impossible during the review period as a result of the politicized nature of the appointment process and the presence of a caretaker government. Appointments to the Supreme Court – the highest court in Spain for all legal issues except for constitutional matters – can also lead to political maneuvering. The Supreme Court consists of five different specialized chambers, and all its members (around 90 in total) are appointed by the CGPJ, requiring a majority of three-fifths. The 20 members of this body (judges, lawyers and other experienced jurists), which is the governing authority of the judiciary, are themselves appointed to five-year terms by the Congress of Deputies and the Senate, and also require a three-fifths supermajority vote to be seated. Under current regulations, appointments to both the TC and the CGPJ formally require special majorities. However, the fact that the various three-fifths majorities needed can be reached only through extra-parliamentary agreements between the major parties has not led to cooperative negotiations to identify the best candidates regarding judicial talent. During the period under review, a “progressive” judicial association criticized the political bias of some Supreme Court appointments promoted by the conservative-leaning president of the CGPJ.

Citation:

Noviembre 2016, Jueces para la Democracia: “Comunicado en relación con nombramientos para órganos técnicos del CGPJ”

<http://juecesparalademocracia.blogspot.be/2016/11/comunicado-en-relacion-con.html>

Corruption
Prevention
Score: 6

Corruption levels have plausibly declined in Spain since the real-estate bubble burst in the wake of the 2008 crisis. Massive spending cuts since that time have also arguably helped bring down corruption levels. Nonetheless, perceived corruption levels and Spain's position in international indices such as Transparency International's CPI have worsened since the early 2000s. Spain was ranked at 20th place worldwide at the beginning of last decade, but has fallen to 41st place in 2016. This can be attributed to the fact that cases currently moving through the legal system are based on past events and activities that are now receiving considerable media attention. Spaniards are also showing a decreased tolerance for the abuse of public office.

The corruption cases now being investigated typically involve illegal donations by private companies to specific parties in exchange for favors from the administration, or simply personal enrichment on the part of officeholders. There have also been several cases of fraudulent subsidies received by individuals close to the governing political parties, and some “revolving door” conflict-of-interest cases involving politicians and industries affected by regulation.

Nevertheless, new legislation intended to dissuade such behavior has been introduced recently. This legislation involves a change made to party-funding regulations, a new transparency law, and reforms of the criminal code and the public-procurement law. In addition, systematic audits of public accounts are mandatory, and officeholders must make an asset declaration. Moreover, very few corruption cases have involved career civil servants, and everyday interactions between citizens and the administration are typically characterized by a high level of integrity.

Citation:

November 2016, Global Corruption Barometer
<https://www.transparency.org/whatwedo/publication/7493>

Corruption Perceptions Index

<https://www.transparency.org/country/ESP>

October 2016, Group of States against Corruption, Council of Europe

[http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/RC4/GrecoRC4\(2016\)1_Spain_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/RC4/GrecoRC4(2016)1_Spain_EN.pdf)

Governance

I. Executive Capacity

Strategic Capacity

Strategic Planning
Score: 7

The idea of reinforcing long-term thinking and smarter policymaking has drawn increasing political attention in Spain during the crisis. Several key areas that had not been subject to multiyear plans before the 2000s, including economic policy (structural reforms), security, and external action, are now addressed through strategic documents that receive annual evaluations. Sectoral strategies have been published or announced in the areas of pensions system, human rights and international development cooperation. The government's central strategic-planning units have been strengthened accordingly. The Prime Minister's Economic Office – which, among other functions, has been responsible for the National Reform Program under the Europe 2020 Strategy – has clearly become more powerful. In recent years, a new Department of National Security has also been created within the Prime Minister's Office (PMO), and is tasked with developing the country's National Security Strategy. Although the momentum behind long-term reforms flagged somewhat during the period under consideration, as a consequence of the fact that an interim government has served since the inconclusive 2015 elections, the renewed attention paid to structural reforms and security policy in previous years could lead in 2017 to lasting improvements in the Spanish government's strategic-planning capacities, and potentially a long-term strengthening of coordinating bodies linked to the strategic-planning units close to the prime minister. In addition to the central policy-planning units, strategic advisers exist in some sectoral ministries (Economy, Defense, Foreign Affairs), but this activity is normally understaffed, and advisers' access to political decision-makers is limited.

Citation:

National Reform Programme – European Commission: http://ec.europa.eu/europe2020/europe-2020-in-your-country/espana/national-reform-programme/index_en.htm

Scholarly Advice
Score: 6

Spanish policymaking is not strongly characterized by the involvement of independent researchers either in the executive branch or in the legislature (see “Summoning Experts”). There is no formalized and systematic connection between the government and external thinking. Policymakers do not rely on specialists for advice on matters of political strategy, although university scholars, think-tank analysts and practitioners are often consulted by ministries on legal, economic, welfare and international issues – particularly at the beginning of any legislative process to prepare the draft bill and to assess its impact. The deep political and economic crisis may also have facilitated the Spanish government’s willingness to ask for external advice when engaged in institutional redesign (for example, two panels of experts were created in recent years to advise the Popular Party government in its pension- and university-system reforms). Some recent trends, such as the emergence of several think tanks, may strengthen the influence of external experts over time.

Interministerial Coordination

GO Expertise
Score: 8

Spain’s Government Office (Ministry of the Presidency, Ministerio de la Presidencia) and Prime Minister’s Office (PMO) (both the Private Office and the Economic Office) are tasked with evaluating line-ministry proposals from the political and technical points of view. From a functional and even physical point of view, these bodies are nearly one, and form the very powerful political core of the executive. In general, these different units have ample staff with specific policy expertise, whose task is to substantively assess draft bills and other important sectoral initiatives to ensure they are compatible with the government’s strategic and budgetary priorities. The internal structures of the prime minister’s Private Office and Economic Office vaguely reflect the various ministerial portfolios, although without achieving a comprehensive policy expertise that enables perfect oversight throughout the executive. Moreover, evaluations made by the advisers working there are not truly independent, since most staffers are insiders bureaucratically connected to their ministries of origin. For its part, the Government Office, which is also responsible for organizing the Council of Ministers’ cycle of sessions, and whose head is the powerful deputy prime minister, has no sectoral-policy expertise, but also evaluates the substantive content of draft bills to some extent. Nevertheless, despite the extensive constitutional and political strength of the Spanish premiership, these units enjoy only limited administrative resources. Their relatively small size is perhaps explained by the hierarchical, single-party nature of the Spanish government, in which it is not particularly necessary to monitor sectoral ministers from the center.

GO Gatekeeping
Score: 9

Materials earmarked for cabinet meetings (usually draft bills or appointments of top officials) are not frequently returned, but the Government Office (Ministerio de la Presidencia, GO) can do so, citing either formal or substantive

considerations. The Prime Minister's Office (PMO) does not have the official mandate to return items on policy grounds but, given its political weight within the core executive, does so nonetheless.

The head of the GO (who is also the deputy prime minister) has since 2011 been Soraya Sáenz de Santamaría, a state attorney and powerful member of the Popular Party (Partido Popular, PP) who can reject initiatives either in her political or legal position as chair of the committee that prepares Council of Ministers meetings (the Comisión General de Subsecretarios y Secretarios de Estado). The powerful directors of the prime minister's Private Office, Jorge Moragas, and the prime minister's Economic Office, Eva Valle, can de facto return items but only by taking advantage of their proximity to the prime minister.

Nonetheless, the prime minister's Economic Office has also been, since 2012, officially responsible for coordinating economic matters. It does so through a specialized ministerial committee on economic affairs. This constellation grants the Economic Office some legal capacity to accept or return on economic policy or budgetary grounds items that have been submitted by a ministry.

A legal reform of the new general administrative procedure passed in October 2015 introduced the so-called Annual Normative Plan, along with the idea of "better regulation" as a guiding principle for Spanish lawmaking. This will probably reinforce the GO's role as a central gatekeeper able to monitor whether sectoral ministries sending legal proposals to the cabinet meeting have respected formal and policy considerations, and that new proposals are compatible with previous plans.

Line Ministries
Score: 7

Both the Government Office (Ministerio de la Presidencia, GO) and the Prime Minister's Office (PMO) are regularly briefed on new developments affecting the preparation of policy proposals by line ministries. Although these offices are formally autonomous, the legal and political hierarchy within the Spanish government facilitates and even encourages this pattern of consultation with the prime minister's entourage. Consultation with the GO tends to focus on drafting or technical issues, while the PMO is more interested in political and strategic considerations.

The process is firmly institutionalized and takes place weekly, since representatives of all ministries gather at the cabinet meeting preparatory committee (Comisión General de Subsecretarios y Secretarios de Estado), which is held every Wednesday and chaired by the GO head and the deputy prime minister. Advisers from the PMO also participate in this committee and in the important specialized ministerial committee on economic affairs (see "Cabinet Committees") that also assists the Council of Ministers. However, even if the

primary joint role of the GO and the PMO is horizontal coordination, their administrative resources are limited, and the deputy prime minister and prime minister's advisers cannot be briefed on the whole range of government activity. Therefore, they normally focus on each ministerial department's most important sectoral developments, as well as the prime minister's particular interests.

A legal reform of the new general administrative procedure passed in October 2015 may help reinforce coordination between the GO and line ministries (see "GO Gatekeeping"). Under the terms of a new provision, all policy proposals implying legal changes would be communicated in advance by the line ministries to the GO, which would produce a centralized Annual Normative Plan.

Citation:

Ley 39/2015, del Procedimiento Administrativo Común de las Administraciones Públicas
www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10565

Cabinet
 Committees
 Score: 9

Two powerful ministerial committees effectively prepare cabinet meetings in Spain: the Committee for Economic Affairs, and the Committee of Undersecretaries and Secretaries of State. The Committee for Economic Affairs normally meets on Thursdays (a day before the Council of Ministers meetings) to review and schedule economic or budgetary interministerial coordination. Since 2011, this committee has been chaired by the prime minister himself, with the help of the director of his Economic Office, and is also made up of ministers and secretaries of state with economic responsibilities.

For its part, the Committee of Undersecretaries and Secretaries of State effectively filters out and settles issues prior to cabinet meetings. This committee of top officials meets every Wednesday to prepare the Council of Ministers' weekly sessions, which are held every Friday (see "Ministerial Bureaucracy" for further details). No cabinet member participates apart from the deputy prime minister, who serves as its chairperson. Spain's only Council of Ministers committee composed exclusively of cabinet members is the Foreign Policy Council (Consejo de Política Exterior), which meets only about once a year, despite plans to revitalize it under a new law on external action and the foreign service passed in 2014. Other ministerial committees (composed of several ministers and individual non-cabinet members such as secretaries of state) are regulated by Royal Decree 1886/2011 (as modified by RD 385/2013).

Ministerial
 Bureaucracy
 Score: 7

The two most important senior bureaucratic positions in the 13 ministries are the secretaries of state, who play a role much like that of junior ministers in other European countries, but do not belong to the government in Spain; and the undersecretaries, who are career civil servants that typically act as department administrators. These figures meet every Wednesday in the so-called General Committee of Undersecretaries and Secretaries of State (Comisión General de

Subsecretarios y Secretarios de Estado). This committee effectively prepares the Council of Ministers weekly sessions, which are held two days later, on Fridays. The Government Office (Ministerio de la Presidencia, GO), directed by a minister who is also the deputy prime minister, chairs the meetings of this preparatory committee in which all draft bills, all appointments and any other ministerial proposals are discussed and scheduled as a part of the Council of Ministers' agenda. A provisional agenda (known as the "black index") is published by the GO a week before the cabinet meeting. The GO also collects and circulates all relevant documents for discussion by the line ministers. On Tuesday mornings, senior Prime Minister's Office (PMO) officials assess the relative importance of agenda items on the black index and identify where there are likely to be divergent positions. Thus, the Wednesday meetings of the preparatory committee perform an important gatekeeping function in returning problematic proposals to the appropriate line ministry and forwarding the remaining proposals to the Council of Ministers (now classified into two indexes: the green index, which covers ongoing administrative matters, and the red index, for issues which are more controversial either by nature or because a lack of ministerial consensus).

While policy proposals are efficiently coordinated at the highest level of the bureaucratic hierarchy, the tradition of interministerial coordination at mid-level administrative bureaucracy means efficiency is weaker here. To be sure, the role of high-ranking civil servants (normally the subdirectores generales) is crucial in the preparation of policy proposals within every line ministry, but their subsequent involvement in horizontal coordination with other ministries is very limited. In fact, and as a consequence of the strong departmentalization, every ministry tends to act within its area of competence or jurisdiction, avoiding proposals which may involve other ministries. Although many administrative interministerial committees formally exist, in practice these committees do not coordinate the drafting of policy proposals or decision-making between different ministries. As administrative committees do not tend to work efficiently, they have fallen by the wayside and now usually simply facilitate the exchange of information or try to settle jurisdictional conflicts.

Informal
Coordination
Score: 7

The relative weakness of formal coordination among ministry civil servants in Spain (see "Ministerial Bureaucracy") is to some extent compensated for by helpful informal procedures. When administrative coordination is needed because interministerial problems are real and cannot be solved by the non-effective existing committees or by invoking vertical hierarchy, informal contacts or meetings between officials of the various ministries involved are organized. Many policy proposals can in fact be coordinated in this fashion (ad hoc working groups are rare but may also be created). As Spanish senior civil servants are clustered into different specialized bureaucratic corps, informal mechanisms rely often on the fact that officials involved in the coordination may

belong to the same corps or share a network of old colleagues. Nevertheless, the existence of specialized corps tends to aggravate Spanish administrative fragmentation, since every corps tends to control a department according to its specialization. Within the cabinet, these informal mechanisms are less necessary, since the stable Spanish experience of single-party governments with strong prime ministers has up to this point required less coordination than would coalition cabinets. However, informal coordination procedures do exist, with exchanges of views and occasional or urgent meetings of an inner core of ministers politically close to Prime Minister Mariano Rajoy.

Evidence-based Instruments

RIA Application
Score: 5

A new law on the common administrative procedure, passed in October 2015, includes a promising provision (indeed, an entire chapter) devoted to ensuring that lawmaking in the future will take place in accordance with the principles of “smart regulation” and “better regulation.” This development, which is based on OECD recommendations, seeks to guarantee that the administration engages in systematic planning before laws are drafted, while creating a more sophisticated RIA process and producing regulations that are proportional to the political goal and more congruent with other laws. However, though the chances of applying RIAs may be improving in Spain, to date there has been little concern for the quality of legislation (apart from purely formal legalistic issues that are monitored by the Council of State). The financial costs of passing and implementing any new law have been systematically monitored since the 1990s, but a broader concern with the substantive quality and efficiency of legal rules (the effectiveness of regulatory impact on their target reality) was only timidly established in 2009.

Citation:

Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas.
www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10565

Quality of RIA
Process
Score: 3

RIA analyses in Spain are quite new (see “RIA Application”), and their use to date has largely been focused on administrative simplification and better-regulation programs. The gradual introduction of RIAs since 2009 has resulted in a general template (reinforced by the new law on the common administrative procedure passed in October 2015), which is to be applied across content areas. This emphasizes that draft legislation must address economic and budgetary considerations as well as any other relevant aspects of impact (such as environmental impact, gender-equality concerns, and any possible effects on disabled people).

This process has not been very successful in eliciting participation by stakeholders (through consultation or collaboration, transparent communication

Sustainability
Check
Score: 3

of results to the public, or the effective and regular evaluation of assessments by an independent body). In some instances, RIA procedures have been efficiently used; in others, it seems to have been merely a formal requirement fulfilled by the department preparing the bill. As 2016 was a year without legislative activity, it is difficult to determine how effectively impact assessments will be performed in the future.

RIA analyses were only timidly introduced in Spain in 2009, and the process as implemented up to this point has not included systematic sustainability checks using an exhaustive set of indicators considering the short- to long-term effects of regulatory change. However, a piece of new legislation on the reform of the Spanish general administrative procedure (passed in October 2015) included new sustainability-related improvements that have not been yet developed. Under the terms of this new law (Law 39/2015), the executive – in principle through the Government Office (Ministerio de la Presidencia) – will centralize the task of checking whether new bills prepared by the rest of ministries and agencies fulfilled various criteria from a procedural point of view (quality of the proposed regulation, congruence with other laws, participation of stakeholders, compliance with EU law). Articles 129 and 130 of the new law mandate a systematic process ensuring the substantive congruence of all policy proposals being prepared. This would basically ensure that sufficient planning and effective RIA had been carried out by the sectoral ministry proposing the new legislation, and that an evaluation procedure was included. Despite this recently introduced improvement, Spain lacks a formal sustainability strategy other than the National Reform Plan and the Stability Program associated with European economic-governance obligations.

Societal Consultation

Negotiating Public
Support
Score: 5

The conservative Popular Party (Partido Popular, PP) government, which held power throughout the review period, engaged in little consultation with societal actors after it took office in late 2011. However, coinciding with the economic recovery, the government has improved communication with the two big trade unions (UGT and CCOO) and the main employers' association (CEOE) to introduce reforms, for example, on wages.

Beyond this, line ministries still tend to consult with the economic and social actors important in their various policy areas, both private (especially businesses associations and the Catholic Church) and public (other ministries, autonomous regions, parties), in the course of making decisions. The extent and success of this consultation in preparing policy initiatives depends on the particular sector and the personality of the minister. In some cases, consultation and exchange of views is institutionalized through advisory bodies, although there are policy areas in which the traditionally good relations with societal actors have today

been badly damaged (for example, with NGOs involved in international development assistance, as a result of massive foreign-aid budget cuts).

Policy Communication

Coherent
Communication
Score: 7

Since his government took office in late 2011, Prime Minister Mariano Rajoy has received considerable criticism for not taking questions and for regularly appearing at press conferences via a TV feed. The government's sparse communications have led to a phenomenon in which many PP supporters had little understanding of many of the measures undertaken by the government they voted into power (particularly with regard to austerity measures and tax increases). However, during the review period and coinciding with the elections, the government party announced a new approach in which it would "be closer and communicate more with Spaniards." Rajoy himself and the director of his Private Office, Jorge Moragas, were in charge of this communication strategy. At the administrative level, in 2016 the role of coordinating ministries' messages was given from to Deputy Prime Minister Soraya Sáenz de Santamaría to the new spokesperson, Íñigo Méndez de Vigo, who is minister of Education and Culture as well. A communication office (Secretaría de Estado de Comunicación) exists within the GO, and is responsible for the government's information policy both internally (through a consultation procedure with the ministries, and by providing a press service for the entire public administration) and externally (by informing the mass media of the government's activities, planning the political messages sent to the public and controlling institutional communication campaigns). The communication office and the spokesperson try to conduct coherent communication planning and ministries tend to align their statements and press releases with government strategy. Though they do issue contradictory statements from time to time, most messages are factually coherent with the government's plans.

Citation:

In rare press conference, Rajoy blames poor election showing on failure to communicate (El País)
http://elpais.com/elpais/2015/05/26/inenglish/1432626773_688913.html
Noviembre 2016, El País: "Spain's new Cabinet suggests few changes to major policies"
http://elpais.com/elpais/2016/11/04/inenglish/1478246610_894323.html

Implementation

Government
Efficiency
Score: 7

The Spanish government has not set a system of benchmarks to evaluate its own performance but has been relatively successful in the implementation of major policy objectives. Two main obstacles stand in the way of the government realizing its declared objectives more easily: First, the weak mechanisms of coordination with the 17 autonomous regions (which are responsible for

implementation in many policy areas), and second, the ministerial fragmentation that sees line ministries often more oriented toward their individual departmental or bureaucratic interests than toward the government's strategic objectives.

However, thanks to the significant constitutional and political resources at their disposal, the prime minister and core executive gradually built their internal executive power between 1982 and 2015, ultimately creating conditions under which a coherent set of major objectives can be developed and policy priorities successfully achieved at the national level. The government has also gained power and autonomy as a result of the country's EU membership. The loss of absolute parliamentary majority in 2016 may weaken centralized control and render the implementation of government priorities less effective.

Ministerial
Compliance
Score: 9

All prime ministers since the restoration of democracy have presided over single-party governments – Spain being the only EU country aside from Malta in which there has not been any experience with coalitions at the central-government level. Thus, Mariano Rajoy has the capacity to impose his views on the Council of Ministers and the party meetings that he also chaired. He is free to reorganize government structures and to dismiss ministers he does not consider able or willing to implement the government's program. He did so during the period under review, reorganizing the government and ministers after the 2016 elections

The constitution (which stipulates that parliamentary confidence rests personally with the prime minister and his comprehensive government program), the Spanish party system (featuring prime ministers that have up to this point also been the strong leaders of very disciplined parties), and the organization of the executive thus provide strong incentives for all ministers to implement the overall government program rather than seeking the sectoral interests of their individual departments. However, the fact that the government's hierarchical organizational devices provide these potentially strong incentives does not necessarily ensure that ministers always subordinate their sectoral self-interest to the general interests of the government. They actually enjoy some degree of political autonomy, in some cases as important mid-level or regional leaders of the governing party.

Citation:

Noviembre 2016, Yahoo: "Spain's Rajoy forms new EU-looking government"

<https://www.yahoo.com/news/spains-rajoy-forms-eu-looking-government-200019561.html>

Monitoring
Ministries
Score: 7

The activities of all line ministries are monitored by the Spanish Prime Minister's Office (PMO), the Government Office (GO, Ministerio de la Presidencia), and ultimately the Council of Ministers. The PMO oversees the flow of political and sectoral information, and keeps the prime minister abreast

of the activities of all line ministries. The head of the Prime Minister's Economic Office has also coordinated the important weekly meeting of the government's Delegate Committee for Economic Affairs since 2012.

The GO, headed by the powerful deputy prime minister, monitors the activities of line ministries through the weekly meetings which prepare the way for Council of Ministers meetings. The capacity of the GO to monitor ministers will likely improve once the new law on general administrative procedure (passed in October 2015) has fully taken effect, as it introduces a new system for systematically assessing policy implementation in the form of a periodic evaluation report that would be prepared in close consultation with line ministries. Nevertheless, this monitoring cannot guarantee that no sectoral ministry will ever prioritize vertical over horizontal interests. The organizational resources of the prime minister's direct entourage and the GO as a department are limited, and these bodies rarely engage in direct coordination of ministerial departments. Only the prime minister or the deputy prime minister are entitled to play this role.

Monitoring
Agencies,
Bureaucracies
Score: 8

Spain's ministries have the capacity to monitor the activities of the administrative bureaucracy and executive agencies with regard to implementation. One of the main ingredients of the administrative-reform process launched in 2012 (coordinated from the Government Office through the Commission for the Reform of the Public Administrations (CORA)) consisted of reinforcing central control over these public bodies, and in some cases entailed the absorption of the smallest agencies by the ministry in charge of their task area.

This reorganization included the first comprehensive register of all existing agencies or any other semi-autonomous bureaucracy in Spain (Inventario de Entes del Sector Público Estatal, Autonómico y Local), and resulted in several mergers and the liquidation of many public companies. In 2014, the Council of Ministers unified internal monitoring of all public entities, giving this responsibility to the Auditor General's office.

In addition, the recently passed Law 40/2015 promotes the introduction of mechanisms to prevent the "unnecessary creation of future entities and the continuous review of the functions, goals and structures of existing bodies, in order to facilitate their subsequent restructuring if decided." An integrated framework of evaluation, monitoring and independent audit of all agencies will be also be introduced as a result of this recent legislation. Thus, the ministries can now monitor the activities of all executive agencies and force them if necessary to act in accordance with the government's program. However, it is also true that thanks to bureaucratic drift and/or flexibility in their functioning, some of these semi-autonomous public bodies have been able to elude this

control. Ministers have particular difficulties in effectively monitoring the largest ones.

Citation:

Latest quarterly report on the follow-up of CORA Public Administration Reform, May 2016.

<http://transparencia.gob.es/transparencia/dam/jcr:138fc852-f699-4bf8-9fbd-db41596310b6/CORA-Informe-trimestral-de-seguimiento-Mayo-2016.pdf>

Task Funding
Score: 5

Spain has a very decentralized political and administrative structure, with 17 autonomous regions (“Comunidades Autónomas”) controlling over a third of public spending, including services such as health care and education. The system has also been occasionally associated with deficiencies in the process by which tasks are delegated to regions without adequate funding sources. It is also true that regions enjoy some power to raise revenue in order to counterbalance this insufficiency of funding, but they have tended not to use this power for fear of political backlash. In the context of the deep economic crisis and austerity that have characterized Spain in recent years, public-spending cuts and reinforced central control of the regional accounts have led to criticism of the central government for deliberately shifting unfunded mandates to the regions. As a result, some regions have been incapable of adequately fulfilling their delegated tasks without help. In 2016, the central government reiterated tough budget-deficit targets for the regions, even though the EU had decided to loosen fiscal targets for the country as a whole. In addition, the period under review was deeply affected by the earlier enactment of Organic Law 2/2012 on Budgetary Stability and Financial Sustainability of Public Administrations. Under this legislation, regional governments must now approve an expenditure ceiling in keeping with a stability target and expenditure rule. The debate over the criteria through which solidarity funding for regions and territories is allocated continues to be intense, with richer regions seeking a profound revision of the general funding system. Catalonia’s bid for independence has been fueled by widespread social unrest related to the region’s limited fiscal capacity to support the taxes collected there. At the same time, in 2012, the central government introduced a program providing inexpensive liquidity to the regions. This remained in force in 2016. The program includes the general Regional Liquidity Fund (FLA) and the so-called Supplier Fund (FFPP), which addresses funds owed by subnational administrations to public-procurement suppliers (usually small and medium-sized companies). Most regions depend on these funds in order to service their debt without paying exorbitant interest rates, since rating agencies have downgraded their credit ratings to so-called junk status, making it very difficult to obtain alternative funding.

Constitutional
Discretion
Score: 5

As discussed under “Sustainable Budgets” and “Task Funding,” Organic Law 2/2012 on Budgetary Stability and Financial Sustainability of Public Administrations imposes drastic austerity conditions and debt targets on all public administrative bodies. With this legislation, the central government is –

despite formally respecting autonomous regions' constitutional autonomy – de facto narrowing their scope of discretion with regard to implementation. The fiscal regulation is even tougher in its treatment of local governments (which bear responsibility for roughly 15% of total public spending in Spain) and the central government has forbidden them from carrying out any tasks on policies for which the legal competence is not explicitly local. The Ministry of Finance's attempt to impose stronger expenditure rules at the regional level may have primarily been intended to appease potential bond buyers, but the central government may also have taken advantage of this situation to seek to weaken the regions politically. Some regions (particularly those like Catalonia and the Basque Country, which are governed by peripheral nationalist parties) have tried to protect themselves from what they deem excessive central control. Since 2012, Catalonia has even threatened secession as a consequence of several central initiatives that the regional government alleges have severely reduced its economic capacity and political autonomy.

National Standards
Score: 5

The central government has in principle always been committed to ensuring uniform national standards for public services, but this has never been completely effective. In some cases, regional governments design and implement their own public policies without following clearly defined national standards. As a result, there may be some variation in the quality of public services offered by Spain's regions. In general, minimum standards are set by basic national legislation, but are not subsequently enforced. In fact, instruments of enforcement vary greatly according to policy field, with education and the pension system perhaps the best-defined areas, while housing, family policy and social care are among the most heterogeneous. The formal administrative method for monitoring the provision of services by the autonomous regions through supervision (the Alta Inspección) has not been particularly effective. Since 2012, new regulations on financial sustainability within public administrations and local governments have strengthened the tools through which the central government can ensure that regional and local governments realize national minimum standards. The health care reform, with its emphasis on the so-called Common Services Portfolio of the National Health System, is a very good example of a recent development through which central government has sought to ensure that the decentralized provision of a public service is universal, free and complies with standards set on the national level, but also cedes some control to the regions.

Adaptability

Domestic
Adaptability
Score: 7

The Spanish government has largely adapted its domestic structures to agreements made at international and supranational level, although this adaptation has not always been implemented effectively. The most important impact has been produced by EU membership. The Spanish government's

coordination with and adaptation to the European Union is mainly the task of the Secretariat of State for the European Union (within the Foreign Ministry). For obvious reasons, considering the economic significance of the EU agenda, the Prime Minister's Economic Office (dealing with the structural reforms), the Ministry for Economy, and the Ministry for Finance also have important responsibilities in terms of coordinating cooperation between ministries on EU matters. More generally, all line ministries have to some extent Europeanized their organizations, although most ministries lack units dealing specifically with the European Union, and interministerial coordination is weak. Links with subnational levels of government (since the EU has a strong impact in many policy areas handled by the autonomous regions) are made through the network of intergovernmental councils or conferences (*conferencias sectoriales*), but this system has considerable room for improvement. The government has also responded to other international developments (such as NATO membership and the post-Kyoto climate-change regimes).

International
Coordination
Score: 7

In 2016, Spain completed its second year as a non-permanent member of the United Nations Security Council (UNSC). In addition to a general UNSC role, Spain chaired the Iran and North Korea sanctions committees, as well as the Committee on the Non-proliferation of Weapons of Mass Destruction. Spain has manifested a clear commitment to promoting human rights, respect for international law, a proactive agenda on terrorism and greater attention to gender issues (this latter issue expressed in particular through Resolution 2242 on Women and Peace, adopted in October 2015). Apart from its UNSC membership, Spain continues to participate in other international efforts to provide global public goods (financial stability, economic development, security, environment, education, governance, etc.) as one of the leading EU member states, and as a permanent guest at the G-20 summits. It has also contributed to international forums and actions responding to challenges such as climate change (Paris summit), energy supply, illegal migration (in part through bilateral agreements in Northern Africa), global terrorism, and peacekeeping (with Spanish troops deployed as a part of U.N., NATO and EU missions in Lebanon, Sahel, the Horn of Africa waters and the Baltic region). However, Prime Minister Rajoy and other government leaders have done little to ensure that the impact of national policies on these global issues has been systematically assessed and incorporated into the formulation, coordination and monitoring of internal policies across governments. Spain's government has also played only a small role in addressing the refugee crisis, despite parliamentary and civil-society criticism.

Citation:

Jessica Almqvist. 2015. Spain and the U.N. Security Council: global governance, human rights and democratic values, Elcano Expert Comment 29/2015 - www.realinstitutoelcano.org/wps/portal/web/rielcano_en/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_in/zonas_in/spanishforeignpolicy/commentary-almqvist-spain-and-the-un-security-council-global-governance-human-rights-and-democratic-values

Organizational Reform

Self-monitoring
Score: 5

The Spanish prime minister has the power (both constitutionally and politically) to reformulate the institutional organization of the government. Without any legal constraint, he personally decides on the structure of portfolios and other governing arrangements every time he appoints new ministers. Although Prime Minister Rajoy introduced alterations in ministries' names and jurisdictions after taking office in 2011, he did so without a prior impact assessment. The division of the previously unified departments of Economy and Finance (whose minister traditionally enjoyed the status of deputy prime minister) into two different and less powerful ministries has been criticized since 2012, but Rajoy did not reverse this decision. Likewise, following 2015 and 2016 elections, no serious consideration was made of organizational reform to improve governing arrangements.

No central actor performs this self-monitoring function. However, the laws 19/2013 on transparency, access to public information and good governance, and 39/2015 on general administrative procedure state that the Government Office (GO) has to engage in planning, evaluation and comprehensive monitoring of general legislation, and where appropriate must promote revision and simplification. During the period under review, the government's internal structure and the procedures of governing were not subject to oversight.

Institutional
Reform
Score: 7

During the period under review, which coincided with the new government appointed after the 2016 elections and the beginning of a new legislative term, some minor changes were made to the names and responsibilities of some departments. This includes, for example, industry policy being added to the what is now titled the Ministry of Economy, Industry and Competitiveness and a department for energy and digital agenda issues was created. However, the internal central-government structure and the procedures of governing have remained almost unchanged.

A more substantial and comprehensive improvement could have been achieved through an interministerial administrative-reform process (CORA), but the scope of this process been somewhat limited despite being praised by the OECD. The CORA reform has mainly consisted of a reduction in the number of extant units due to strict budgetary considerations, without paying attention to the government's strategic capacity to make and implement political decisions.

Citation:

Rajoy's new Cabinet (2016):

<http://www.lamoncloa.gob.es/lang/en/gobierno/gabinete/Paginas/index.aspx>

II. Executive Accountability

Citizens' Participatory Competence

Policy Knowledge
Score: 6

Although levels of interest in politics have traditionally been low in Spain as compared with other Western European countries, the crisis and the deep changes in the political landscape (with the emergence of Podemos and Ciudadanos) have somewhat changed Spaniards' attitudes toward the policy process. The public now demands more information, and the motives behind and implications of government policy decisions are now better explained in the media than was the case in the old two-party system. Research conducted by the official sociological institute CIS demonstrates that attentiveness to political information within Spain has improved. For example, the CIS Barometer 3114, published in October 2015, reports that 22.5% of Spaniards talk about politics very often when meeting with friends (up from only 14% in January 2008). With regard to specific public services and policies, the empirical evidence also shows a recent increase in participation and thus knowledge. For example, a survey on public opinion and fiscal policy published by the CIS in 2016 indicated that 51.2% of Spaniards talk about public services very often or often (as compared to 44.2% in 2008).

Citation:

CIS Survey 3146 (Barometer) July 2016

http://www.cis.es/cis/export/sites/default/-Archivos/Marginales/3140_3159/3146/Es3146mar.pdf

Legislative Actors' Resources

Parliamentary
Resources
Score: 6

Every parliamentary group is assigned funds to hire personnel, with the size of budgets dependent on the party's electoral results. However, the parties often save a portion of this money, using it for other purposes while hiring unexperienced staffers with low salaries. Individual legislators lack even a single exclusive assistant, as the small number of staff members is shared across the parliamentary group (typically with an assistant for every two deputies or senators). Economic resources for the commission of policy research, whether performed internally or externally, are also very scarce. There are no real parliamentary research units or think tanks. The emergence of Podemos and Ciudadanos has livened up things somewhat, but has not introduced real changes.

The scrutiny of European policymaking (an area that can be easily compared to other EU member states' national parliaments) well illustrates the lack of resources: the Spanish Joint Committee of the Congress and the Senate for European Affairs has at its disposal only two legal clerks, a librarian and three administrative personnel. And despite growing demands for greater parliamentary involvement in EU affairs since the entry into force of the Lisbon Treaty (with the introduction of an "early warning system" to control the proportionality of new European legislation), budgetary restrictions have prevented any change with regard to human and financial resources. In short, Spanish deputies and senators can draw on a set of resources suited for selectively monitoring some government activities, but cannot effectively oversee all dimensions of public policy.

Citation:

Kölling, M. and I. Molina. 2015. "The Spanish National Parliament and the European Union: Slow Adaptation to New Responsibilities in Times of Crisis". In *The Palgrave Handbook of National Parliaments and the European Union*, eds. C. Hefffler et al. London: Palgrave Macmillan.

Obtaining
Documents
Score: 8

The information and documentation requested from the government must be made available within a period not exceeding 30 days and in the manner most suitable to the applicant. If this is not done, "the legally justified reasons preventing the supply of such information" must be provided. This legal margin allows the government to avoid delivering some important documents (for example, on the grounds of secrecy), or enables it to deliver the documents incompletely or late. Furthermore, although every member of a committee is in principle entitled to request any information or document, they can only do it "with the prior knowledge of their respective parliamentary group." Access to documents may also vary depending on the ministry. Documents generally arrive on time and in full, but obstacles are occasionally erected.

Summoning
Ministers
Score: 7

In 2016, members of the government ignored for the first time in contemporary Spanish history a parliamentary request to offer public explanations about their work. According to Article 110 of the Spanish Constitution, the committees of both the Congress of Deputies and the Senate "may summon members of the government" to ask them questions. However, in the period January-October 2016, the ministers refused to be summoned by the parliament, stating that they are not accountable as members of a caretaker government.

Nevertheless, under normal circumstances, the mechanism of summoning ministers is frequently exercised. Two important limitations to this oversight mechanism exist. First, at least 70 deputies or one-fifth of the members of a committee need to make the request. The second limitation is that these initiatives are subject to a vote in the Bureau of Congress and the Board of Spokesmen, and the party supporting the government, which is always

disciplined and easily able to obtain a majority of votes, may reject some of the requirements made by the opposition.

If the initiatives are approved, ministers are obliged to answer questions raised in these sessions. Ministers are regularly summoned by the committees overseeing their policy areas (see “Task Area Congruence”), and it is quite common for ministers themselves to request to be allowed to report on matters relating to their respective departments.

Summoning
Experts
Score: 8

The standing orders of the Congress of Deputies and the Senate state that parliamentary committees may request, through their respective speakers, “the attendance of persons competent in the subject-matter for the purposes of reporting to and advising the committee.” The rights of parliamentary committees to send invitations to independent experts are not limited by any legal constraint; however, such hearings have not been customary in the Spanish parliamentary tradition (and have sometimes even been criticized as lobbying practices).

Requests to summon experts have increased in number in recent years, particularly at the beginning of the legislative process or in specialized subcommittees, but this is still a rare practice. The limited nature of the Spanish parliament’s staffing and financial resources prevents systematic involvement in the lawmaking process by university scholars, think-tank analysts and other experts. According to the Congress’ website, fewer than 100 experts were summoned during 2015 by the 28 standing committees and the several subcommittees. In 2016, this figure was still lower, but in part accounted for by the presence of an interim government.

Task Area
Congruence
Score: 7

There is considerable correspondence between the number and task areas of the 13 ministries and those of the Congress of Deputies’ 19 standing legislative committees. The exceptions are the international development, culture, equality, climate change and disability committees, which do not match up with any single ministry (development policy is developed by the Foreign Ministry, culture policy by the Education Ministry, climate policy by the Agriculture and Environment Ministry, and both equality and disability policies by the Health and Social Services Ministry). In addition, the Ministry of Finance has split its task areas into budget and finance and public service. For the rest, each parliamentary committee corresponds – even in name – to a single existing ministry. The constitutional committee, aside from the other functions its name denotes, monitors the activities of the Government Office (Ministerio de la Presidencia, GO).

Citation:

Índice de Comisiones en Funcionamiento, XII Legislatura
www.congreso.es/portal/page/portal/Congreso/Congreso/Organos/Comision

Audit Office
Score: 6

The Audit Office (Tribunal de Cuentas) is accountable primarily to parliament, but is not an integral part of it. The Audit Office exercises the function of auditing the state's accounts and the financial management of the entire public sector. However, even if this organ is envisaged by the constitution as a powerful one, parliament cannot fully rely on its auditing capacities. Public accounts are submitted annually to the Audit Office, which sends an annual statement of its auditing activities to the parliament, identifying where applicable any infringements that in its opinion may have been committed, or any liabilities that may have been incurred. Most state public-sector organizations deliver their accounts to the Audit Office for inspection, although many of them do so with delays. As a consequence, the annual audit statements are also published very late. The office's members are appointed by a qualified majority agreement between the parties, and thus may not be sufficiently independent – particularly when auditing the political parties' accounts. In fact, a peer-review report prepared in 2015 by the European Court of Auditors and the Portuguese Audit Office (Tribunal de Contas) criticized their Spanish counterpart's lack of effectiveness vis-à-vis the country's political parties. The Audit Office has in the past been slow to investigate the big financial scandals engulfing the Spanish political parties (see "Party Financing"), and has faced accusations not only of inefficiency but also of nepotism when hiring its own staff.

Citation:

Report Peer Review Tribunal de Cuentas of Spain

http://www.tcu.es/export/sites/default/.content/pdf/transparencia/Report_PR_2015_06_23-fim-en.pdf

Ombuds Office
Score: 8

Article 54 of the Spanish Constitution regulates the Office of the Ombudsperson (Defensor del Pueblo) as a high commissioner's office whose holder is appointed by the legislature to respond to requests, and to protect and defend basic rights and public freedoms on behalf of all citizens. He or she is authorized to supervise the activities of the government and administration, expressly forbidding any arbitrariness. The ombudsperson is elected by both houses of parliament for a five-year period (thus avoiding coinciding with the legislative term of four years) by a qualified majority of three-fifths. The office is not subjected to any imperative mandate, does not receive instructions from any authority, and performs its functions autonomously. The officeholder is granted immunity and inviolability during his or her time in the post. During the period under review, Ombudswoman Soledad Becerril (appointed in 2012) rarely appeared in parliament, which is a consequence of the presence of the interim government.

Almost 75% of the recommendations made by Spain's Ombudsperson are accepted by the public administration. However, its advocacy role is slightly

limited by several factors: 1) a lack of resources, 2) inadequate departmental collaboration during the investigation stage or during implementation of the recommendations, and 3) some self-restraint by the current ombudswoman, who is a former member of the Popular Party.

Citation:

Informe enero-junio 2016

https://www.defensordelpueblo.es/wp-content/uploads/2016/07/Avance_informe_anual_enero_junio_2016.pdf

Media

Media Reporting
Score: 7

The main print periodicals (El País, El Mundo, ABC, La Vanguardia) provide a fairly significant amount of in-depth analyses of the Spanish policy process and sophisticated op-ed analyses of government decisions, despite their partisan preferences. The print-media readership is declining, and the impact of these publications is thus limited, but a growing number of readers have begun following online newspapers (either electronic versions of the mainstream print publications or standalone online publications such as El Confidencial or eldiario.es) and politics-themed blogs (such as Agenda Pública, Nada es gratis or Piedras de Papel).

TV is the most important source of political information for the average citizen, since almost 70% of Spaniards watch TV news every day. However, a large portion of the time devoted to political information is given over to news and talk shows. News programs, which are generally objective and balanced, are aired on a twice-daily basis (from 14:00 to 15:00 and from 20:30 to 21:30) on all major TV channels. In addition, several infotainment-style debate shows are aired during workday mornings and on some evenings (on weekends) but these are often superficial, focusing on polarized arguments with limited contextualized analysis.

A third of Spaniards also follow political news via radio stations, which devote many hours a week to political information. All main stations have early-morning and afternoon programs combining both background news and political debate, as well as a late-night news program. Privately owned radio stations are more ideologically biased than the major TV stations (with participants in the radio debates blatantly biased in favor of or against the government). There are also daily radio programs of reasonable quality focused on business, and therefore on economic policymaking.

Citation:

Noviembre 2016, Evolución de audiencia OJD de eldiario.es

<http://www.ojdinteractiva.es/medios-digitales/eldiario-evolucion-audiencia/totales/anual/3896/trafico-global/>

Intra-party
Democracy
Score: 6

Parties and Interest Associations

After the two general elections in a row held in 2015 and 2016, Spain's political landscape (a predominantly two-party system from 1982 to 2014) had expanded to include four major parties with more than 10% of the popular vote at the national level: the mainstream center-right party Partido Popular (PP), the social-democratic Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE), the new left-wing anti-establishment party Podemos (We Can) and the new center party Ciudadanos (Citizens).

The PP, in office since December 2011, is characterized by its opaque internal decision-making processes. It is a heavily centralized party, although some of its regional branches enjoy significant independence – at least regarding decisions on personnel. The PP seeks to speak with one voice (the voice of its president), a tendency illustrated through the nomination of Mariano Rajoy as the candidate for prime minister without any direct participation by party members and despite several polls showed that more than half of the PP's voters preferred a different candidate. The decisions on how to fill the rest of the electoral lists and which position will be represented by the party in most issues are restricted to a small core leadership. Actually, despite the PP announced that its next party conference (to be held in 2017) would introduce primary elections for the selection of representative candidates, it withdrew this idea later. The PSOE, which is the major opposition party, is considerably more participatory than the PP. As a less president-driven organization, internal debate on electoral programs is common and even public, frequently involving some of the regional branches (especially the powerful Andalusian and Catalan sections, the latter of which is formally an independent party). The manner in which the PSOE selects its leader and main candidates is also more open, with the participation of regional delegates or through the use of primary elections. Its leader Pedro Sánchez was endorsed as the party's candidate for prime minister in late 2015 and mid-2016 with no rival contender, and thus no need to organize primaries. However, following its poor 2016 election results, the party was embroiled in internal battles to force his resignation as secretary-general.

Finally, both Podemos and Ciudadanos present themselves as more internally democratic than the PP and the PSOE, insofar as they formally allow all party members and supporters to participate in personnel and program decisions. However, despite the rhetoric in these two new parties, closed party leaderships were able to fully control the most important decisions in 2016, including the appointment of their charismatic leaders (Pablo Iglesias and Albert Rivera, respectively) to serve as prime-ministerial candidates while excluding internal rivals.

Citation:

Rodon T. and M.J. Hierro. 2016. "Podemos and Ciudadanos Shake up the Spanish Party System", South European Society and Politics.

Noviembre 2016, La Razón: "El PP no aprobará «primarias» en su Congreso

<http://www.larazon.es/espana/el-pp-no-aprobara-primarias-en-su-congreso-AJ13928967>

Association
Competence
(Business)
Score: 8

During the period under examination, the main trade unions in Spain (UGT and CCOO) have strongly supported the reversion of austerity measures and other adjustment reforms implemented by the Popular Party (Partido Popular, PP) government during the worst years of the crisis. However, this does not mean that Spanish trade unions are radicalized or incapable of formulating viable policies within the euro zone context. UGT is associated with the Fundación Francisco Largo Caballero, and CCOO with Fundación 1 de Mayo. The largest business association (CEOE) has the Círculo de Empresarios think tank, as well as the training centers linked to the CEOE and the Chambers of Commerce. Other private economic groups include the Círculo de Economía, farmer's associations (such as COAG and ASAJA), the National Federation of Fishermen's Associations, some consumer associations (CEACCU and UCE), the Spanish Confederation of Cooperative Business, and diverse sectoral-lobbying actors (for example, Foro Nuclear on the issue of nuclear energy). Big Spanish companies also fund liberal economic-policy think tanks (for example, Fedea) that are autonomous but produce "business friendly" policy proposals. Other organizations such as CEPES, which addresses the social economy, are also very influential. Finally, AFI and FUNCAS are relevant economic think tanks.

Citation:

"La empresa mediana española", informe de 2016 del Círculo de Empresarios

<http://circulodeempresarios.org/app/uploads/2016/06/Documento-Informe-Anual.pdf>

Julio 2016, informe de Fedea sobre la nivelación en el modelo de financiación autonómica

<http://documentos.fedea.net/pubs/fpp/2016/07/FPP2016-13.pdf>

Association
Competence
(Others)
Score: 8

Non-economic interest associations have always been relatively weak in Spain, and it has been difficult for them to influence political decision-making with relevant policy proposals. Furthermore, the lack of a strong, organized civil society is a disincentive for the government to take these associations' views into account during policy formulation (since the process would become much more complex, without necessarily adding social legitimacy as a compensation). Thus, there is no virtuous circle encouraging social, environmental and religious groups to improve their policy competence. Even the strong Catholic Church lacks a research unit capable of formulating policies, although it remains influential on education and moral issues. Leading environmental groups (e.g., Ecologistas en Acción or Greenpeace España) and some NGOs devoted to human rights (such as Amnesty International) or development aid (Intermón Oxfam and other Spanish groups that benefited from the larger budgets in this area in the late 2000s) have gained technical competence, and increasingly rely

on academic expertise and specialized publications to influence public opinion and policymakers within their areas of interest. Women's associations are weak as autonomous organizations, but influential within the political parties (especially in the PSOE). The LGBT movement has successfully defended homosexuals' rights.

Finally, social protests triggered by the crisis have made a mark in recent years, though this is increasingly less the case as the crisis wanes. Platforms and networks have been able to gain media attention and even shape public policy by demanding more transparency, better regulation of mortgages, and changes in areas such as health and education. Social movements promoting (or in some cases opposing) Catalonia's right to become an independent state also have experts that conduct research on issues related to independence.

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